

IN THE COURT OF APPEALS OF THE
STATE OF OREGON

In the Matter of J. S.,
a Person Alleged to have Mental Illness.

STATE OF OREGON,
Respondent,

v.

J. S.,
Appellant.

Deschutes County Circuit Court
20CC07471; A175189

Kenneth L. Brinich, Judge pro tempore.

Submitted July 2, 2021.

Joseph R. DeBin and Multnomah Defenders, Inc., filed the brief for appellant.

Ellen F. Rosenblum, Attorney General, Benjamin Gutman, Solicitor General, and Joseph Callahan, Assistant Attorney General, filed the brief for respondent.

Before Ortega, Presiding Judge, and Shorr, Judge, and Powers, Judge.

PER CURIAM

Reversed.

PER CURIAM

Appellant appeals a judgment committing him to the custody of the Mental Health Division for a period not to exceed 180 days and prohibiting him from purchasing or possessing firearms. ORS 426.130. He contends that the trial court committed plain error when it failed to advise him pursuant to ORS 426.100(1) of all of the possible outcomes of the proceeding. The state concedes the error. We agree and accept the concession. Failure to provide such statutory advice of rights constitutes plain error. *See generally State v. J. R. B.*, 290 Or App 858, 862, 418 P3d 38 (2018) (citing cases concluding such error was plain error). Given the nature of civil commitment proceedings, the relative interests of the parties, the gravity of the error, and the ends of justice, we exercise discretion to correct the error.

Reversed.