

IN THE COURT OF APPEALS OF THE
STATE OF OREGON

In the Matter of E. W.,
a Person Alleged to have Mental Illness.

STATE OF OREGON,
Respondent,

v.

E. W.,
Appellant.

Wasco County Circuit Court
21CC02150; A175948

Janet L. Stauffer, Judge.

Submitted November 5, 2021.

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

Ellen F. Rosenblum, Attorney General, Benjamin Gutman, Solicitor General, and Jona J. Maukonen, Assistant Attorney General, filed the brief for respondent.

Before Armstrong, Presiding Judge, and Tookey, Judge, and Aoyagi, Judge.

PER CURIAM

Reversed.

PER CURIAM

Appellant appeals a judgment committing him to the Oregon Health Authority for a period not to exceed 180 days and prohibiting him from purchasing or possessing firearms. ORS 426.005; 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 his rights. The state concedes the error. We agree and accept the concession. Failure to provide such statutory advice of rights constitutes plain error. *See State v. D. B.*, 167 Or App 312, 1 P3d 490 (2000) (correcting error under similar circumstances). 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.