

COURT OF APPEALS OF OREGON

State v. C. E. W.

347 Or. App. 811 (2026) · No. A186622 · Decided March 18, 2026

SUMMARY

The Oregon Court of Appeals reversed a supplemental judgment continuing C. E. W.’s commitment to the Oregon Health Authority for up to 180 days. The court held that ORS 426.303 plainly requires a person subject to recommitment to be advised of the rights listed in ORS 426.301 during the recommitment hearing, and that the trial court plainly erred by reading rights applicable to initial commitment proceedings instead. The error was not harmless, and the court exercised its discretion to correct it.

CASE DETAILS

COURT	Court of Appeals of Oregon
WRITING FOR THE COURT	O’Connor, J.; Shorr, Presiding Judge; Powers, Judge; O’Connor, Judge
JURISDICTION	Oregon Court of Appeals
DECIDED	March 18, 2026
DOCKET	A186622
DISPOSITION	reversed
PROCEDURAL POSTURE	Appellant appealed from a supplemental judgment continuing his civil commitment and recommitting him to the custody of the Oregon Health Authority for up to 180 days.
STANDARD OF REVIEW	Unpreserved error was reviewed for plain error under ORAP 5.45(1). Statutory interpretation was reviewed as a question of law. The court considered whether the plain error was harmless and whether to exercise its discretion to correct it.
PRECEDENTIAL VALUE	Published and precedential Oregon Court of Appeals opinion
PARTIES	C. E. W. v. State of Oregon

TOPICS

- health law
- statutory interpretation
- appellate procedure
- preservation of error
- harmless error

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether ORS 426.303 requires a committed person to be informed of the rights set forth in ORS 426.301 during the recommitment hearing.
2. Whether the trial court plainly erred by failing to ensure that C. E. W. was informed of those rights at the recommitment hearing.
3. Whether the error was harmless and, if not, whether the Court of Appeals should exercise its discretion to correct it.

HOLDINGS

1. ORS 426.303 requires that a committed person be informed of the rights set forth in ORS 426.301 during the recommitment hearing, not merely at an earlier time when the certification or notice is served.
2. The trial court plainly erred by failing to ensure that C. E. W. was advised of the rights under ORS 426.301 during the recommitment hearing.
3. The trial court's failure to advise C. E. W. of his rights at the recommitment hearing was not harmless.
4. The Court of Appeals exercised its discretion to correct the plain error and reversed the supplemental judgment of continued commitment.

KEY QUOTATIONS

“We conclude that the second sentence of ORS 426.303 obviously requires a person to be informed of their rights as set forth in ORS 426.301 during the recommitment hearing.” (815)

“We exercise our discretion to correct the error and reverse.” (820-821)

FACTUAL BACKGROUND

C. E. W. was committed to the Oregon Health Authority and had his commitment continued multiple times. In November 2024, he was served with a notice of intent to continue commitment and did not sign it; he protested continued commitment and requested a hearing. At the January 7, 2025, recommitment hearing, the trial court read him rights under ORS 426.100, which apply to an initial commitment proceeding, but did not advise him of all rights required by ORS 426.301 for a recommitment hearing. The court nevertheless found that he remained mentally ill and in need of treatment and continued his commitment for 180 days.

PROCEDURAL HISTORY

C. E. W. was initially committed to the custody of the Oregon Health Authority in October 2022, and the commitment was continued multiple times. After C. E. W. protested continued commitment, the Marion County Circuit Court held a recommitment hearing, read rights applicable to an initial commitment proceeding under ORS 426.100 rather than the rights required by ORS 426.301, and entered a supplemental judgment continuing the commitment. The Court of Appeals concluded that the failure to advise C. E. W. of the required rights at the recommitment hearing was plain, nonharmless error and reversed.

DISPOSITION

reversed

CASES CITED

- State v. Wyatt, 331 Or. 335, 341, 15 P.3d 22 (2000)
- State v. Vanornum, 354 Or. 614, 629, 317 P.3d 889 (2013)
- State v. Ortiz, 372 Or. 658, 671-672, 554 P.3d 796 (2024)
- Ailes v. Portland Meadows, Inc., 312 Or. 376, 382 n. 6, 823 P.2d 956 (1991)
- State v. Ramoz, 367 Or. 670, 704, 483 P.3d 615 (2021)
- State v. Gaines, 346 Or. 160, 171-172, 206 P.3d 1042 (2009)
- SAIF v. Ward, 369 Or. 384, 398, 506 P.3d 386 (2022)
- State v. I. H., 295 Or. App. 783, 784, 433 P.3d 508 (2019)
- State v. B. L. K., 293 Or. App. 240, 241, 422 P.3d 433 (2018)
- State v. Montgomery, 147 Or. App. 69, 70, 934 P.2d 640 (1997)
- State v. Mankiller, 344 Or. App. 327, 340-341, 580 P.3d 313 (2025)
- State v. Gayman, 312 Or. App. 193, 198-202, 492 P.3d 130 (2021)
- State v. Johnson, 329 Or. App. 57, 63, 540 P.3d 73 (2023)
- State v. A. R., 192 Or. App. 296, 300-301, 84 P.3d 1129 (2004)
- State v. N. S., 201 Or. App. 71, 73-74, 116 P.3d 949 (2005)
- State v. S. J. F., 247 Or. App. 321, 327, 269 P.3d 83 (2011)
- State v. T. W., 300 Or. App. 646, 647, 452 P.3d 1081 (2019)
- State v. J. R., 307 Or. App. 752, 753-754, 477 P.3d 421 (2020)
- State v. M. M., 288 Or. App. 111, 116, 405 P.3d 192 (2017)
- State v. Farmer, 317 Or. 220, 224, 856 P.2d 623 (1993)
- State v. Reyes-Camarena, 330 Or. 431, 436, 7 P.3d 522 (2000)
- State v. Gallegos, 302 Or. App. 145, 152, 460 P.3d 529 (2020), rev. dismissed, 366 Or. 382
- State v. Smith, 277 Or. App. 709, 719, 372 P.3d 549 (2016), rev. denied, 360 Or. 423