

IN THE COURT OF APPEALS OF THE
STATE OF OREGON

STATE OF OREGON,
Plaintiff-Respondent,

v.

CORY ADAM PARSONS,
Defendant-Appellant.

Washington County Circuit Court
C150336CR; A159849

Eric Butterfield, Judge.

On appellant's petition for reconsideration filed September 6, 2017. Opinion filed August 23, 2017. 287 Or App 351, ___ P3d ___ (2017).

Ernest G. Lannet, Chief Defender, and John Evans, Deputy Public Defender, Criminal Appellate Section, Office of Public Defense Services, for petition.

Before DeVore, Presiding Judge, and Garrett, Judge, and Powers, Judge.

PER CURIAM

Reconsideration allowed; opinion modified and adhered to as modified.

PER CURIAM

Defendant petitions for reconsideration of our decision in *State v. Parsons*, 287 Or App 351, ___ P3d ___ (2017), in which we vacated the supplemental judgment and remanded for the trial court to determine in the first instance whether damage to the city’s police car was a “reasonably foreseeable” result of defendant’s criminal activities, in light of *State v. Ramos*, 358 Or 581, 368 P3d 446 (2016). Among other things, the trial court had ordered defendant to pay \$500 in restitution to the city and \$2,546.89 in restitution to the insurance company, for costs incurred to repair the vehicle.

As presented to us on appeal, defendant separately assigned error to the \$500 due to the city and the \$2,546.89 due to the insurance company. In a combined argument, defendant argued that the court erred in imposing restitution for damage to the police car because the damage was not “reasonably foreseeable.” However, our opinion at one point described defendant’s argument as pertaining to the \$500 in restitution to the city, without mentioning the amount payable to the insurance company. To avoid confusion as to the scope of our holding, defendant asks us to modify our opinion to clarify that the supplemental judgment is vacated and remanded as to both the \$500 and \$2,546.89 restitution awards. The state has not opposed the petition. We allow reconsideration and modify our opinion to clarify that defendant’s arguments and our analysis concerned the entire \$3,046.89 restitution amount imposed for the damage to the police car.

Reconsideration allowed; opinion modified and adhered to as modified.