

IN THE COURT OF APPEALS OF THE  
STATE OF OREGON

STATE OF OREGON,  
*Plaintiff-Respondent,*

*v.*

BRETT JOSEPH McQUISTON,  
*Defendant-Appellant.*

Multnomah County Circuit Court  
17CR37074; A171167

Jerry B. Hodson, Judge.

Submitted November 8, 2021.

Ernest G. Lannet, Chief Defender, Criminal Appellate Section, and Matthew Blythe, Deputy Public Defender, Office of Public Defense Services, 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

Portion of judgment requiring defendant to pay \$500 Chapter 163 assessment reversed; otherwise affirmed.

**PER CURIAM**

Defendant appeals a judgment of conviction for reckless driving, ORS 811.140, and resisting arrest, ORS 162.315. On the resisting arrest conviction, the judgment also imposed a \$500 “Chapter 163 assessment.” Defendant first raises on appeal an evidentiary issue; we reject his argument on that issue without discussion. Defendant also argues that the \$500 assessment was imposed erroneously. The statute that authorized such an assessment, *former* ORS 137.290(2)(b) (2009), has long since been repealed. Defendant acknowledges that although this assessment appears in the judgment, it does not appear in the case register, but notes that this court nonetheless corrects such errors. The state concedes the error, and we accept that concession. The imposition of the fee was erroneous. *See generally State v. Caro*, 278 Or App 162, 373 P3d 1223 (2016) (correcting similar error). And because a judgment is an enforceable “legal document with potential financial consequences to defendant,” the fact that the fees do not appear in the case register is immaterial. *State v. Anotta*, 312 Or App 220, 223, 493 P3d 26 (2021), quoting *State v. Williams*, 280 Or App 631, 632 n 1, 380 P3d 1225, *rev den*, 360 Or 604 (2016).

Portion of judgment requiring defendant to pay \$500 Chapter 163 assessment reversed; otherwise affirmed.