

FILED: February 27, 2013

IN THE COURT OF APPEALS OF THE STATE OF OREGON

J. L. J.,
Petitioner,

v.

JUSTIN MICHAEL JUNG,
Respondent.

STATE OF OREGON,
Plaintiff-Respondent,

v.

JUSTIN MICHAEL JUNG,
Defendant-Appellant.

Washington County Circuit Court
C104622RO

A147683

Donald R. Letourneau, Judge.

Submitted on January 30, 2013.

Peter Gartlan, Chief Defender, and Jonah Morningstar, Deputy Public Defender, Office of Public Defense Services, filed the brief for appellant.

John R. Kroger, Attorney General, Anna M. Joyce, Solicitor General, and Jennifer S. Lloyd, Attorney-in-Charge, Criminal Appeals, filed the brief for respondent.

Before Schuman, Presiding Judge, and Wollheim, Judge, and Duncan, Judge.

PER CURIAM

Reversed and remanded with instructions to enter judgment finding defendant in contempt of court and imposing punitive sanctions.

DESIGNATION OF PREVAILING PARTY AND AWARD OF COSTS

Prevailing party: Appellant

- No costs allowed.
 Costs allowed, payable by
 Costs allowed, to abide the outcome on remand, payable by
-

1 PER CURIAM

2 Defendant was found in contempt of court for having violated a restraining
3 order, and the trial court then entered a judgment stating that defendant was "convicted"
4 of violating the order. On appeal, defendant argues that the judgment erroneously
5 reflects that he was "convicted" of an offense when, in fact, he was not. *State v.*
6 *Caldwell*, 247 Or App 372, 375 n 1, 270 P3d 341 (2011) ("A conviction for contempt is
7 not a proper disposition. *See State v. Campbell*, 246 Or App 683, 267 P3d 205 (2011)
8 (accepting state's concession that contempt is not a crime and that the court erred in
9 entering a conviction for contempt); *State v. Reynolds*, 239 Or App 313, 243 P3d 496
10 (2010) (accepting state's concession that trial court erred in imposing a judgment of
11 conviction and sentence after finding the defendant in contempt)."). We agree with
12 defendant that the judgment erroneously states that he was "convicted" of contempt, and
13 we reverse and remand for the trial court to enter a judgment that instead makes clear that
14 defendant was found in contempt of court.

15 Reversed and remanded with instructions to enter judgment finding
16 defendant in contempt of court and imposing punitive damages.