

FILED: April 24, 2013

IN THE COURT OF APPEALS OF THE STATE OF OREGON

STATE OF OREGON,
Plaintiff-Respondent,

v.

JOHN WAYNE NELSON,
Defendant-Appellant.

Washington County Circuit Court
C111220CR

A149571

Gayle Ann Nachtigal, Judge.

Submitted on March 27, 2013.

Peter Gartlan, Chief Defender, and Kristin A. Carveth, Deputy Public Defender, Office of Public Defense Services, filed the brief for appellant.

Ellen F. Rosenblum, Attorney General, Anna M. Joyce, Solicitor General, and Jeremy C. Rice, Assistant Attorney General, filed the brief for respondent.

Before Ortega, Presiding Judge, and Sercombe, Judge, and Hadlock, Judge.

PER CURIAM

Remanded for resentencing; otherwise affirmed.

1 PER CURIAM

2 Defendant was convicted of two counts of coercion, ORS 163.275, and
3 three counts of fourth-degree assault, ORS 163.160. As part of the sentence, the court
4 imposed restitution in the amount of \$250. On appeal, defendant asserts that the trial
5 court erred in imposing restitution in the absence of a causal relationship between his
6 criminal conduct and the victim's economic loss.¹ The state concedes that, under the
7 circumstances presented here, the trial court erred in imposing restitution. We agree and
8 accept the concession. *See State v. Dillon*, 292 Or 172, 181, 637 P2d 602 (1981) (for
9 imposition of restitution to be proper, a defendant's criminal activity must be the cause of
10 pecuniary damage). Accordingly, the case must be remanded for resentencing.

11 Remanded for resentencing; otherwise affirmed.

¹ Defendant also raises a number of assignments of error relating to nonunanimous jury verdicts. We reject those assignments of error without discussion. *See State v. Bainbridge*, 238 Or App 56, 59, 241 P3d 1186 (2010).