

FILED: May 22, 2013

IN THE COURT OF APPEALS OF THE STATE OF OREGON

STATE OF OREGON,
Plaintiff-Respondent,

v.

STEVEN MARK YOUNGS,
Defendant-Appellant.

Washington County Circuit Court
C120585CR

A151218

Rick Knapp, Judge.

Submitted on April 05, 2013.

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

Ellen F. Rosenblum, Attorney General, Anna M. Joyce, Solicitor General, and Justice J. Rillera, Assistant Attorney General, filed the brief for respondent.

Before Armstrong, Presiding Judge, and Nakamoto, Judge, and Egan, Judge.

PER CURIAM

Remanded for resentencing; otherwise affirmed.

1 PER CURIAM

2 Defendant was convicted, based on a guilty plea, of unlawful possession of
3 methamphetamine. ORS 475.894. The trial court sentenced defendant to 18 months'
4 formal probation and, as a condition of probation, ordered the forfeiture of defendant's
5 cell phone, which was seized during the investigation of the crime. On appeal, defendant
6 contends--and the state concedes--that the court lacked authority to order forfeiture as a
7 condition of probation. We agree and accept the state's concession. *See* ORS 161.045(4)
8 ("No conviction of a person for an offense works a forfeiture of the property of the
9 person, except in cases where a forfeiture is expressly provided by law."); *State v. Olson*,
10 246 Or App 785, 786, 268 P3d 679 (2011), *rev den*, 352 Or 265 (2012) (finding no
11 statute authorizing forfeiture as a condition of probation). Accordingly, we remand for
12 resentencing and otherwise affirm.

13 Remanded for resentencing; otherwise affirmed.