

FILED: January 16, 2013

IN THE COURT OF APPEALS OF THE STATE OF OREGON

In the Matter of D. M. T.
a Youth.

STATE OF OREGON,
Respondent,

v.

D. M. T.,
Appellant.

Washington County Circuit Court
J030035

Petition Number
04J030035

A151551

Michele C. Rini, Judge pro tempore.

Submitted on November 02, 2012.

Angela Sherbo filed the brief for appellant.

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

Before Armstrong, Presiding Judge, and Duncan, Judge, and Brewer, Judge pro tempore.

PER CURIAM

Reversed and remanded.

1 PER CURIAM

2 In this juvenile delinquency case, youth appeals a judgment finding him to
3 be within the jurisdiction of the juvenile court based on his admissions, pursuant to a plea
4 agreement, to two counts of attempted sexual abuse in the first degree. Under the plea
5 agreement, other counts in the petition were dismissed. After the order accepting youth's
6 admissions was entered, but before final disposition of the petition, youth filed a motion
7 to amend both the petition and the order accepting his jurisdictional admissions "to
8 replace [the] Attempted Sex Abuse I charges in Counts IV and V with charges of
9 Attempted Sex Abuse III, a Class B misdemeanor." The juvenile court ultimately denied
10 the motion, concluding that the court "d[id] not have the authority" to amend the petition
11 and jurisdictional admissions.

12 Youth assigns error to that ruling on appeal, arguing that the juvenile court
13 has discretion under the juvenile code to dismiss or amend a petition and to set aside or
14 modify its orders even after a youth has admitted to allegations in the petition and the
15 court has accepted those admissions. The state concedes that the juvenile court erred in
16 concluding that it lacked authority to consider youth's motion. We agree and accept the
17 state's concession. *See* ORS 419C.261(1) (providing that "[t]he court, on motion of an
18 interested party or on its own motion, may at any time direct that the petition be
19 amended"); ORS 419C.610(1) (providing, subject to specified exceptions, that "the court
20 may modify or set aside any order made by it upon such notice and with such hearing as
21 the court may direct"). Accordingly, we reverse and remand for the juvenile court to

1 consider youth's motion on the merits.

2 Reversed and remanded.