

FILED: June 18, 2014

IN THE COURT OF APPEALS OF THE STATE OF OREGON

STATE OF OREGON,
Plaintiff-Respondent,

v.

RICHARD H. TALLENT,
Defendant-Appellant.

Klamath County Circuit Court
1200404CR

A152970

Roxanne B. Osborne, Judge.

Submitted on May 02, 2014.

Peter Gartlan, Chief Defender, and Emily P. Seltzer, Deputy Public Defender, Office of Public Defense Services, filed the brief for appellant.

Ellen F. Rosenblum, Attorney General, Anna M. Joyce, Solicitor General, and Peenesh H. Shah, Assistant Attorney General, filed the brief for respondent.

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

PER CURIAM

Remanded for resentencing; otherwise affirmed.

1 PER CURIAM

2 Defendant was convicted of first-degree theft. ORS 164.055. As part of
3 the sentence, the court imposed restitution in the amount of \$959. On appeal, defendant
4 asserts that the trial court erred in imposing part of the restitution--\$250 related to
5 damage to a victim's vehicle--in the absence of a causal relationship between defendant's
6 criminal conduct and the economic loss in question. The state concedes that, under the
7 circumstances presented here, the trial court erred in imposing the restitution at issue.
8 We agree and accept the concession. *See State v. Dillon*, 292 Or 172, 181, 637 P2d 602
9 (1981) (for imposition of restitution to be proper, a defendant's criminal activity must be
10 the cause of pecuniary damage). Accordingly, the case must be remanded for
11 resentencing.

12 Remanded for resentencing; otherwise affirmed.