

IN THE COURT OF APPEALS OF THE  
STATE OF OREGON

STATE OF OREGON,  
*Plaintiff-Respondent,*

*v.*

DANIEL STEVEN ZOLOTOFF,  
*Defendant-Appellant.*

Marion County Circuit Court  
09C42126; A158024

Joseph C. Guimond, Senior Judge.

Submitted June 3, 2016.

Ernest G. Lannet, Chief Defender, and Daniel C. Bennett, Deputy Public Defender, Office of Public Defense Services, filed the brief for appellant.

Ellen F. Rosenblum, Attorney General, Paul L. Smith, Deputy Solicitor General, and Nani Apo, Assistant Attorney General, filed the brief for respondent.

Before Duncan, Presiding Judge, and DeVore, Judge, and Flynn, Judge.

PER CURIAM

Portion of judgment requiring defendant to pay attorney fees reversed; otherwise affirmed.

**PER CURIAM**

Defendant was convicted of possession of a weapon by an inmate and was sentenced to 36 months of incarceration and 24 months of post-prison supervision. The trial court also imposed a \$200 fine and \$1,019 in court-appointed attorney fees. On appeal, defendant challenges only the imposition of the attorney fees, arguing that the trial court plainly erred by imposing those fees when the record is silent as to defendant's ability to pay them. See ORS 151.505(3); ORS 161.665(4). The state concedes that the court plainly erred in that respect. We agree with the state and, for the reasons expressed in *State v. Coverstone*, 260 Or App 714, 716-17, 320 P3d 670 (2014), exercise our discretion to correct the error.

Portion of judgment requiring defendant to pay attorney fees reversed; otherwise affirmed.