

IN THE COURT OF APPEALS OF THE
STATE OF OREGON

STATE OF OREGON,
Plaintiff-Respondent,

v.

PATRICK FREDERICK McCOLLIGAN,
Defendant-Appellant.

Lane County Circuit Court
201423578; A159208

Josephine H. Mooney, Judge.

Submitted August 5, 2016.

Ernest G. Lannet, Chief Defender, Criminal Appellate Section, and Sara F. Werboff, Deputy Public Defender, Office of Public Defense Services, filed the brief for appellant.

Ellen F. Rosenblum, Attorney General, Benjamin Gutman, Solicitor General, and Rebecca M. Auten, Assistant Attorney General, filed the brief for respondent.

Before Sercombe, Presiding Judge, and Flynn, Judge, and DeHoog, Judge.

PER CURIAM

Reversed.

PER CURIAM

In this criminal case, following a bench trial, defendant was convicted of failure to report as a sex offender. On appeal, he contends that the trial court should have entered a judgment of acquittal because there was insufficient evidence to support a conviction.¹ See *State v. Gonzalez*, 188 Or App 430, 431, 71 P3d 573 (2003) (explaining that, in a bench trial, when a defendant argues during closing argument that the state failed to adduce sufficient evidence for conviction, that argument is “the equivalent of a motion for judgment of acquittal”). The state concedes that, in light of *State v. Hiner*, 269 Or App 447, 345 P3d 478 (2015), “there was insufficient evidence for the trial court to find defendant guilty of failure to report as a sex offender.” We agree, accept the concession and, accordingly, reverse defendant’s conviction.

Reversed.

¹ Defendant also raises additional assignments of error, which we need not address given our conclusion that his conviction must be reversed.