

IN THE COURT OF APPEALS OF THE  
STATE OF OREGON

STATE OF OREGON,  
*Plaintiff-Respondent,*

*v.*

TRAVIS JOEL SCHELER,  
*Defendant-Appellant.*

Douglas County Circuit Court  
12CR2205FE; A160495

William A. Marshall, Judge.

Submitted March 3, 2017.

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

Ellen F. Rosenblum, Attorney General, Benjamin Gutman, Solicitor General, and David B. Thompson, Assistant Attorney General, filed the brief for respondent.

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

PER CURIAM

Reversed and remanded.

**PER CURIAM**

In this criminal case, defendant appeals a judgment of conviction for unlawful possession of methamphetamine, ORS 475.894, assigning error to the trial court's denial of his motion to suppress evidence obtained by police officers from a warrantless search of his backpack. He argues that the search was not a valid search incident to arrest and that it was not a lawful inventory. The state agrees with defendant on both points, and concedes that the trial court erred in denying defendant's suppression motion. We agree, accept the state's concession, and reverse and remand.

Reversed and remanded.