

IN THE COURT OF APPEALS OF THE  
STATE OF OREGON

STATE OF OREGON,  
*Plaintiff-Respondent,*

*v.*

JAMES RAY COLBERT,  
*Defendant-Appellant.*

Linn County Circuit Court  
15CR15088; A161650

Daniel R. Murphy, Judge.

Submitted September 1, 2017.

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

Ellen F. Rosenblum, Attorney General, Benjamin Gutman, Solicitor General, and Jacob Brown, Assistant Attorney General, filed the brief for respondent.

Before Ortega, Presiding Judge, and Garrett, Judge, and Powers, Judge.

PER CURIAM

Reversed and remanded.

**PER CURIAM**

Defendant challenges his conviction, entered after a conditional guilty plea, for unlawful possession of methamphetamine, assigning error to the trial court's denial of his motion to suppress. Defendant asserts that officers violated Article I, section 9, of the Oregon Constitution, by unlawfully extending a traffic stop to investigate the crime of drug possession without reasonable suspicion. The state concedes that the officers extended the traffic stop to investigate a crime by calling for a canine unit to determine if drugs were located in defendant's vehicle. The state also concedes that the officers did so without reasonable suspicion of criminal activity. Accordingly, the state agrees that we should reverse the trial court's suppression ruling and remand for further proceedings. We agree, accept the state's concession, and reverse and remand.<sup>1</sup>

Reversed and remanded.

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<sup>1</sup> Given that defendant's lack of reasonable suspicion argument is dispositive of the issue presented in this case, we do not address defendant's other arguments.