

IN THE COURT OF APPEALS OF THE  
STATE OF OREGON

STATE OF OREGON,  
*Plaintiff-Respondent,*

*v.*

ISRRAEL GALVAN MACIAS,  
*Defendant-Appellant.*

Multnomah County Circuit Court  
15CR27470; A161824

Thomas M. Ryan, Judge.

Submitted September 1, 2017.

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

Ellen F. Rosenblum, Attorney General, Benjamin Gutman, Solicitor General, and Jamie K. Contreras, Assistant Attorney General, filed the brief for respondent.

Before Armstrong, Presiding Judge, and Tookey, Judge, and Shorr, Judge.

PER CURIAM

Portion of judgments imposing \$255 DUII conviction fees reversed; otherwise affirmed.

**PER CURIAM**

Defendant appeals judgments of conviction for reckless driving and for recklessly endangering another person. He assigns error to the trial court's imposition of a \$255 conviction fee on each of those convictions, which is a conviction fee that is authorized under ORS 813.020 for convictions for driving under the influence of intoxicants (DUII). The state concedes that, under *State v. Williams*, 280 Or App 631, 380 P3d 1225, *rev den*, 360 Or 604 (2016), the trial court erred in imposing those fees. We accept the state's concession and, accordingly, reverse the portion of the judgments imposing the \$255 DUII conviction fees.

In *Williams*, we observed that “the Multnomah County form of judgment, which includes the \$255 DUII conviction fee, seems to be a premarked form that consistently appears to include the \$255 fee unless that amount is affirmatively stricken from the form.” *Id.* at 632. Here, like in the judgment in *Williams*, the \$255 conviction fees are premarked and not affirmatively waived. The imposition of those fines on both convictions was error. *Id.* at 632-33.

Portion of judgments imposing \$255 DUII conviction fees reversed; otherwise affirmed.