

IN THE COURT OF APPEALS OF THE
STATE OF OREGON

STATE OF OREGON,
Plaintiff-Respondent,

v.

LYNETTE RENEE MORALES,
Defendant-Appellant.

Lane County Circuit Court
15CR38427; A162046

Charles M. Zennaché, Judge.

Submitted August 4, 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 Shannon T. Reel, Assistant Attorney General, filed the brief for respondent.

Before Lagesen, Presiding Judge, and DeVore, Judge, and James, Judge.

PER CURIAM

Conviction for interfering with a peace officer reversed and remanded; otherwise affirmed.

PER CURIAM

Defendant appeals a judgment of conviction for one count of interfering with a peace officer, arguing that the trial court erred by conducting a bench trial when the record does not include a written jury trial waiver from defendant on that count. The state concedes that the trial court erred and that we must reverse and remand. *See* Or Const, Art I, § 11 (requiring that jury trial waivers be “in writing”); [*State v. Barber*](#), 343 Or 525, 530, 173 P3d 827 (2007) (holding that the trial court erred by conducting a bench trial in the absence of a written jury trial waiver and that, given the specific, constitutional requirement of a written waiver, this court had no discretion not to correct the error). We agree with and accept the concession. Accordingly, we reverse and remand the conviction for interfering with a peace officer.¹

Conviction for interfering with a peace officer reversed and remanded; otherwise affirmed.

¹ The judgment also addressed a misdemeanor count of driving under the influence of intoxicants, on which defendant entered diversion after a plea. Our decision does not affect the disposition of that count.