

IN THE COURT OF APPEALS OF THE  
STATE OF OREGON

STATE OF OREGON,  
*Plaintiff-Respondent,*

*v.*

JODI SUE LINDQUIST,  
*Defendant-Appellant.*

Lincoln County Circuit Court  
113724; A162191

Sheryl Bachart, Judge.

Submitted October 6, 2017.

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 Patrick M. Ebbett, Assistant Attorney General, filed the brief for respondent.

Before Egan, Presiding Judge, and DeHoog, Judge, and Aoyagi, Judge.

PER CURIAM

Reversed and remanded.

**PER CURIAM**

Defendant appeals a judgment of conviction for one count of second-degree disorderly conduct. ORS 166.025. She raises three assignments of error on appeal. We write only to address defendant's first assignment of error, in which she contends that the trial court erred in allowing her to proceed *pro se*.<sup>1</sup> Specifically, defendant argues that the trial court failed to ensure that she knowingly and intelligently waived her right to counsel. See [State v. Langley](#), 351 Or 652, 665, 273 P3d 901 (2012) (a defendant may elect to waive his or her right to counsel and proceed *pro se*, but, under Article I, section 11, of the Oregon Constitution, that waiver must be knowing and intentional); [State v. Guerrero](#), 277 Or App 837, 845, 373 P3d 1127 (2016) ("Waiver of the right to counsel must be voluntarily and intelligently made." (Internal quotation marks omitted.)). The state agrees with defendant that the record is insufficient to establish that defendant knowingly and intelligently waived her right to counsel. Accordingly, the state concedes that the trial court erred by allowing defendant to proceed *pro se*, and that the case must, therefore, be reversed and remanded for a new trial. We agree, and accept the state's concession.

Reversed and remanded.

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<sup>1</sup> In light of our disposition of defendant's first assignment of error, we need not address her remaining assignments.