

IN THE COURT OF APPEALS OF THE  
STATE OF OREGON

STATE OF OREGON,  
*Plaintiff-Respondent,*

*v.*

RANDOLPH DEL CALHOUN NELSON,  
aka Randolph Dell Calhoon Nelson,  
*Defendant-Appellant.*

Lane County Circuit Court  
15CR37589; A162301

Debra K. Vogt, Judge.

Argued and submitted September 27, 2017.

Kyle Krohn, Deputy Public Defender, argued the cause for appellant. With him on the brief was Ernest G. Lannet, Chief Defender, Criminal Appellate Section, Office of Public Defense Services.

Timothy A. Slywester, Assistant Attorney General, argued the cause for respondent. With him on the brief were Ellen F. Rosenblum, Attorney General, and Benjamin Gutman, Solicitor General.

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

PER CURIAM

Affirmed.

**PER CURIAM**

Defendant appeals a judgment that revoked his probation and, pursuant to a stipulated sentencing agreement, sanctioned him with 60 months' imprisonment and 36 months' post-prison supervision (PPS) on Count 1 (first-degree burglary of an occupied building) and a concurrent sanction of 8 months' imprisonment and 24 months' PPS on Count 2 (first-degree attempted burglary). He originally pleaded guilty to both counts pursuant to a plea agreement. As part of the agreement, he stipulated to a 10-E grid block on Count 1 and a downward dispositional departure to 60 months' probation. He also agreed that, "if probation is revoked I will be sentenced to an agreed upon durational downward departure from the 10E grid block to 60 months DOC with 3 years [PPS]." The court accepted the plea agreement and sentenced him to probation. Defendant did not appeal his judgment of conviction.

Subsequently, the court found that defendant had violated conditions of his probation. Accordingly, the court revoked probation and, pursuant to the stipulated sentencing agreement, imposed a probation-revocation sanction of 60 months' imprisonment and 36 months' PPS. We agree with the state that, because defendant's assignments of error challenge a sentence resulting from a stipulated sentencing agreement, they are not reviewable. *State v. Silsby*, 282 Or App 104, 110-13, 386 P3d 172 (2016), *rev den*, 360 Or 752 (2017).

Affirmed.