

IN THE COURT OF APPEALS OF THE
STATE OF OREGON

STATE OF OREGON,
Plaintiff-Respondent,

v.

DAVID LYNN OWEN,
Defendant-Appellant.

Benton County Circuit Court
15CR47175; A163390

David B. Connell, Judge.

Submitted May 31, 2018.

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

Ellen F. Rosenblum, Attorney General, Benjamin Gutman, Solicitor General, and Susan G. Howe, Assistant Attorney General, filed the brief for respondent.

Before Armstrong, Presiding Judge, and Shorr, Judge, and Bunch, Judge pro tempore.

PER CURIAM

Portion of judgment imposing \$560 fine reversed and remanded for entry of a fine in the amount of \$500; otherwise affirmed.

PER CURIAM

Defendant appeals a judgment of conviction for attempt to commit a Class A misdemeanor. We reject defendant's first assignment of error without discussion. In his second assignment of error, defendant argues that the trial court erred in imposing a \$560 fine in the written judgment, where the court had announced at sentencing that it was imposing only a \$500 fine. The state concedes that the trial court erred in imposing a \$560 fine in the judgment and requests that we remand for the court to enter a fine of \$500. We agree with and accept the state's concession regarding the fine and, accordingly, reverse the imposition of the fine and remand for the court to impose the \$500 fine announced at sentencing. *See State v. Hurst*, 282 Or App 915, 916, 385 P3d 1285 (2016) (accepting state concession that the trial court erred in imposing a fine and fee in the judgment on misdemeanor convictions without first announcing them at sentencing and reversing those portions of the judgment).

Portion of judgment imposing \$560 fine reversed and remanded for entry of a fine in the amount of \$500; otherwise affirmed.