

IN THE COURT OF APPEALS OF THE
STATE OF OREGON

STATE OF OREGON,
Plaintiff-Respondent,

v.

JAMIN M. CLARDY,
Defendant-Appellant.

Clackamas County Circuit Court
16CN02457; A164223

Kenneth B. Stewart, Judge pro tempore.

Argued and submitted June 7, 2018.

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

Jacob Brown, Assistant Attorney General, argued the cause for respondent. Also on the brief were Ellen F. Rosenblum, Attorney General, and Benjamin Gutman, Solicitor General.

Before Lagesen, Presiding Judge, and James, Judge, and Schuman, Senior Judge.

PER CURIAM

Reversed and remanded for entry of a judgment finding defendant in contempt of court.

PER CURIAM

Defendant appeals from a punitive contempt judgment on 10 counts of punitive contempt. ORS 33.065. The trial court found defendant in contempt on all 10 counts, and it imposed punitive sanctions. Defendant raises two assignments of error on appeal. We reject his first assignment of error without written discussion. On his second assignment of error, we reverse and remand.

In that assignment of error, defendant contends that the trial court erred by entering a judgment that refers to the contempt counts as convictions. The judgment lists the contempt counts under the heading “CONVICTION.” (Uppercase in original; boldface omitted.) *See State v. Larrance*, 256 Or App 850, 851, 302 P3d 481 (2013) (reversing and remanding judgment that reflected conviction rather than finding of contempt); *State v. Campbell*, 246 Or App 683, 684, 267 P3d 205 (2011) (reversing judgment of conviction for contempt because contempt is not a crime). We note also that the judgment is captioned “JUDGMENT AND SENTENCING,” which could contribute to the impression that it is a judgment of criminal conviction. (Uppercase in original; boldface omitted.) *See* ORS 33.105(2) (listing “punitive sanctions”—not sentences—authorized for contempt). The state concedes that “the trial court erred by entering a contempt judgment that referenced a ‘conviction.’” We agree and accept the state’s concession, and we reverse and remand for entry of a judgment using the language applicable to contempt findings.

Reversed and remanded for entry of a judgment finding defendant in contempt of court.