

IN THE COURT OF APPEALS OF THE  
STATE OF OREGON

STATE OF OREGON,  
*Plaintiff-Respondent,*

*v.*

MOHAMMAD M. ABULAZIZ,  
*Defendant-Appellant.*

Washington County Circuit Court  
16CR48029; A164456

Oscar Garcia, Judge.

Submitted March 26, 2019.

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 Lauren P. Robertson, Assistant Attorney General, filed the brief for respondent.

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

PER CURIAM

Affirmed.

**PER CURIAM**

Appealing a judgment of conviction for a number of offenses involving controlled substances, defendant assigns error to, first, the trial court's denial of his motion to suppress evidence seized from his car upon his arrest; second, the trial court's denial of his motion to suppress evidence seized from his house pursuant to a warrant that issued following his arrest; and, in his third and fourth assignments of error, the trial court's imposition of the statutory felony fines on the felony counts based on an erroneous belief that the fines were "mandatory." We reject defendant's first and second assignments of error without further discussion. As to the third and fourth assignments of error, the state concedes that, under *State v. Seidel*, 294 Or App 389, 432 P3d 304 (2018), *rev den*, 364 Or 407 (2019), the court plainly erred when it concluded that the statutory fines on the felony counts were "mandatory" under ORS 137.286, because that provision authorizes waiver of fines. However, we decline to exercise our discretion to correct those errors for reasons similar to those articulated in *Seidel. Id.* at 396-97.

Affirmed.