

IN THE COURT OF APPEALS OF THE
STATE OF OREGON

STATE OF OREGON,
Plaintiff-Respondent,

v.

BROOKE LYNN SIEGRIST,
Defendant-Appellant.

Washington County Circuit Court
16CR78217; A165201

James Lee Fun, Jr., Judge.

Submitted February 1, 2019.

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 David B. Thompson, Assistant Attorney General, filed the brief for respondent.

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

PER CURIAM

Reversed and remanded.

PER CURIAM

Defendant was convicted of possession of heroin, possession of oxycodone, and possession of hydrocodone after a police officer discovered those drugs while searching her purse in connection with a traffic stop. On appeal, she argues that the trial court erred in denying her motion to suppress the drug evidence, because the officer's request for consent to search her purse unlawfully extended the traffic stop in violation of Article I, section 9, of the Oregon Constitution. The state concedes that, under the facts of this case, the officer's request unlawfully extended the stop and the trial court erred in denying the motion to suppress. We agree with and accept the state's concession, and we therefore reverse and remand defendant's convictions. *See State v. Reich*, 287 Or App 292, 302-03, 403 P3d 448 (2017) (holding that the trial court should have granted the motion to suppress based on an unlawful extension of the stop where "[t]he state failed to prove that [the officer's] request for consent to search defendant's person was justified by reasonable suspicion or occurred during an unavoidable lull").

Reversed and remanded.