

IN THE COURT OF APPEALS OF THE  
STATE OF OREGON

STATE OF OREGON,  
*Plaintiff-Respondent,*

*v.*

KEVIN WAYNE RANDOLPH,  
*Defendant-Appellant.*

Washington County Circuit Court  
17CR10640; A167233

Eric Butterfield, Judge.

Submitted November 1, 2019.

Kenneth A. Kreuscher filed the brief for appellant.

Ellen F. Rosenblum, Attorney General, Benjamin Gutman, Solicitor General, and Greg Rios, Assistant Attorney General, filed the brief for respondent.

Before DeVore, Presiding Judge, and DeHoog, Judge, and Mooney, Judge.

PER CURIAM

Supplemental judgment reversed; remanded for resentencing; otherwise affirmed.

**PER CURIAM**

Defendant was convicted of numerous sexual offenses against a child and, on appeal, challenges the trial court's imposition of restitution imposed in a supplemental judgment for the cost of a CARES evaluation and related medical expenses of the child victim. The state concedes that the imposition of restitution in this circumstance was error in light of *State v. Moreno-Hernandez*, 365 Or 175, 189, 442 P3d 1092 (2019) (medical expenses of an unemancipated minor are not recoverable as compensatory fine because child did not suffer economic damages), and *State v. White*, 299 Or App 165, 168, 449 P3d 924 (2019) (applying rule from *Moreno-Hernandez* in context of compensatory fines and restitution awarded for costs of CARES evaluations of victims). We agree with and accept the state's concession.

Supplemental judgment reversed; remanded for resentencing; otherwise affirmed.