

IN THE COURT OF APPEALS OF THE  
STATE OF OREGON

STATE OF OREGON,  
*Plaintiff-Respondent,*

*v.*

JERRY WILLARD ELLIS CHRISTIANSEN,  
*Defendant-Appellant.*

Marion County Circuit Court  
18VI194785; A169858

Manuel Perez, Judge.

Submitted November 1, 2019.

Jerry Willard Ellis Christiansen filed the brief *pro se*.

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

Before Ortega, Presiding Judge, and Shorr, Judge, and James, Judge.

PER CURIAM

Reversed.

**PER CURIAM**

Defendant appeals a judgment of the Marion County Circuit Court finding him guilty of violating ORS 814.430, which concerns improper use of traffic lanes by bicycles and generally requires a bicyclist to ride as close as practicable to the right curb or edge of the roadway. Defendant argues that the court erred in rejecting his defense that he fell within an exception to that general rule, because his conduct was “reasonably necessary \*\*\* to avoid unsafe operation in a lane on the roadway that is too narrow for a bicycle and vehicle to travel safely side by side.” ORS 814.430(2)(c). The state concedes that the undisputed evidence in the record shows that the lane in which defendant was bicycling was too narrow for defendant and a vehicle to travel safely side by side and agrees that we should reverse defendant’s conviction. We agree and accept the state’s concession.

Reversed.