

IN THE COURT OF APPEALS OF THE  
STATE OF OREGON

STATE OF OREGON,  
*Plaintiff-Respondent,*

*v.*

ALEXANDER JOHN POSTLETHWAIT,  
*Defendant-Appellant.*

Klamath County Circuit Court  
18CR37684, 18CR49270;  
A168635 (Control), A168636, A168897

Dan Bunch, Judge.

Submitted February 24, 2020.

Ernest G. Lannet, Chief Defender, Criminal Appellate Section, and Sarah Laidlaw, Deputy Public Defender, Office of Public Defense Services, filed the brief for appellant.

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

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

PER CURIAM

In 18CR49270, affirmed. In 18CR37684, portion of judgment requiring defendant to pay probation violation fee vacated; remanded for resentencing; otherwise affirmed.

**PER CURIAM**

In these consolidated cases, defendant appeals from judgments of conviction in two criminal cases. We reject without discussion defendant's challenges to imposition of a fine in one of the cases and conditions of probation in both cases. Defendant also appeals from a judgment revoking his probation in one of the cases, 18CR37684, arguing that the trial court erred when it imposed a \$25 probation violation fee that was not announced in open court. The state concedes that the court erred by imposing the \$25 probation fee for the first time in the judgment. We agree and accept the state's concession. *See State v. Pacho*, 300 Or App 398, 450 P3d 1033 (2019) (correcting similar error).

In 18CR49270, affirmed. In 18CR37684, portion of judgment requiring defendant to pay probation violation fee vacated; remanded for resentencing; otherwise affirmed.