

IN THE COURT OF APPEALS OF THE
STATE OF OREGON

STATE OF OREGON,
Plaintiff-Respondent,

v.

RACHEL ANN VANEETEN,
Defendant-Appellant.

Washington County Circuit Court
18CR65163; A170426

Theodore E. Sims, Judge.

Submitted May 1, 2020.

Ernest G. Lannet, Chief Defender, Criminal Appellate Section, and Laura A. Frikert, Deputy Public Defender, Office of Public Defense Services, 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 Lagesen, Presiding Judge, and James, Judge, and Kamins, Judge.

PER CURIAM

Remanded for resentencing; otherwise affirmed.

PER CURIAM

Defendant, who pleaded guilty to second-degree criminal trespass, ORS 164.245, asserts on appeal that the trial court erred in imposing \$1,707 in restitution. To support an award of restitution, the state must produce sufficient evidence of (1) criminal activities, (2) economic damages, and (3) a causal relationship between the two. *State v. Kirkland*, 268 Or App 420, 424, 342 P3d 163 (2015). A defendant cannot be required to pay restitution for economic damages arising out of criminal activity for which she was not convicted or which she did not admit to having committed. *State v. Dorsey*, 259 Or App 441, 445-46, 314 P3d 331 (2013). In the present case, the state concedes that defendant made no such admission and that the conviction for second-degree criminal trespass did not allow for the damages for which the restitution was awarded. We agree and accept the state's concession.

Remanded for resentencing; otherwise affirmed.