

IN THE COURT OF APPEALS OF THE
STATE OF OREGON

STATE OF OREGON,
Plaintiff-Respondent,

v.

STEFAN HASSELBALCH,
Defendant-Appellant.

Clackamas County Circuit Court
19CR11760; A170906

Douglas V. Van Dyk, Judge.

Submitted July 2, 2020.

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

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

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

PER CURIAM

Portion of the judgment requiring defendant to pay attorney fees reversed; otherwise affirmed.

PER CURIAM

In a single assignment of error, defendant challenges the trial court's imposition of \$462 in court-appointed attorney fees as part of a judgment convicting him for strangulation, fourth-degree assault constituting domestic violence, and second-degree criminal trespass. Defendant argues that the trial court's imposition of those fees was plainly erroneous because there is no evidence in the record that he had the ability to pay them. The state correctly concedes that, on this record, the trial court's imposition of attorney fees constituted plain error under our case law. For reasons similar to those stated in *State v. Hunt*, 271 Or App 347, 353, 350 P3d 521 (2015), we exercise our discretion to correct that error.

Portion of the judgment requiring defendant to pay attorney fees reversed; otherwise affirmed.