

IN THE COURT OF APPEALS OF THE  
STATE OF OREGON

STATE OF OREGON,  
*Plaintiff-Respondent,*

*v.*

TAMARA LOUISE FULMER,  
*Defendant-Appellant.*

Polk County Circuit Court  
18CR38950; A171105

Monte S. Campbell, Judge.

Submitted November 23, 2020.

Ernest G. Lannet, Chief Defender, and Brett J. Allin, Deputy Public Defender, Office of Public Defense Services, filed the brief for appellant.

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

Before Armstrong, Presiding Judge, and Tookey, Judge, and Aoyagi, Judge.

PER CURIAM

Remanded for resentencing; otherwise affirmed.

**PER CURIAM**

Defendant appeals a judgment of conviction for driving while suspended, reckless driving, and five counts of reckless endangerment. She first argues that the trial court erred in failing to acquit her *sua sponte* on the reckless driving and reckless endangerment counts. We reject that argument without discussion. She also contends that the trial court erred in imposing two conditions of probation, because the court failed to announce them in open court and because the conditions are not reasonably related to the crimes of conviction. The state concedes that the court erred in imposing the challenged conditions.

One of the challenged conditions requires defendant to attend a victim impact panel for driving under the influence of intoxicants. The parties do not agree as to whether such a condition can be imposed on crimes such as these but we need not resolve that issue because the condition was not announced in open court, and in any event, the court's pronouncements at sentencing indicate that the court did not intend to impose the condition. The other challenged condition directs defendant to consent to searches at the direction of any law enforcement or supervising probation officer having reasonable grounds; the parties agree that as written, the provision is overly broad, and should be limited to searches at the direction of the probation officer. We agree and accept the concessions.

Remanded for resentencing; otherwise affirmed.