

IN THE COURT OF APPEALS OF THE  
STATE OF OREGON

STATE OF OREGON,  
*Plaintiff-Respondent,*

*v.*

JOHN HOWARD TAYLOR,  
*Defendant-Appellant.*

Washington County Circuit Court  
18CR48676; A169670

Ricardo J. Menchaca, Judge.

Argued and submitted May 29, 2020.

Kyle Krohn, Deputy Public Defender, argued the cause for appellant. Also on the brief was Ernest G. Lannet, Chief Defender, Criminal Appellate Section, Office of Public Defense Services.

E. Nani Apo, Assistant Attorney General, argued the cause for respondent. Also on the brief were Ellen F. Rosenblum, Attorney General, and Benjamin Gutman, Solicitor General.

Before Armstrong, Presiding Judge, and Tookey, Judge, and Kistler, Senior Judge.\*

PER CURIAM

Reversed and remanded; remanded for resentencing; otherwise affirmed.

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\* Tookey, J., *vice* DeVore, J.

**PER CURIAM**

In this criminal appeal, we write to accept the state's concession of an argument in defendant's fourth assignment of error. Defendant contends that the trial court erred in concluding that the crime for which defendant was convicted—attempted fourth-degree assault—is a Class A misdemeanor. Defendant posits—and the state agrees—that the trial court was required to enter a judgment of conviction for a Class B misdemeanor. Because we agree with the parties (without stating the specifics of the circumstances), we reverse the judgment and remand so that the trial court can enter a conviction of attempted fourth-degree assault as a Class B misdemeanor. We reject defendant's remaining assignments of error without discussion.

Reversed and remanded; remanded for resentencing; otherwise affirmed.