

IN THE COURT OF APPEALS OF THE
STATE OF OREGON

STATE OF OREGON,
Plaintiff-Respondent,

v.

DANNIEL GRANT MARTON,
Defendant-Appellant.

Marion County Circuit Court
19CR67974, 18CR25249;
A173235 (Control), A173236

Audrey J. Broyles, Judge.

Submitted October 4, 2021.

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, and Benjamin Gutman, Solicitor General, and Timothy A. Sylwester, Assistant Attorney General, filed the brief for respondent.

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

PER CURIAM

In Case Nos. 19CR67974 and 18CR25249, remanded for resentencing; otherwise affirmed.

PER CURIAM

In this consolidated criminal appeal, defendant raises four assignments of error. We reject without written discussion his first assignment of error. As to the third and fourth assignments of error, defendant contends that the sentences imposed by the trial court exceeded the statutory maximum. The state concedes that the post-prison supervision (PPS) terms that the trial court imposed exceeded the total duration of the sentence allowed (prison incarceration and PPS) for his criminal mistreatment convictions. OAR 213-005-0002(4). We agree and accept the state's concession. We therefore remand for resentencing. Given that disposition, we need not reach defendant's second assignment of error.

In Case Nos. 19CR67974 and 18CR25249, remanded for resentencing; otherwise affirmed.