

IN THE COURT OF APPEALS OF THE
STATE OF OREGON

STATE OF OREGON,
Plaintiff-Respondent,

v.

MATTHEW STEVEN RUIZ,
Defendant-Appellant.

Lane County Circuit Court
15CR10762; A173612

Charles D. Carlson, Judge.

Submitted October 27, 2021.

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

Ellen F. Rosenblum, Attorney General, Benjamin Gutman, Solicitor General, and Robert M. Wilsey, Assistant Attorney General, filed the brief for respondent.

Before Ortega, Presiding Judge, and Shorr, Judge, and Powers, Judge.

PER CURIAM

Affirmed.

PER CURIAM

Defendant, who pleaded guilty to driving under the influence of intoxicants, ORS 813.010, entered into a diversion program. He now appeals a judgment terminating his diversion, sentencing him to probation, and imposing a fine. He first argues that the trial court erred in denying his motion to dismiss. That issue is not reviewable under ORS 138.105(5). *State v. Merrill*, 311 Or App 487, 492 P3d 722, *modified on recons*, 314 Or App 460, 495 P3d 219 (2021). Defendant also argues that the trial court plainly erred with respect to its imposition of the fine. We reject that argument without discussion.

Affirmed.