

IN THE COURT OF APPEALS OF THE
STATE OF OREGON

STATE OF OREGON,
Plaintiff-Respondent,

v.

KAREN MARIE COLEMAN,
Defendant-Appellant.

Clackamas County Circuit Court
19CR02492; A173811

Todd L. Van Rysselberghe, Judge pro tempore.

Submitted October 1, 2021.

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

Ellen F. Rosenblum, Attorney General, Benjamin Gutman, Solicitor General, and Jon Zunkel-deCoursey, 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 revoking her probation on one count of first-degree criminal mischief, ORS 164.365, and sentencing her to 18 months' imprisonment and 24 months' post-prison supervision. She asserts that the trial court plainly erred in imposing a 24-month post-prison supervision term, as the correct term for her offense is 12 months. The state concedes that the erroneous post-prison supervision term constitutes plain error. We agree and accept that concession. *See* ORS 213-017-0010(14) (first-degree criminal mischief in these circumstances constitutes a crime category 2 offense); OAR 213-005-0002(2)(a) (post-prison supervision term of a category 2 offense is 12 months). For the reasons set forth in *State v. Cunningham*, 299 Or App 523, 451 P3d 268 (2019), we exercise our discretion to correct the error.

Remanded for resentencing; otherwise affirmed.