

IN THE COURT OF APPEALS OF THE
STATE OF OREGON

STATE OF OREGON,
Plaintiff-Respondent,

v.

WILLIAM JAY CHARRON,
Defendant-Appellant.

Josephine County Circuit Court
19CR27426; A172798

Matthew G. Galli, Judge.

Submitted December 30, 2021.

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

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

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

PER CURIAM

Portion of judgment requiring defendant to pay attorney fees reversed; otherwise affirmed.

PER CURIAM

In this criminal appeal, defendant assigns error to the trial court's refusal to give his requested less-satisfactory-evidence jury instruction. We reject that assignment of error. Defendant also assigns plain error to the trial court's imposition of court-appointed attorney fees, arguing that the record lacked evidence to support a finding that he has the ability to pay attorney fees. The state concedes the error; we accept the concession. We also exercise our discretion to correct the error because, under the circumstances here, it is worth correcting given the seriousness of the error.

Portion of judgment requiring defendant to pay attorney fees reversed; otherwise affirmed.