

IN THE COURT OF APPEALS OF THE
STATE OF OREGON

STATE OF OREGON,
Plaintiff-Respondent,

v.

ROGER ALLEN TIDWELL,
Defendant-Appellant.

Deschutes County Circuit Court
17CR09203; A173011

Raymond D. Crutchley, Judge.

Argued and submitted March 4, 2022.

Andrew D. Coit argued the cause and filed the briefs for appellant.

Kirsten M. Naito, Assistant Attorney General, argued the cause for respondent. Also on the brief were Ellen F. Rosenblum, Attorney General, and Benjamin Gutman, Solicitor General.

Before James, Presiding Judge, and Aoyagi, Judge, and Joyce, Judge.

PER CURIAM

Reversed and remanded.

PER CURIAM

Defendant appeals from a judgment of conviction of one count of sexual abuse in the third degree, one count of sexual abuse in the first degree, and one count of unlawful sexual penetration in the first degree, raising multiple assignments of error. Defendant's second assignment of error obviates the need to address any of the others. In that assignment, he argues that police officers unlawfully entered his room, where he was lying in bed, and threw back the sheets covering him. The state concedes that the warrantless entry into the room was unlawful, and we accept the concession. The trial court erred in failing to suppress evidence found by the officers as a result of their unlawful entry of the room, including observations of defendant in the room, as well as statements he made in the room.

The parties on appeal agree that the proper remedy is a remand for a new trial, at which time the other issues raised on appeal, including the admissibility of defendant's subsequent statements at the police station, can be litigated. We do not reach those issues here, and our resolution has no preclusive effect on the further development of those issues on retrial.

Reversed and remanded.