

IN THE COURT OF APPEALS OF THE
STATE OF OREGON

STATE OF OREGON,
Plaintiff-Respondent,

v.

GABRIEL PAUL DEANDA, JR.,
aka Gabriel Deanda, aka Gabriel Paul Deanda,
Defendant-Appellant.

Lincoln County Circuit Court
20CR70280; A176438

Sheryl Bachart, Judge.

On appellant's petition for reconsideration filed March 1, 2024. Opinion filed February 28, 2024. 331 Or App 217 (2024)

Rond Chananudech for petition.

Before Shorr, Presiding Judge, Mooney, Judge, and Pagán, Judge.

SHORR, P. J.

Reconsideration allowed; opinion modified and adhered to as modified.

SHORR, P. J.

Defendant petitions for reconsideration of our opinion in *State v. Deanda*, 331 Or App 217, ___ P3d ___ (2024). We allow reconsideration, modify our prior opinion as described below, and adhere to the opinion as modified.

In his petition, defendant contends that the opinion contains a factual error, in that it refers to the trial court having entered a supplemental judgment, when the trial court in fact entered an amended judgment. The state has not filed a response to the petition.

We agree with defendant and grant reconsideration. We therefore modify the first sentence of the opinion to read: “Defendant appeals from an amended judgment of conviction for one count of first-degree rape, ORS 163.375, and one count of first-degree sexual abuse, ORS 163.427, and imposing a fine of \$5,000 and ordering defendant to pay \$3,651 in court-appointed attorney fees.” Footnote 1 remains unchanged. Footnote 2 is modified to read: “The original judgment stated that the court was imposing \$4,705 in attorney fees. The amended judgment reduced that amount to \$3,651.” The last sentence of the first paragraph is modified to read: “We affirm the convictions and the portion of the amended judgment imposing the fine but reverse the portion of the amended judgment imposing the court-appointed attorney fees.” We further modify the disposition of the opinion to read: “Portion of amended judgment imposing court-appointed attorney fees reversed; otherwise affirmed.”

Reconsideration allowed; opinion modified and adhered to as modified.