

**FILED: August 10, 2011**

IN THE COURT OF APPEALS OF THE STATE OF OREGON

STATE OF OREGON,  
Plaintiff-Respondent,

v.

LEONARD LLOYD REINKE,  
Defendant-Appellant.

Multnomah County Circuit Court  
090130185

A144138

Richard C. Baldwin, Judge.

Submitted on July 01, 2011.

Peter Gartlan, Chief Defender, and Ernest G. Lannet, Chief Deputy Defender, Office of Public Defense Services, filed the brief for appellant.

John R. Kroger, Attorney General, Mary H. Williams, Solicitor General, and Inge D. Wells, Senior Assistant Attorney General, filed the brief for respondent.

Before Haselton, Presiding Judge, and Brewer, Chief Judge, and Armstrong, Judge.

PER CURIAM

Reversed and remanded for resentencing; otherwise affirmed.

1 PER CURIAM

2 Defendant appeals a judgment of conviction for, *inter alia*, second-degree  
3 kidnapping (Count 15). ORS 163.225. A recitation of the facts would not benefit the  
4 bench, the bar, or the public. It is sufficient to note that the trial court sentenced  
5 defendant as a dangerous offender, *see* ORS 161.725; ORS 161.737, to 280 months'  
6 imprisonment. On appeal, defendant contends that the trial court's sentence on Count 15  
7 was legally erroneous because (1) the sentence did not include both a determinate and  
8 indeterminate term of incarceration and (2) the state's notice that it would be seeking a  
9 dangerous offender sentence was insufficient because the "Oregon Constitution requires  
10 that all essential or material elements of a crime be found by a grand jury and pleaded in  
11 an indictment." With regard to defendant's first contention, the state concedes that the  
12 trial court's "sentence is erroneous." We agree and accept the state's concession. *See*  
13 [State v. Isom](#), 201 Or App 687, 690, 120 P3d 912 (2005) ("[A] correct sentence for a  
14 dangerous offender contains both a determinate mandatory minimum term of  
15 incarceration and an indeterminate maximum term, not to exceed 30 years."). With  
16 regard to defendant's second contention, we reject his constitutional arguments for the  
17 same reasons stated in [State v. Sanchez](#), 238 Or App 259, 242 P3d 692 (2010), *rev den*,  
18 349 Or 655 (2011).

19 Reversed and remanded for resentencing; otherwise affirmed.