

FILED: September 26, 2012

IN THE COURT OF APPEALS OF THE STATE OF OREGON

STATE OF OREGON,
Plaintiff-Respondent,

v.

SHAWN MICHAEL GRISHAM,
Defendant-Appellant.

Marion County Circuit Court
10C40219

A147008

Mary Mertens James, Judge.

Submitted on August 03, 2012.

Peter Gartlan, Chief Defender, and Robin A. Jones, Senior Deputy Public Defender, Office of Public Defense Services, filed the brief for appellant.

Ellen F. Rosenblum, Attorney General, Anna M. Joyce, Solicitor General, and Janet A. Klapstein, Senior Assistant Attorney General, filed the brief for respondent.

Before Armstrong, Presiding Judge, and Brewer, Judge, and Duncan, Judge.

PER CURIAM

Reversed and remanded.

1 PER CURIAM

2 Defendant was convicted after a jury trial of one count of first-degree
3 criminal mistreatment, ORS 163.205, based on an incident involving his four-year-old
4 son. On appeal, defendant argues that the trial court erred in allowing evidence related to
5 his prior conviction for fourth-degree assault against his then-wife and in denying his
6 challenge for cause to the seating of two jurors, who, defendant contends, demonstrated
7 actual bias. The state concedes that the challenged evidence was improperly admitted
8 and, given the nature of the error, that a new trial is warranted. The state's concession is
9 well founded, and we accept it. Consequently, we reverse and remand defendant's
10 conviction and do not reach his assignments of error challenging the composition of the
11 jury.

12 Reversed and remanded.