

FILED: June 20, 2012

IN THE COURT OF APPEALS OF THE STATE OF OREGON

STATE OF OREGON,
Plaintiff-Respondent,

v.

KERI LEE MORTENSEN,
aka Keri Lee Hancock,
Defendant-Appellant.

Lane County Circuit Court
201022520

A147746

Karsten H. Rasmussen, Judge.

Submitted on May 04, 2012.

Peter Gartlan, Chief Defender, and Stephanie J. Hortsch, Deputy Public Defender, Office of Public Defense Services, filed the brief for appellant.

John R. Kroger, Attorney General, Anna M. Joyce, Solicitor General, and Shannon T. Reel, Assistant Attorney General, filed the brief for respondent.

Before Schuman, Presiding Judge, and Wollheim, Judge, and Nakamoto, Judge.

PER CURIAM

Reversed and remanded.

1 PER CURIAM

2 Defendant was charged with attempted first-degree burglary, found guilty
3 except for insanity, and placed under the jurisdiction of the Psychiatric Security Review
4 Board. On appeal, defendant argues that the trial court erred in accepting her waiver of
5 her right to trial by jury when, among other circumstances, defendant exhibited confusion
6 at trial about her surroundings and was not tracking the court's waiver discussion. A
7 discussion of the pertinent facts would not benefit the bench, the bar, or the public. The
8 state concedes that the court should have ordered a competency evaluation under ORS
9 161.360 and erred in accepting the jury waiver. We agree and accept the concession.

10 Reversed and remanded.