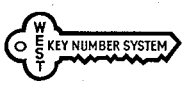
ation and findings); *Lawhorn and Lawhorn*, 119 Or.App. 225, 229, 850 P.2d 1126 (1993) (where trial court failed to make specific rebuttal findings, case was remanded for reconsideration of child support obligation).

[5] Husband also assigns error to the trial court's award of spousal support to wife in the amount of $500 per month for two years, then $250 per month indefinitely thereafter. Wife was out of the work force for eight years during the marriage, but has been working full time outside the home for approximately the last seven years. She is in excellent health. For the last three years, she has worked as a medical assistant for two surgeons. Wife acknowledged that she is working in a field that does not utilize her associate's degree in medical transcribing. Undisputed evidence established that, if she did use that degree, her salary would increase substantially. In sum, wife is young and healthy, has demonstrated an ability to achieve both educationally and professionally, and is capable of becoming self-supporting in the future. That evidence does not support an award of indefinite duration. Instead, it supports a stepped-down award that will provide support for a limited period of time during which time wife can increase her earning capacity. The evidence presented below suggests that that could be accomplished by, for example, seeking employment in her field of expertise, obtaining further training or, as the trial court suggested, considering employment opportunities that may exist in a larger market area.

Remanded for recalculation of child support and for entry of a modified judgment of dissolution awarding wife |316spousal support of $500 per month for two years and $250 per month for three years thereafter; otherwise affirmed. Costs, not including attorney fees, to husband.



146 Or.App. 291

|291**STATE of Oregon, Respondent,**

v.

Jorge GONZALEZ–GALINDO, Appellant.

C9509–37535; CA A91896.

Court of Appeals of Oregon.

Argued and Submitted Dec. 20, 1996.

Decided Feb. 12, 1997.

Defendant was convicted in the Circuit Court, Multnomah County, Roosevelt Robinson, J., of forgery in first degree and possession of forged instrument in first degree. Defendant appealed. The Court of Appeals, Warren, P.J., held that police officer's retention of defendant's identification card beyond time necessary to confirm defendant's identity was stop subject to constitutional protection.

Reversed and remanded.

Arrest ⇐63.5(4)

Police officer's retention of defendant's identification card beyond time necessary to confirm defendant's identity was stop subject to constitutional protection. U.S.C.A. Const. Amend. 4.

Stephen J. Williams, Deputy Public Defender, argued the cause for appellant. With him on the brief was Sally L. Avera, Public Defender.

Janet A. Klapstein, Assistant Attorney General, argued the cause for respondent. With her on the brief were Theodore R. Kulongoski, Attorney General, and Virginia L. Linder, Solicitor General.

Before WARREN, P.J., and EDMONDS and ARMSTRONG, JJ.

|293WARREN, Presiding Judge.

Defendant appeals his convictions, after a trial to the court, for forgery in the first degree, ORS 165.013(1), and criminal possession of a forged instrument in the first degree, ORS 165.022(2). He contends that the

trial court erred in denying his motion to suppress evidence gained as a result of an allegedly unlawful stop. The state concedes that defendant was unlawfully stopped when the officer retained defendant's ID card without a reasonable suspicion that defendant had committed a crime. We accept the state's concession, *see State v. Jackson*, 91 Or.App. 425, 428, 755 P.2d 732, *rev. den.* 306 Or. 661, 763 P.2d 152 (1988) (the *retention* of a license or identification card, usually for investigatory purposes, as opposed to simply requesting and receiving identification, restrains a person from leaving), and reverse and remand. We write only to distinguish our decision in *State v. Hanna*, 52 Or.App. 503, 628 P.2d 1246, *rev. den.* 291 Or. 662, 639 P.2d 1280 (1981), on which the trial court relied, from the facts in the present case.

Below, defendant moved to have a forged immigration card suppressed on the ground that it constituted the fruit of an unlawful stop. Citing our decision in *Hanna*, the trial court denied defendant's motion, holding that there was no stop and that his encounter with police constituted mere conversation.

The following facts are undisputed. Officer Gallucci sought the identification of three men he encountered on the Portland Transit Mall. However, he did more than merely seek confirmation of the identify of the men in the group: he requested their ID's and then took them back to his patrol car where he ran a warrants check on each individual. At that point, the encounter became a stop. The trial court's reliance on *Hanna* in concluding otherwise was misplaced because in that case we did not address the question of whether the defendant had been unlawfully stopped. Rather, we noted that it was the statements that the defendant made to the officer *before* the officer took the defendant's ID and ran a warrants check that ultimately led to his arrest and conviction, not anything said or done while the officer retained his ID. *Id.*, at 509 n. 5, 628 P.2d 1246. Therefore, the information that led to the defendant's eventual arrest did not flow from, nor was it the 294 fruit of, the officer's retention of the defendant's ID and the resulting restraint on the defendant's liberty. Accordingly, in *Hanna*, the question of whether the defendant had been stopped played no role in our decision.

Reversed and remanded.