

IN THE COURT OF APPEALS OF THE
STATE OF OREGON

STATE OF OREGON,
Plaintiff-Respondent,

v.

KEVIN JOHN FAILL,
Defendant-Appellant.

Washington County Circuit Court
C120564CR; A153229

Suzanne Upton, Judge.

Argued and submitted June 18, 2014.

Laura A. Frikert, Deputy Public Defender, argued the cause for appellant. With her on the brief was Peter Gartlan, Chief Defender, Office of Public Defense Services.

Michael S. Shin, Senior Assistant Attorney General, argued the cause for respondent. On the brief were Ellen F. Rosenblum, Attorney General, Anna M. Joyce, Solicitor General, and Matthew J. Preusch, Assistant Attorney General.

Before Duncan, Presiding Judge, and Haselton, Chief Judge, and Wollheim, Senior Judge.*

PER CURIAM

Reversed. *State v. English*, 269 Or App 395, ___ P3d ___ (2015).

* Haselton, C. J., *vice* Edmonds, S. J.