

IN THE COURT OF APPEALS OF THE
STATE OF OREGON

STATE OF OREGON,
Plaintiff-Respondent,

v.

LACY RENEE GIRARD,
aka Lacy Girard,
Defendant-Appellant.

Douglas County Circuit Court
14CR30129, 15CR00632, 15CR04469;
A161117 (Control), A161118, A161120

William A. Marshall, Judge.

Argued and submitted February 28, 2017.

George W. Kelly argued the cause and filed the brief for appellant.

Nathan Riemersma, Assistant Attorney General, argued the cause for respondent. With him on the brief were Ellen F. Rosenblum, Attorney General, Benjamin Gutman, Solicitor General, and Shannon T. Reel, Assistant Attorney General.

Before Ortega, Presiding Judge, and Lagesen, Judge, and Wollheim, Senior Judge.

PER CURIAM

Affirmed.

PER CURIAM

This is a companion case to *State v. Girard (A161121)*, 284 Or App 845, ___ P3d ___ (2017), decided today. In that case, we sustained defendant's conviction for second-degree escape. This appeal concerns the trial court's revocation of defendant's probation based on defendant's conviction in the companion case. On appeal, defendant's sole argument is that, in view of the trial court's reason for revoking probation, we would be required to reverse in this case if we were to set aside defendant's conviction for second-degree escape in the companion case. But, as noted, we have sustained the conviction in the companion case.¹ As a result, defendant's sole argument for reversal in this case necessarily fails.

Affirmed.

¹ The conviction was based on two counts that merged. Although we concluded that defendant was entitled to entry of judgment of acquittal as to one of the two merged counts, we concluded that the trial court properly found defendant guilty on the other count. We therefore remanded for entry of a judgment reflecting a conviction on Count 2. *Girard*, 284 Or App at ___.