

**FILED: November 2, 2011**

IN THE COURT OF APPEALS OF THE STATE OF OREGON

STATE OF OREGON,  
Plaintiff-Respondent,

v.

JOON BUM KO,  
Defendant-Appellant.

Washington County Circuit Court  
C090146CR

A142884

Rick Knapp, Judge.

On respondent's petition for reconsideration filed September 19, 2011. Opinion filed September 8, 2011. 245 Or App 403, \_\_\_ P3d \_\_\_.

John R. Kroger, Attorney General, Mary H. Williams, Solicitor General, and Laura S. Anderson, Senior Assistant Attorney General, for petition.

Before Ortega, Presiding Judge, and Brewer, Chief Judge, and Sercombe, Judge.

PER CURIAM

Reconsideration allowed; former opinion modified and adhered to as modified; former disposition withdrawn; affirmed.

1                   PER CURIAM

2                   The state petitions for reconsideration of our decision in [State v. Ko](#), 245 Or  
3 App 403, \_\_\_ P3d \_\_\_ (2011), in which defendant appealed his convictions for three  
4 counts of violating a court's stalking protective order, ORS 163.750. He assigned error to  
5 the denial of his motion for a judgment of acquittal as to Count 3 and to the failure to  
6 give a requested jury instruction as to two other counts. We affirmed as to two of the  
7 counts but reversed as to Count 3 and remanded for resentencing. Shortly after we issued  
8 our opinion in this case, the Supreme Court issued its opinion in [State v. Ryan](#), 350 Or  
9 670, \_\_\_ P3d \_\_\_ (2011). In *Ryan*, the court reversed an earlier opinion of this court that  
10 formed the basis for our decision in this case. Under *Ryan*, our previous disposition in  
11 this case is incorrect as to Count 3; the trial court did not err by denying defendant's  
12 motion for a judgment of acquittal.

13                   Reconsideration allowed; former opinion modified and adhered to as  
14 modified; former disposition withdrawn; affirmed.