

FILED: April 24, 2013

IN THE COURT OF APPEALS OF THE STATE OF OREGON

STATE OF OREGON,
Plaintiff-Respondent,

v.

BENJAMIN CRUZ,
Defendant-Appellant.

Washington County Circuit Court
C111731CR

A150146

Rick Knapp, Judge.

Submitted on March 27, 2013.

Peter Gartlan, Chief Defender, and Andrew D. Robinson, Deputy Public Defender, Office of Public Defense Services, filed the brief for appellant.

Ellen F. Rosenblum, Attorney General, Anna M. Joyce, Solicitor General, and Doug M. Petrina, Senior Assistant Attorney General, filed the brief for respondent.

Before Ortega, Presiding Judge, and Sercombe, Judge, and Hadlock, Judge.

PER CURIAM

Affirmed. *State v. Davis*, 237 Or App 351, 239 P3d 1002 (2010), *aff'd*, 353 Or 166, 295 P3d 617 (2013).