

IN THE COURT OF APPEALS OF THE STATE OF OREGON

STATE OF OREGON,  
Plaintiff-Respondent,

v.

WENDELL B. BARNES,  
aka Wendell Burton Barnes,  
Defendant-Appellant.

Multnomah County Circuit Court No. 110646752

Court of Appeals No. A149393

**ORDER VACATING OPINION AND JUDGMENT AND DISMISSING APPEAL**

By notice dated March 25, 2014, and, consistent with ORAP 8.05, counsel for appellant notified the court that appellant had died. Counsel moves to dismiss the appeal and to vacate the court's opinion, and the judgment of conviction. The motion is granted. *State v. Hemenway*, 353 Or 498, 501-506, 302 P3d 413 (2013) (vacating opinion and judgment of conviction when the defendant died before the court issued its decision).

Appeal dismissed; the court's opinion in *State v. Wendell B. Barnes*, 261 Or App 586 (2014), is vacated; judgment of conviction vacated.



5/19/2014  
8:19:46 AM

DARLEEN ORTEGA  
PRESIDING JUDGE, COURT OF APPEALS

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**DESIGNATION OF PREVAILING PARTY AND AWARD OF COSTS**

Prevailing party: Appellant

Costs: No costs allowed

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c: Kyle Krohn  
Jake Hogue  
Multnomah County Circuit Court

ej

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REPLIES SHOULD BE DIRECTED TO: State Court Administrator, Records Section,  
Supreme Court Building, 1163 State Street, Salem, OR 97301-2563