

IN THE COURT OF APPEALS OF THE  
STATE OF OREGON

STATE OF OREGON,  
*Plaintiff-Respondent,*

*v.*

JACQUELINE EVE READ,  
*Defendant-Appellant.*

Lincoln County Circuit Court  
141367; A158650

Daniel R. Murphy, Judge.

Submitted May 6, 2016.

Ernest G. Lannet, Chief Defender, Criminal Appellate Section, and Sarah De La Cruz, Deputy Public Defender, Office of Public Defense Services, filed the brief for appellant.

Ellen F. Rosenblum, Attorney General, Benjamin Gutman, Solicitor General, and Carson Whitehead, Assistant Attorney General, filed the brief for respondent.

Before Duncan, Presiding Judge, and DeVore, Judge, and Flynn, Judge.

PER CURIAM

Conviction for disorderly conduct reversed; otherwise affirmed.

**PER CURIAM**

Defendant was convicted of disorderly conduct under ORS 166.025(1)(b) for creating “unreasonable noise” in the Lincoln County courthouse near the trial court administrator’s office. On appeal, she argues that the evidence was legally insufficient to prove that her speech was unreasonable based on its volume, duration, and location, as required under our case law. See *State v. Rich*, 218 Or App 642, 647, 180 P3d 744 (2008) (holding that ORS 166.025(1)(b) is “a classic time, place, or manner law,” and that, “[i]f the regulated noise happens to be speech, then enforcement is unconstitutional only if the enforcement is directed toward the speech’s content and not its noncommunicative elements”). The state concedes that the evidence is legally insufficient to satisfy the standard articulated in *Rich*, and that the conviction must be reversed. We agree, accept the state’s concession, and reverse the conviction.

Conviction for disorderly conduct reversed; otherwise affirmed.