

IN THE COURT OF APPEALS OF THE  
STATE OF OREGON

STATE OF OREGON,  
*Plaintiff-Respondent,*

*v.*

KULIMBA WINNER NYEMBO,  
*Defendant-Appellant.*

Benton County Circuit Court  
14CR31294; A162439

David B. Connell, Judge.

Argued and submitted May 8, 2018.

Emily P. Seltzer, Deputy Public Defender, argued the cause for appellant. With her on the brief was Ernest G. Lannet, Chief Defender, Criminal Appellate Section, Office of Public Defense Services.

Michael A. Casper, Assistant Attorney General, argued the cause for respondent. With him on the brief were Ellen F. Rosenblum, Attorney General, and Benjamin Gutman, Solicitor General.

Before Lagesen, Presiding Judge, and DeVore, Judge, and James, Judge.

PER CURIAM

Affirmed. *State v. Phelps*, 141 Or App 555, 920 P2d 1098, *rev den*, 324 Or 306 (1996).