

IN THE COURT OF APPEALS OF THE  
STATE OF OREGON

STATE OF OREGON,  
*Plaintiff-Respondent,*

*v.*

CHARLES EVANS NAYLOR,  
*Defendant-Appellant.*

Linn County Circuit Court  
15CR34605; A164388

Thomas McHill, Judge.

Submitted August 29, 2018.

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

Ellen F. Rosenblum, Attorney General, Benjamin Gutman, Solicitor General, and E. Nani Apo, Assistant Attorney General, filed the brief for respondent.

Before Armstrong, Presiding Judge, and Tookey, Judge, and Sercombe, Senior Judge.

PER CURIAM

Reversed. *State v. Fonte*, 363 Or 327, 422 P3d 202 (2018).