

IN THE COURT OF APPEALS OF THE
STATE OF OREGON

STATE OF OREGON,
Plaintiff-Respondent,

v.

JOSHUA DANIEL WELTCH,
Defendant-Appellant.

Lane County Circuit Court
17CR36545; A166193

Mustafa T. Kasubhai, Judge.

Submitted March 26, 2019.

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

Ellen F. Rosenblum, Attorney General, Benjamin Gutman, Solicitor General, and Jamie K. Contreras, Assistant Attorney General, filed the brief for respondent.

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

PER CURIAM

Affirmed.

PER CURIAM

Appealing a judgment of conviction for felon in possession of a firearm, ORS 166.270, defendant assigns error to the trial court's (1) failure to supply a concurrence instruction to the jury, (2) failure to instruct the jury that it was required to reach a unanimous jury verdict, and (3) acceptance of a nonunanimous jury verdict. Defendant's first assignment of error is not preserved and the error, if any, is not plain. Defendant's remaining assignments of error are foreclosed by our case law. *State v. Bowen*, 215 Or App 199, 202, 168 P3d 1208 (2007), *adh'd to as modified on recons*, 220 Or App 380, 185 P3d 1129, *rev den*, 345 Or 415 (2008), *cert den*, 558 US 815 (2009).¹

Affirmed.

¹ We note that the United States Supreme Court has granted certiorari in *Ramos v. Louisiana*, ___ US ___, ___ S Ct ___, ___ L Ed 2d ___, 2019 WL 1231752 (Mar 18, 2019), to consider (again) the question of whether the Sixth Amendment to the United States Constitution requirement of jury unanimity applies to the states via the Fourteenth Amendment to the United States Constitution.