

IN THE COURT OF APPEALS OF THE
STATE OF OREGON

STATE OF OREGON,
Plaintiff-Respondent,

v.

JAMES MARTIN WENZELL,
aka James Wenzell,
Defendant-Appellant.

Coos County Circuit Court
17CR69677; A167034

Martin E. Stone, Judge.

Submitted September 11, 2019.

Ernest G. Lannet, Chief Defender, Criminal Appellate Section, and Neil F. Byl, Deputy Public Defender, Office of Public Defense Services, filed the briefs for appellant.

Ellen F. Rosenblum, Attorney General, Benjamin Gutman, Solicitor General, and Timothy A. Sylwester, Assistant Attorney General, filed the briefs for respondent.

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

PER CURIAM

Affirmed. *State v. Webster*, 280 Or App 217, 380 P3d 1165 (2016), *rev den*, 361 Or 350 (2017) (rejecting a plain-error argument similar to defendant's unpreserved assignment of error regarding the imposition of a departure sentence under ORS 137.717(1)); *State v. Welch*, 297 Or App 409, 410, 439 P3d 1047 (2019) (explaining that our case law forecloses the same unpreserved claim of error concerning jury unanimity that defendant raises in his supplemental assignment of error).