

IN THE COURT OF APPEALS OF THE
STATE OF OREGON

STATE OF OREGON,
Plaintiff-Respondent,

v.

ERIK ANTONIO RODRIGUEZ-REYES,
Defendant-Appellant.

Washington County Circuit Court
17CR70646; A167387

Theodore E. Sims, Judge.

Submitted December 3, 2019.

Ernest G. Lannet, Chief Defender, Criminal Appellate Section, and Zachary Lovett Mazer, 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 Lagesen, Presiding Judge, and Powers, Judge, and Sercombe, Senior Judge.

PER CURIAM

Affirmed.

PER CURIAM

Defendant appeals a judgment of conviction for second-degree assault in violation of ORS 163.175 (Count 1); assaulting a public safety officer in violation of ORS 163.208 (Count 2); and resisting arrest in violation of ORS 162.315 (Count 3). In his first four assignments of error, defendant assigns error to the trial court's instructions with respect to the assault charges. In particular, he contends that the court erred when it did not instruct the jury that it had to find that defendant acted with a knowing mental state with respect to the injury element of each the assault charges and, failing that, that it erred when it did not instruct the jury that it had to find that defendant acted with criminal negligence with respect to the injury element of each of the assault charges. We reject those assignments of error as contrary to *State v. Barnes*, 329 Or 327, 986 P2d 1160 (1999). We reject defendant's remaining assignments of error without further written discussion.

Affirmed.