

IN THE COURT OF APPEALS OF THE
STATE OF OREGON

STATE OF OREGON,
Plaintiff-Respondent,

v.

TREVOR MICHAEL RYAN,
Defendant-Appellant.

Lane County Circuit Court
16CR60796; A164233

Clara L Rigmaiden, Judge.

On respondent's petition for reconsideration filed June 11, 2020. Opinion filed May 28, 2020. 304 Or App 458, 466 P3d 74.

Ellen F. Rosenblum, Attorney General, Benjamin Gutman, Solicitor General, and Joanna L. Jenkins, Assistant Attorney General, for petition.

Before Ortega, Presiding Judge, and Egan, Chief Judge, and Powers, Judge.

PER CURIAM

Reconsideration allowed; former opinion modified and adhered to as modified; conviction on Count 1 reversed and remanded; remanded for resentencing; otherwise affirmed.

PER CURIAM

The state petitions for reconsideration of our decision in *State v. Ryan*, 304 Or App 458, 466 P3d 74 (2020), to clarify the disposition so that it reflects that only the conviction for felony driving under the influence of intoxicants (DUII) is reversed and remanded and that the other convictions are affirmed. Defendant's DUII conviction (Count 1) was not the result of a unanimous verdict, and therefore we reversed and remanded under *Ramos v. Louisiana*, 590 US ___, 140 S Ct 1390, 206 L Ed 2d 583 (2020). Defendant was also convicted of criminal driving while suspended or revoked based upon a guilty plea (Count 2) and reckless driving after a bench trial (Count 3). On appeal, defendant did not challenge those convictions and did not seek any relief related to those convictions. Because our earlier disposition simply reversed and remanded on Count 1 and did not account for Counts 2 and 3, we allow the state's petition and modify our disposition.

Reconsideration allowed; former opinion modified and adhered to as modified; conviction on Count 1 reversed and remanded; remanded for resentencing; otherwise affirmed.