

IN THE COURT OF APPEALS OF THE  
STATE OF OREGON

STATE OF OREGON,  
*Plaintiff-Respondent,*

*v.*

DEAN ERIC PARSONS,  
aka Dean Parsons,  
*Defendant-Appellant.*

Multnomah County Circuit Court  
16CR36224; A167788

Leslie G. Bottomly, Judge.

Submitted July 6, 2020.

George W. Kelly filed the briefs for appellant.

Ellen F. Rosenblum, Attorney General, Benjamin Gutman, Solicitor General, and Jordan R. Silk, Assistant Attorney General, filed the brief for respondent.

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

PER CURIAM

Count 1 reversed and remanded; otherwise affirmed.

**PER CURIAM**

Defendant was convicted of first-degree sodomy (Count 1) and was acquitted on two other counts. He appeals, arguing, among other things, that the trial court's acceptance of a nonunanimous guilty verdict was plain error under *Ramos v. Louisiana*, \_\_\_ US \_\_\_, 140 S Ct 1390, 206 L Ed 2d 583 (2020). The state concedes the error: "[T]he state agrees that it would qualify as plain error, and that, under *State v. Ulery*, 366 Or 500, 501, 464 P3d 1123 (2020), this court should exercise its discretion to review defendant's *Ramos* argument and to reverse and remand for a new trial." We agree. For the reasons expressed in *Ulery*, we exercise our discretion to review the error, and we reverse and remand Count 1. *Id.* at 504. That disposition obviates the need to address defendant's other assignments of error.

Count 1 reversed and remanded; otherwise affirmed.