

IN THE COURT OF APPEALS OF THE
STATE OF OREGON

STATE OF OREGON,
Plaintiff-Respondent,

v.

JERRY THOMAS WELLINGTON,
Defendant-Appellant.

Clackamas County Circuit Court
17CR09581; A167969

Thomas J. Rastetter, Judge.

Submitted April 2, 2020.

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

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

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

PER CURIAM

Reversed and remanded.

PER CURIAM

Defendant appeals a judgment of conviction for 30 different sex offenses. The jury's verdict on each conviction was 10-2. On appeal, defendant assigns error to (1) the trial court's failure to require the state to elect specific factual occurrences for each crime; (2) the court's instruction to the jury that it could find defendant guilty by nonunanimous verdicts; and (3) the court's entry of convictions on the 30 counts of conviction (Counts 1 and 2, 4 to 10, and 12 to 32) when the jury was not unanimous on any of those counts.

As for defendant's second and third assignments of error, under *Ramos v. Louisiana*, ___ US ___, 140 S Ct 1390, ___ L Ed 2d ___ (2020), defendant is entitled to reversal of all of his convictions and a remand for retrial, because each conviction was based on 10-2 verdict in violation of the Sixth Amendment to the United States Constitution. As for defendant's first assignment of error, it is predicated largely on the way the evidence developed at trial, and the evidence may develop differently on retrial. For that reason, we decline to reach the first assignment of error.

Reversed and remanded.