

IN THE COURT OF APPEALS OF THE  
STATE OF OREGON

STATE OF OREGON,  
*Plaintiff-Respondent,*

*v.*

MICHAEL SCOTT HALL,  
*Defendant-Appellant.*

Clackamas County Circuit Court  
18CR60245; A169964

Katherine E. Weber, Judge.

Submitted June 5, 2020.

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

Ellen F. Rosenblum, Attorney General, and Benjamin Gutman, Solicitor General, and Peenesh Shah, Assistant Attorney General, filed the brief for respondent.

Before Armstrong, Presiding Judge, and Tookey, Judge, and Aoyagi, Judge.

PER CURIAM

Reversed and remanded.

**PER CURIAM**

Defendant, who was convicted after a jury trial of two counts of menacing, argues that the trial court erred in admitting evidence of his use of methamphetamine the day before the incident at issue—an altercation between defendant and others with whom he was in a property dispute, during which defendant threatened them with an inoperable firearm. Defendant raised self-defense and defense-of-property defenses. The state introduced evidence that defendant had used methamphetamine the day before the altercation, arguing it was relevant to whether defendant’s actions were “reasonable” for purposes of those defenses. On appeal, the state concedes that that evidence of defendant’s past drug use is irrelevant to an assessment of reasonableness for purposes of self-defense or defense of property. *See State v. Hollingsworth*, 290 Or App 121, 125, 41 P3d 83 (2018) (“reasonableness” for purposes of such defenses “must be assessed under an objective standard that does not depend on the defendant’s personal characteristics”). We agree and accept the state’s concession. Further discussion of the underlying facts of the case would not benefit the bench, the bar, or the public.

Reversed and remanded.