

IN THE COURT OF APPEALS OF THE
STATE OF OREGON

STATE OF OREGON,
Plaintiff-Respondent,

v.

ERNEST LEE DEAN,
Defendant-Appellant.

Clackamas County Circuit Court
CR1400822; A167339

Robert D. Herndon, Judge.

Submitted December 30, 2019.

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

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

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

PER CURIAM

Reversed and remanded.

PER CURIAM

In this criminal appeal, defendant raises four assignments of error. Defendant argues that the trial court erred (1) in denying his motion to suppress the confession he made, which he asserts was obtained in violation of his *Miranda* rights; (2) in denying his motion to suppress evidence obtained from an inventory search of his wallet; (3) by instructing the jury that it could reach a nonunanimous verdict; and (4) by accepting nonunanimous jury verdicts.

Miranda violation. Defendant's *Miranda* rights were violated and his waiver of those rights was not voluntary; the trial court erred when it denied defendant's motion to suppress statements obtained from the interrogation; and the erroneous admission of the statements was not harmless. *See State v. Dean*, 309 Or App 249, 481 P3d 322 (2021) (holding same in related case involving same interrogation).

Inventory search. Defendant argues that the inventory search of his wallet was unlawful. We reject that argument. *State v. Mundt/Fincher*, 98 Or App 407, 780 P2d 234, *rev den*, 308 Or 660 (1989).

Nonunanimous jury verdicts. Because we reverse and remand the judgment on the basis that the trial court erred in denying defendant's motion to suppress his incriminating statements, we need not reach defendant's assignments of error that rely on *Ramos v. Louisiana*, 590 US ___, 140 S Ct 1390, 206 L Ed 2d 583 (2020).

Reversed and remanded.