

IN THE COURT OF APPEALS OF THE
STATE OF OREGON

STATE OF OREGON,
Plaintiff-Respondent,

v.

VICTORIA LOIS CAMPHOUSE,
Defendant-Appellant.

Linn County Circuit Court
17CR26451; A170081

DeAnn L. Novotny, Judge.

On appellant's petition for reconsideration filed October 26, 2021. 313 Or App 109, 491 P3d 94.

Ernest G. Lannet, Chief Defender, Criminal Appellate Section, and Morgen E. Daniels, Deputy Public Defender, Office of Public Defense Services, for petition.

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

PER CURIAM

Reconsideration allowed; former opinion modified and adhered to as modified.

PER CURIAM

Defendant petitions for reconsideration of our opinion in *State v. Camphouse*, 313 Or App 109, 491 P3d 94 (2021), asserting that we misunderstood the evidence and defendant's arguments regarding one of the victims, D. We adhere to our disposition of the case but allow reconsideration and modify the text of our prior opinion in the following two ways.

First, we replace the two paragraphs regarding "Mistreatment of D," at 313 Or App at 117-18, with the following:

"With respect to the count involving D, defendant argues that some jurors may have based their verdict on unspecified occurrences described in a neighbor's testimony, rather than the occurrence focused on by the state. Even assuming the trial court's failure to provide a concurrence instruction as to D was in error, we conclude that it was harmless for the same reasons it was harmless as to O."

Second, in the opinion's conclusion at 313 Or App at 118, we replace "and because the trial court did not err as to the charge involving D" with "and any error as to D was harmless as well." As described in the above modifications, we adhere to our previous disposition.

Reconsideration allowed; former opinion modified and adhered to as modified.