

IN THE COURT OF APPEALS OF THE
STATE OF OREGON

STATE OF OREGON,
Plaintiff-Respondent,

v.

DEVYN MICHAEL HOPKINS,
Defendant-Appellant.

Lincoln County Circuit Court
18CR07769, 19CR18483;
A170859 (Control), A170860

Thomas O. Branford, Judge.

Argued and submitted December 10, 2020.

Lindsey Burrows argued the cause for appellant. Also on the brief was O'Connor Weber LLC.

E. Nani Apo, Assistant Attorney General, argued the cause for respondent. Also on the brief were Ellen F. Rosenblum, Attorney General, and Benjamin Gutman, Solicitor General.

Before Ortega, Presiding Judge, and Shorr, Judge, and Powers, Judge.

PER CURIAM

Affirmed.

PER CURIAM

In this consolidated appeal, defendant appeals from judgments of conviction for three counts of first-degree theft and two counts of second-degree theft, in case number 18CR07769, and one count of third-degree theft, in case number 19CR18483. In both cases, defendant was tried to a jury, and the jury was instructed that its verdict need not be unanimous, which was error under *Ramos v. Louisiana*, 590 US ___, 140 S Ct 1390, 206 L Ed 2d 583 (2020). However, the jury returned unanimous guilty verdicts on all of the counts. Defendant argues that the judgments nonetheless should be reversed because the trial court plainly erred in giving the nonunanimous jury instruction and because that error constitutes structural error. For the reasons explained by the Oregon Supreme Court in *State v. Flores Ramos*, 367 Or 292, 319, 478 P3d 515 (2020), and *State v. Ciraulo*, 367 Or 350, 354, 478 P3d 502 (2020), we reject defendant's arguments. We also reject defendant's remaining assignments of error without discussion.

Affirmed.