

IN THE COURT OF APPEALS OF THE
STATE OF OREGON

STATE OF OREGON,
Plaintiff-Respondent,

v.

ODILON ROSAS-CABILDO,
Defendant-Appellant.

Washington County Circuit Court
18CR10908; A171705

Oscar Garcia, Judge.

Submitted July 23, 2021.

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

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

Before James, Presiding Judge, and Kamins, Judge, and Kistler, Senior Judge.

PER CURIAM

Affirmed.

PER CURIAM

Defendant challenges his convictions for multiple sexual offenses, raising three assignments of error. We affirm.

On defendant's first assignment of error, we are not persuaded that the trial court plainly erred by failing to *sua sponte* enter a judgment of acquittal on a count of first-degree sexual abuse. Defendant's second and third assignments of error challenge the trial court's nonunanimous instruction to the jury. However, because the verdict was unanimous, defendant's arguments are foreclosed by *State v. Flores Ramos*, 367 Or 292, 478 P3d 515 (2020), and *State v. Kincheloe*, 367 Or 335, 478 P3d 507 (2020), *cert den*, ___ US ___, ___ S Ct ___, ___ L Ed 2d ___, No. 20-8126, 2021 WL 2519403 (June 21, 2021).

Affirmed.