

IN THE COURT OF APPEALS OF THE
STATE OF OREGON

STATE OF OREGON,
Plaintiff-Respondent,

v.

TODD ALLAN WYMER,
Defendant-Appellant.

Washington County Circuit Court
18CR78463; A171738

Ricardo J. Menchaca, Judge.

Argued and submitted December 18, 2020.

Adam L. Dean argued the cause and filed the briefs for appellant.

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

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

PER CURIAM

Convictions on Counts 1 and 2 reversed and remanded; remanded for resentencing; otherwise affirmed.

PER CURIAM

Defendant was convicted of five criminal counts. Defendant requested a unanimous verdict instruction, but the trial court gave a nonunanimous verdict instruction. On Counts 1 and 2, the jury verdicts were nonunanimous. We reverse and remand those counts. *Ramos v. Louisiana*, 590 US ___, 140 S Ct 1390, 206 L Ed 2d 583 (2020). On Counts 3, 4, and 5, the jury verdicts were unanimous. We affirm those counts. *State v. Ciraulo*, 367 Or 350, 478 P3d 502 (2020), *cert den*, ___ US ___, ___ S Ct ___ (2021). We reject without written discussion defendant's remaining assignments of error.

Convictions on Counts 1 and 2 reversed and remanded; remanded for resentencing; otherwise affirmed.