

IN THE COURT OF APPEALS OF THE
STATE OF OREGON

STATE OF OREGON,
Plaintiff-Respondent,

v.

DAVID WAYNE ORR,
Defendant-Appellant.

Marion County Circuit Court
19CR48594; A172278

J. Channing Bennett, Judge.

Argued and submitted December 8, 2021.

Jason E. Thompson argued the cause and filed the brief for appellant.

Mark E. Seepe argued the cause for respondent. On the brief were Ellen F. Rosenblum, Attorney General, Benjamin Gutman, Solicitor General, and Joseph Callahan, Assistant Attorney General.

Before Armstrong, Presiding Judge, and Aoyagi, Judge, and Hadlock, Judge pro tempore.

PER CURIAM

Reversed and remanded.

PER CURIAM

Defendant appeals judgments of conviction for first-degree unlawful sexual penetration and first-degree sexual abuse. He raises two assignments of error. We reject his first assignment of error without written discussion. In his second assignment of error, he contends that the trial court erred by accepting nonunanimous verdicts on both counts. *Ramos v. Louisiana*, 590 US ___, 140 S Ct 1390, 206 L Ed 2d 583 (2020). The state concedes that, under *Ramos*, the convictions must be reversed. *State v. Ulery*, 366 Or 500, 503-05, 464 P3d 1123 (2020) (acceptance of nonunanimous jury verdict is error under *Ramos*). We agree, accept the concession, and reverse and remand.

Reversed and remanded.