

IN THE COURT OF APPEALS OF THE
STATE OF OREGON

STATE OF OREGON,
Plaintiff-Respondent,

v.

SENECA HONJUAY ISALIAH CAYSON,
aka Seneca Honjuay Isiah Cayson,
Defendant-Appellant.

Washington County Circuit Court
18CR15470; A172919

Oscar Garcia, Judge.

Submitted November 8, 2021.

Ernest G. Lannet, Chief Defender, Criminal Appellate Section, and Kristin A. Carveth, Deputy Public Defender, Office of Public Defense Services, filed the brief for appellant.

Ellen F. Rosenblum, Attorney General, Benjamin Gutman, Solicitor General, and Kirsten M. Naito, Assistant Attorney General, filed the brief for respondent.

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

PER CURIAM

Convictions on Counts 3 and 6 reversed and remanded; remanded for resentencing; otherwise affirmed.

PER CURIAM

Defendant was convicted based on unanimous jury verdicts on two counts of second-degree kidnapping (Counts 1 and 2), one count of strangulation (Count 4), and one count of fourth-degree assault constituting domestic violence (Count 5). He also was convicted based on nonunanimous jury verdicts of coercion (Count 3) and menacing constituting domestic violence (Count 6). He argues on appeal that the court erred denying his request for a jury-unanimity instruction, and instructing the jury it could return nonunanimous verdicts, which was erroneous under *Ramos v. Louisiana*, 590 US ___, 140 S Ct 1390, 206 L Ed 2d 583 (2020). The state concedes the error, and we conclude that defendant is entitled to reversal of the nonunanimous guilty verdicts on Counts 3 and 6. Defendant also argues that the erroneous instruction entitles him to reversal of all of his convictions because it constituted structural error. We reject that argument for the reasons set forth in *State v. Flores Ramos*, 367 Or 292, 319, 478 P3d 515 (2020).

Convictions on Counts 3 and 6 reversed and remanded; remanded for resentencing; otherwise affirmed.