

IN THE COURT OF APPEALS OF THE
STATE OF OREGON

STATE OF OREGON,
Plaintiff-Respondent,

v.

JOSIAH FRANCIS LAQUA,
aka Josiah Laqua, aka Josiah F. LaQua,
aka Josiah Francis Laqua-Rodden,
Defendant-Appellant.

Jackson County Circuit Court
19CR18597; A173728

David J. Orr, Judge. (Judgment)

Lisa C. Greif, Judge. (Supplemental Judgment)

Submitted September 13, 2021.

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

Ellen F. Rosenblum, Attorney General, Benjamin Gutman, Solicitor General, and Shannon T. Reel, Assistant Attorney General, filed the brief for respondent.

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

PER CURIAM

Reversed and remanded.

PER CURIAM

Defendant was convicted based on nonunanimous jury verdicts of attempting to elude a police officer, ORS 811.540; reckless driving, ORS 811.140; recklessly endangering another person, ORS 163.195; and failure to perform the duties of a driver when property is damaged, ORS 811.700. He argues on appeal that the trial court erred in denying his motion for judgment of acquittal on the charge of failure to perform the duties of a driver; we reject that argument without discussion. He also argues that he is entitled to reversal of all of his convictions, because the court erred in instructing the jury that it could return nonunanimous verdicts and further erred in receiving nonunanimous verdicts on all of the charges. The state concedes that this was error under *Ramos v. Louisiana*, 590 US ___, 140 S Ct 1390, 206 L Ed 2d 583 (2020). We agree and accept that concession.

Reversed and remanded.