

IN THE COURT OF APPEALS OF THE
STATE OF OREGON

STATE OF OREGON,
Plaintiff-Respondent,

v.

CARL BOYD PENDERGRAFT,
Defendant-Appellant.

Jefferson County Circuit Court
19CR76848; A173372

Daina A. Vitolins, Judge.

Submitted January 18, 2022.

Ernest G. Lannet, Chief Defender, Criminal Appellate Section, and Francis C. Gieringer, Deputy Public Defender, Office of Public Defense Services, filed the briefs for appellant.

Ellen F. Rosenblum, Attorney General, Benjamin Gutman, Solicitor General, and Jennifer S. Lloyd, Assistant Attorney General, filed the brief for respondent.

Before Mooney, Presiding Judge, and Kamins, Judge, and Hadlock, Judge pro tempore.

PER CURIAM

Reversed and remanded. *State v. Prophet*, 318 Or App 330, ___ P3d ___ (2022).