

IN THE COURT OF APPEALS OF THE  
STATE OF OREGON

STATE OF OREGON,  
*Plaintiff-Respondent,*

*v.*

SARAH BETH MAGNESS,  
*Defendant-Appellant.*

Deschutes County Circuit Court  
18CR05383; A173670

Walter Randolph Miller, Jr., Judge.

Submitted January 18, 2022.

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

Ellen F. Rosenblum, Attorney General, Benjamin Gutman, Solicitor General, and Patricia G. Rincon, Assistant Attorney General, filed the brief for respondent.

Before Mooney, Presiding Judge, and Lagesen, Chief Judge, and DeHoog, Judge pro tempore.

PER CURIAM

Reversed and remanded.

**PER CURIAM**

Defendant was convicted based on nonunanimous jury verdicts of driving under the influence of intoxicants, ORS 813.011, and resisting arrest, ORS 162.315. On appeal, she argues that the trial court erred in admitting hearsay evidence, instructing the jury, over her objection, that it could return nonunanimous verdicts, and accepting nonunanimous verdicts. The state concedes that the court erred with respect to the nonunanimous jury instruction and the acceptance of nonunanimous verdicts. *See Ramos v. Louisiana*, 590 US \_\_\_, 140 S Ct 1390, 206 L Ed 2d 583 (2020) (setting forth Sixth Amendment jury unanimity requirements). We agree and accept the state's concessions. Our disposition obviates the need to address defendant's remaining assignment of error.

Reversed and remanded.