

IN THE COURT OF APPEALS OF THE
STATE OF OREGON

STATE OF OREGON,
Plaintiff-Respondent,

v.

VAUGHN LESLIE MONAGON,
Defendant-Appellant.

Yamhill County Circuit Court
18CR05905; A173723

John L. Collins, Judge.

Argued and submitted March 7, 2022.

Thaddeus Betz argued the cause and filed the briefs for appellant.

Michael A. Casper, Assistant Attorney General, argued the cause for respondent. Also on the brief were Ellen F. Rosenblum, Attorney General, and Benjamin Gutman, Solicitor General.

Before Tookey, Presiding Judge, and Egan, Judge, and Kamins, Judge.

PER CURIAM

Counts 1 through 8 reversed and remanded; remanded for resentencing; otherwise affirmed.

PER CURIAM

Defendant appeals a judgment of conviction for multiple counts of first-degree sexual abuse, ORS 163.427. Counts 1 through 8 were tried to a jury, and the jury returned nonunanimous guilty verdicts. Counts 9 and 10 were tried to the court, which rendered guilty verdicts.¹

On appeal, defendant raises eight assignments of error. We write to address defendant's first and second assignments of error and reject his third through eighth assignments of error without discussion.

In his first assignment of error, defendant argues that the trial court erred by failing to instruct the jury that, to find defendant guilty of Counts 1 through 8, it must do so unanimously. In his second assignment of error, defendant contends that the trial court erred in accepting a nonunanimous verdict in Counts 1 through 8. The state concedes that the trial court erred by so failing to instruct the jury and by entering convictions on Counts 1 through 8 based on nonunanimous verdicts. In light of *Ramos v. Louisiana*, 590 US ___, 140 S Ct 1390, 206 L Ed 2d 583 (2020), we agree with the state and accept those concessions.

Counts 1 through 8 reversed and remanded; remanded for resentencing; otherwise affirmed.

¹ The trial court merged Counts 9 and 10 into a single conviction.