

IN THE COURT OF APPEALS OF THE
STATE OF OREGON

STATE OF OREGON,
Plaintiff-Respondent,

v.

JEMITRIS CHANCE VEZIA,
Defendant-Appellant.

Multnomah County Circuit Court
19CR44219; A173844

Angel Lopez, Judge.

Submitted January 7, 2022.

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

Ellen F. Rosenblum, Attorney General, Benjamin Gutman, Solicitor General, and Jonathan N. Schildt, Assistant Attorney General, filed the brief for respondent.

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

PER CURIAM

Conviction on Count 1 reversed and remanded; otherwise affirmed.

PER CURIAM

Defendant was charged by indictment with strangulation (Count 1) and fourth-degree assault (Count 2). Defendant requested that the court instruct the jury that a guilty verdict must be unanimous, and the court declined to give that instruction. The jury returned a guilty verdict on Count 1 that was 11-1. It also returned a not guilty verdict on Count 2. The trial court entered a judgment of conviction and sentence on Count 1, and the acquittal on Count 2. Defendant assigns error to the conviction on a nonunanimous jury verdict, under *Ramos v. Louisiana*, ___ US ___, 140 S Ct 1390, 206 L Ed 583 (2020) (holding that the Sixth Amendment requires unanimous verdicts for convictions of serious crimes in state criminal cases). The state concedes that, in light of that decision, the jury's nonunanimous verdict on Count 1 requires reversal and remand for a new trial. We agree and accept the concession.

Conviction on Count 1 reversed and remanded; otherwise affirmed.