

IN THE COURT OF APPEALS OF THE  
STATE OF OREGON

STATE OF OREGON,  
*Plaintiff-Respondent,*

*v.*

RICHARD PIERSON UPCHURCH,  
aka Richard Upchurch,  
*Defendant-Appellant.*

Lake County Circuit Court  
20CR07635, 20CR13765;  
A174702 (Control), A174703

David M. Vandenberg, Judge.

Submitted April 11, 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 Robert M. Wilsey, Assistant Attorney General, filed the brief for respondent.

Before Powers, Presiding Judge, and Lagesen, Chief Judge, and Hellman, Judge.

PER CURIAM

Affirmed. *State v. Davis-McCoy*, 300 Or App 326, 454 P3d 48 (2019); *State v. Merrill*, 311 Or App 487, 492 P3d 722, *adh'd to as modified on recons*, 314 Or App 460, 495 P3d 219 (2021); and *State v. Redick*, 312 Or App 260, 491 P3d 87 (2021).