

FILED: November 07, 2012

IN THE COURT OF APPEALS OF THE STATE OF OREGON

STATE OF OREGON,
Plaintiff-Respondent,

v.

MICHELLE WITHNELL,
Defendant-Appellant.

Yamhill County Circuit Court
CR080258

A143800

Ronald W. Stone, Judge.

Submitted on March 22, 2012.

Peter Gartlan, Chief Defender, and Jedediah Peterson, Deputy Public Defender, Office of Public Defense Services, filed the brief for appellant.

John R. Kroger, Attorney General, Mary H. Williams, Solicitor General, and Doug M. Petrina, Senior Assistant Attorney General, filed the brief for respondent.

Before Schuman, Presiding Judge, and Wollheim, Judge, and Nakamoto, Judge.

PER CURIAM

Reversed.

1 PER CURIAM

2 Defendant was convicted of hindering prosecution, ORS 162.325, and
3 challenges the trial court's denial of her motion for judgment of acquittal because the
4 state did not prove the allegations of the indictment. The issue presented here is identical
5 to that in *State v. Hansen*, ____ Or App ____, ____ P3d ____ (Nov 7, 2012). Because
6 defendant was tried jointly with the defendant in *Hansen*, the evidentiary record is also
7 identical. For the reasons stated in *Hansen*, the trial court erred by denying defendant's
8 motion for judgment of acquittal.

9 Reversed.