

FILED: November 9, 2011

IN THE COURT OF APPEALS OF THE STATE OF OREGON

STATE OF OREGON,
Plaintiff-Appellant,

v.

RICHARD LEONARD SCOTT,
Defendant-Respondent.

Clatsop County Circuit Court
097018

A144691

Cindee Matyas, Judge.

Argued and submitted on September 30, 2011.

Joanna L. Jenkins, Assistant Attorney General, argued the cause for appellant. With her on the brief were John R. Kroger, Attorney General, and Mary H. Williams, Solicitor General.

Ryan T. O'Connor, Senior Deputy Public Defender, argued the cause for respondent. With him on the brief was Peter Gartlan, Chief Defender, Office of Public Defense Services.

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

PER CURIAM

Vacated and remanded for reconsideration. [State v. Machuca](#), 347 Or 644, 227 P3d 729 (2010); [State v. Martinez-Alvarez](#), 245 Or App 369, ___ P3d ___ (2011).