

**FILED: June 27, 2012**

IN THE COURT OF APPEALS OF THE STATE OF OREGON

MERVIN BARTEAUX,  
Petitioner-Appellant,

v.

DON MILLS,  
Superintendent,  
Two Rivers Correctional Institution,  
Defendant-Respondent.

Umatilla County Circuit Court  
CV081141

A145272

Linda Louise Bergman, Senior Judge.

Argued and submitted on May 31, 2012.

Michael D. Curtis argued the cause and filed the briefs for appellant.

David B. Thompson, Senior Assistant Attorney General, argued the cause for respondent. With him on the brief were John R. Kroger, Attorney General, and Anna M. Joyce, Solicitor General.

Before Armstrong, Presiding Judge, and Haselton, Chief Judge, and Duncan, Judge.

PER CURIAM

Reversed and remanded. *Missouri v. Frye*, \_\_\_ US \_\_\_, 132 S Ct 1399, 182 L Ed 2d 379 (2012); *Lafler v. Cooper*, \_\_\_ US \_\_\_, 132 S Ct 1376, 182 L Ed 2d 398 (2012).