

**FILED: March 28, 2012**

IN THE COURT OF APPEALS OF THE STATE OF OREGON

STATE OF OREGON,  
Plaintiff-Respondent,

v.

JOSHUA RYAN BREWER,  
Defendant-Appellant.

Jackson County Circuit Court  
093919FE

A146981

Raymond B. White, Judge.

Submitted on February 03, 2012.

Jesse Wm. Barton filed the brief for appellant.

John R. Kroger, Attorney General, Anna M. Joyce, Solicitor General, and Leigh A. Salmon, 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, a registered medical marijuana user, was convicted of unlawful  
3 manufacture of marijuana, ORS 475.856, and unlawful possession of marijuana, ORS  
4 475.864. On appeal, he argues that the trial court erred in denying his motion for a  
5 judgment of acquittal on both counts, because the evidence did not demonstrate that there  
6 was more "usable" marijuana at his address than he and his cousin, also a registered  
7 medical marijuana user at that address, could together lawfully possess as cardholders  
8 under the Oregon Medical Marijuana Act. *See* ORS 475.309(1); ORS 475.320. The state  
9 concedes that the trial court should have granted the motion for a judgment of acquittal as  
10 to both counts. We agree, accept the concession, and reverse defendant's convictions.

11                   Reversed.