

IN THE SUPREME COURT OF THE
STATE OF OREGON

STATE OF OREGON,)	Marion County Circuit Court
)	Case no. 94C20467
Plaintiff-Appellant,)	
Respondent on Review,)	
v.)	SC S46714
)	CA A95499
HECTOR VASQUEZ-HERNANDEZ,)	
)	
Defendant-Respondent,)	ORDER AFFIRMING BY AN
Petitioner on Review.)	EQUALLY DIVIDED COURT

Upon consideration by the court.

The decision of the Court of Appeals is affirmed by an equally divided court.

Dated this 23rd day of June 2003.

WALLACE P. CARSON, JR.
CHIEF JUSTICE

Van Hoomissen, J., retired December 31, 2000, and did not participate in the decision of this case; Kulongoski, J., resigned June 14, 2001, and did not participate in the decision of this case; Leeson, J., resigned January 31, 2003, and did not participate in the decision of this case; De Muniz and Balmer, JJ., did not participate in the consideration or decision of this case.