

COURT OF APPEALS OF OREGON

State v. Snyder

350 Or. App. 650 (2026) · No. A181161 · Decided June 17, 2026

SUMMARY

The Oregon Court of Appeals held that the trial court abused its discretion by denying a mistrial after an officer improperly testified that the defendant invoked his Miranda rights. Because the trial court found that the reference was likely to suggest guilt and took no curative action, the court reversed the conviction and remanded for further proceedings.

CASE DETAILS

COURT	Court of Appeals of Oregon
WRITING FOR THE COURT	Hellman, J.; Ortega, Presiding Judge; Lagesen, Chief Judge; Hellman, Judge
JURISDICTION	Oregon Court of Appeals
DECIDED	June 17, 2026
DOCKET	A181161
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	Defendant appealed his judgment of conviction for fourth-degree assault constituting domestic violence, assigning error to the trial court's denial of his motion for a mistrial after an officer testified that defendant had invoked his Miranda rights.
STANDARD OF REVIEW	The denial of a motion for mistrial, including the trial court's choice whether to grant a mistrial, give curative instructions, or take no curative action, is reviewed for abuse of discretion. The appellate court considers the seriousness of the prejudice and the manner in which the trial court sought to cure the error, with the decisive question being whether defendant's ability to receive a fair trial was impaired.
PRECEDENTIAL VALUE	Published and precedential Oregon Court of Appeals opinion.
PARTIES	Duane Robert Snyder v. State of Oregon

TOPICS

- criminal procedure
- miranda rights
- fifth amendment
- suppression of evidence
- appellate procedure

PRACTICE AREAS

criminal procedure

constitutional criminal procedure

appellate procedure

QUESTIONS PRESENTED

1. Whether the trial court abused its discretion by denying defendant's motion for a mistrial after an officer testified that defendant had invoked his Miranda rights.
2. Whether a defendant's refusal of a proposed curative instruction permits the trial court to deny a mistrial without taking other corrective action when the jury is likely to infer guilt from an improper reference to the defendant's invocation of a constitutional right.

HOLDINGS

1. When an officer testifies that a defendant invoked the right to remain silent in circumstances where the jury is likely to infer guilt from that invocation, the reference is prejudicial.
2. When a defendant moves for a mistrial based on an improper reference to the invocation of a constitutional right and the jury is likely to infer guilt, the trial court may not simply deny the motion and take no corrective action.
3. The trial court abused its discretion by denying the mistrial motion without providing a curative instruction or otherwise curing the prejudicial effect of the officer's testimony.

KEY QUOTATIONS

“when a trial court does nothing, it would be error to affirm.” (350 Or. App. 657)

“the practical effect of our case law is that declaring a mistrial is likely the only permissible exercise of the trial court’s discretion” (350 Or. App. 658)

“it is the trial court—and not the defendant—that is required to “decide whether and how to cure the prejudicial effect of improper testimony”” (350 Or. App. 661)

FACTUAL BACKGROUND

Defendant was charged with fourth-degree assault constituting domestic violence after an alleged altercation with a person with whom he lived. During trial, an officer testified that, after arresting defendant and administering Miranda warnings, defendant "invoked his rights." Defendant moved for a mistrial, arguing that the testimony improperly called the jury's attention to his exercise of the right to remain silent. The trial court recognized that the testimony was improper and that it could suggest guilt, but denied the mistrial after defendant declined the court's offer of a curative instruction.

PROCEDURAL HISTORY

Snyder was charged and convicted in Multnomah County Circuit Court of one count of fourth-degree assault constituting domestic violence. During trial, an officer referred to defendant's invocation of his Miranda rights. Defendant moved for a mistrial, but the trial court denied the motion after defendant declined a curative instruction. The Court of Appeals reversed and remanded.

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

Further proceedings consistent with the opinion.

CASES CITED

- State v. Northey, 340 Or. App. 318, 330, 571 P.3d 219 (2025)
- State v. Veatch, 223 Or. App. 444, 462, 196 P.3d 45 (2008)
- State v. Kurz, 342 Or. App. 772, 785-786, 577 P.3d 866, rev. den., 374 Or. 616 (2025)
- State v. Evans, 211 Or. App. 162, 166-169, 154 P.3d 166 (2007), aff'd, 344 Or. 358 (2008)
- State v. Durant, 327 Or. App. 363, 368, 535 P.3d 808 (2023), rev. den., 374 Or. 143 (2025)
- State v. Smallwood, 277 Or. 503, 505-506, 561 P.2d 600, cert. den., 434 U.S. 849 (1977)
- State v. Schumacher, 315 Or. App. 298, 301, 304-307, 500 P.3d 698 (2021)
- State v. Castillo, 295 Or. App. 121, 127, 433 P.3d 467 (2018), rev. den., 364 Or. 749 (2019)
- Miranda v. Arizona, 384 U.S. 436, 467-468, 86 S. Ct. 1602, 16 L. Ed. 2d 694 (1966)
- State v. Ashbaugh, 330 Or. App. 680, 681, 686, 690, 544 P.3d 414, rev. den., 372 Or. 588 (2024)
- State v. White, 303 Or. 333, 342 n. 7, 736 P.2d 552 (1987)
- State v. Larson, 325 Or. 15, 22, 24-25, 933 P.2d 958 (1997)
- State v. Perez, 373 Or. 591, 606, 568 P.3d 940 (2025)
- State v. Chitwood, 370 Or. 305, 312, 518 P.3d 903 (2022)
- State v. Hunt, 297 Or. App. 597, 606, 442 P.3d 232 (2019)
- State v. Osorno, 264 Or. App. 742, 745, 333 P.3d 1163 (2014)
- State v. Hylton, 316 Or. App. 270, 271, 501 P.3d 1081 (2021)
- Barker v. Wingo, 407 U.S. 514, 527, 532, 92 S. Ct. 2182, 33 L. Ed. 2d 101 (1972)