

SUPREME COURT OF OREGON

State v. Shine

375 Or. 112 (2026) · No. CC 19CR42716; CA A178033; SC S071383 · Decided April 9, 2026

SUMMARY

The Oregon Supreme Court held that ORCP 59 B requires a trial court to orally state, at the close of evidence and before jury deliberations, all matters of law necessary for the jury to reach its verdict. The court rejected the state’s argument that ORCP 58 B permits the trial court to provide required instructions at different stages of trial without rereading them at the end. The decision affirmed the Court of Appeals, reversed the circuit court judgment, and remanded for further proceedings.

CASE DETAILS

COURT	Supreme Court of Oregon
WRITING FOR THE COURT	Garrett, J.
JURISDICTION	Supreme Court of Oregon
DECIDED	April 9, 2026
DOCKET	CC 19CR42716; CA A178033; SC S071383
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	The State petitioned for review of the Oregon Court of Appeals' decision reversing defendant's convictions and remanding for a new trial based on the trial court's failure to reread certain jury instructions orally at the close of evidence.
STANDARD OF REVIEW	The court reviewed the interpretation of ORCP 58 and ORCP 59 as a question of law and reviewed instructional error for harmlessness under whether the error probably created an erroneous impression of the law that may have affected the outcome.
PRECEDENTIAL VALUE	Published; precedential opinion of the Oregon Supreme Court
PARTIES	State of Oregon v. Derek Mitchell Shine

TOPICS

- jury instructions
- criminal procedure
- statutory interpretation
- harmless error
- appellate procedure

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether ORCP 59 B requires the trial court to orally state all matters of law necessary for the jury's information in giving its verdict at the conclusion of trial, even if those instructions were previously given orally at the beginning of trial and provided in writing.
2. Whether ORCP 58 permits a trial court to use preliminary instructions as a substitute for the complete oral jury charge required by ORCP 59 B.
3. Whether the trial court's failure to reread the necessary instructions was harmless error.

HOLDINGS

1. ORCP 59 B requires the trial court, at the conclusion of trial before deliberations, to orally state all matters of law necessary for the jury's information in giving its verdict.
2. Instructions given at the beginning of trial under ORCP 58 B(2) are in addition to, and cannot substitute for, the complete oral jury charge required at the close of trial by ORCP 59 B.
3. The trial court's failure to reread the required instructions orally at the close of trial was not harmless.

KEY QUOTATIONS

“For the foregoing reasons, we conclude, as did the Court of Appeals, that ORCP 59 B requires the trial court to “charge” the jury at the conclusion of trial by providing an oral statement of “all matters of law necessary for its information in giving its verdict.”” (129)

“We hold only that whatever instructions the court chooses to provide at the beginning of the trial must be in addition to, and not a substitute for, the complete oral statement that ORCP 59 B requires at the end.” (130)

“Nor is it enough that the principles addressed by the omitted instructions were discussed by the parties themselves, in their closing arguments. A party’s argument is not a substitute for instructions from the court.” (131)

FACTUAL BACKGROUND

The trial court gave preliminary jury instructions after jury selection, including instructions on the presumption of innocence, proof beyond a reasonable doubt, the defendant's statements and non-testimony, witness evaluation, inferences, direct and circumstantial evidence, and the definitions of knowingly and with knowledge. After the evidence closed, the court provided written final instructions but declined to reread those instructions orally because they had been read approximately one week earlier. Shine did not testify, and his defense argued that the State had failed to prove its case beyond a reasonable doubt.

PROCEDURAL HISTORY

The circuit court jury found Shine guilty on all counts after the court gave some instructions orally at the beginning of trial but declined to reread several necessary instructions at the close of evidence. The Court of Appeals held that Oregon Rule of Civil Procedure 59 B required the trial court to orally state all matters of law

necessary for the jury's verdict at the close of the case and concluded that the error was not harmless. The Oregon Supreme Court affirmed the Court of Appeals, reversed the circuit court judgment, and remanded for further proceedings.

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

The case was remanded to the Washington County Circuit Court for further proceedings following reversal of the circuit court judgment. The opinion does not specify additional instructions beyond the consequence of the nonharmless instructional error.

CASES CITED

- A.G. v. Guitron, 351 Or. 465, 471, 478-79, 268 P.3d 589 (2011)
- State v. Vanornum, 354 Or. 614, 619-20, 623, 317 P.3d 889 (2013)
- Friends of the Columbia Gorge v. Columbia River, 346 Or. 415, 426, 212 P.3d 1243 (2009)
- State v. Cloutier, 351 Or. 68, 96, 261 P.3d 1234 (2011)
- State v. Eastep, 361 Or. 746, 751 n. 2, 399 P.3d 979 (2017)
- Waddill v. Anchor Hocking, Inc., 330 Or. 376, 382 n. 2, 8 P.3d 200 (2000), adhered to on reconsideration, 331 Or. 595, 18 P.3d 1096 (2001)
- McCaffrey v. Glendale Acres, 250 Or. 140, 143 n. 2, 440 P.2d 219 (1968)
- State v. Johnson, 173 Ariz. 274, 276, 842 P.2d 1287 (1992)
- State v. Kinkade, 140 Ariz. 91, 94, 680 P.2d 801 (1984)
- State v. Ramoz, 367 Or. 670, 704-05, 483 P.3d 615 (2021)
- State v. Sperou, 365 Or. 121, 133, 442 P.3d 581 (2019)
- State v. Chitwood, 370 Or. 305, 318, 518 P.3d 903 (2022)
- United States v. Becerra, 939 F.3d 995, 1001 (9th Cir. 2019)
- Ossanna v. Nike, Inc., 365 Or. 196, 221, 445 P.3d 281 (2019)