

SUPREME COURT OF OREGON

State v. Williams

374 Or. 648 (2025) · No. S070834 · Decided December 30, 2025

SUMMARY

The Oregon Supreme Court held that third-degree robbery under ORS 164.395 requires the use or threatened use of physical force upon another person, meaning contact that causes bodily harm or is reasonably capable of creating a sense of fear or danger that such harm will occur. The court concluded that grabbing a motel keycard from a guest’s hand without touching or threatening the guest did not satisfy that standard. It reversed the Court of Appeals and the circuit court’s judgment in part and remanded for further proceedings.

CASE DETAILS

COURT	Supreme Court of Oregon
WRITING FOR THE COURT	DeHoog, J.
JURISDICTION	Supreme Court of Oregon
DECIDED	December 30, 2025
DOCKET	S070834
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	Defendant sought review of a nonprecedential Oregon Court of Appeals memorandum opinion affirming the circuit court's denial of his motion for judgment of acquittal on a third-degree robbery charge.
STANDARD OF REVIEW	When reviewing the denial of a motion for judgment of acquittal, the court views the evidence in the light most favorable to the state and determines whether the evidence would permit a rational trier of fact, drawing reasonable inferences, to find the elements of the charged crime beyond a reasonable doubt.
PRECEDENTIAL VALUE	Published, precedential Oregon Supreme Court opinion
PARTIES	Joshua Brandon Williams v. State of Oregon

TOPICS

- statutory interpretation
- legislative history
- criminal procedure
- appellate procedure
- standard of review

PRACTICE AREAS

criminal law

criminal procedure

appellate law

QUESTIONS PRESENTED

1. What conduct constitutes the use or threatened immediate use of physical force upon another person under Oregon's third-degree robbery statute, ORS 164.395(1)?
2. Whether taking a motel keycard from a person's hand without touching or threatening the person constituted physical force sufficient to support a third-degree robbery conviction.
3. Whether the trial court erred in denying defendant's motion for judgment of acquittal.

HOLDINGS

1. The phrase physical force upon another person encompasses contact with another person that either causes bodily harm or is reasonably capable of creating a sense of fear or danger that such harm will occur. It requires more than any degree of bodily force, although it need not be violent.
2. The evidence that defendant quickly took a motel keycard from RH's hand, without causing bodily harm, touching RH's hand, threatening RH, or creating a reasonable fear or danger of bodily harm, was insufficient to establish the physical-force element of third-degree robbery.

KEY QUOTATIONS

“we conclude that “physical force upon another person “ means contact with another person that either causes bodily harm to the person or is reasonably capable of creating a sense of fear or danger that such harm will occur.” (at 656)

“It follows that the legislative history strongly supports the same interpretation of “physical force” that our examination of the text and context led us to. That is, to qualify as a “use or threatened use of physical force,” a person’s conduct must cause or create a heightened risk of the same kinds of harms that an actual or threatened assault causes or creates.” (at 680-81)

FACTUAL BACKGROUND

Joshua Brandon Williams followed motel guest RH to a motel entrance, where RH used a keycard to unlock the door. Williams quickly took the keycard from RH's hand without touching RH's hand, threatening him, or otherwise engaging in a physical altercation, and then ran into the motel. RH told police that there had been no physical altercation, and the investigating officer found no evidence of direct contact with RH's hand. RH's response was to suggest that Williams go to the front desk to resolve the matter, rather than to react as though he feared bodily harm.

PROCEDURAL HISTORY

Defendant was charged in Baker County Circuit Court with third-degree robbery and first-degree criminal trespass. After the state rested, defendant moved for judgment of acquittal, arguing that the evidence did not establish the required use or threatened use of physical force. The circuit court denied the motion, and the Court

of Appeals affirmed on the ground that its precedent in *State v. Johnson* controlled. The Oregon Supreme Court allowed review, reversed the Court of Appeals and reversed the circuit court's judgment in part, and remanded.

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

The Court of Appeals decision is reversed, the circuit court judgment is reversed in part, and the case is remanded to the circuit court for further proceedings. The court rejected the state's proposed instruction to enter a conviction for attempted third-degree robbery because the evidence also failed to show an intentional attempted use or threatened use of physical force.

CASES CITED

- *State v. Johnson*, 215 Or. App. 1, 5-6, 168 P.3d 312 (2007), rev. denied, 343 Or. 366 (2007)
- *State v. Civil*, 283 Or. App. 395, 417, 388 P.3d 1185 (2017)
- *State v. Hamilton*, 348 Or. 371, 378-79, 233 P.3d 432 (2010)
- *State v. Marshall*, 350 Or. 208, 221, 253 P.3d 1017 (2011)
- *State v. Wallace*, 373 Or. 122, 125-26, 561 P.3d 602 (2024)
- *State v. PGE v. Bureau of Labor and Industries*, 317 Or. 606, 611, 859 P.2d 1143 (1993)
- *State v. Gaines*, 346 Or. 160, 171-72, 178, 206 P.3d 1042 (2009)
- *State v. Hall*, 327 Or. 568, 573-74, 966 P.2d 208 (1998)
- *State v. White*, 346 Or. 275, 289-90, 211 P.3d 248 (2009)
- *State v. Zweigart*, 344 Or. 619, 632-33, 188 P.3d 242 (2008)