

# OREGON COURT OF APPEALS

## State v. Farnham

350 Or. App. 228 (2026) · No. A187134 · Decided June 3, 2026

### SUMMARY

The Oregon Court of Appeals dismissed as moot Michael Daniel Farnham’s appeal concerning the length of a driver’s license suspension imposed after his convictions for felony fleeing or attempting to elude, misdemeanor unlawful possession of methamphetamine, and misdemeanor driving while suspended or revoked. The court also declined to exercise discretionary review of the moot issue because the same argument had previously been rejected in State v. Farnham, 341 Or App 787 (2025).

### CASE DETAILS

|                       |                                                                                                                                                                                                                                                   |
|-----------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| COURT                 | Oregon Court of Appeals                                                                                                                                                                                                                           |
| WRITING FOR THE COURT | Egan, J.; Lagesen, Chief Judge; Egan, Judge                                                                                                                                                                                                       |
| JURISDICTION          | Oregon Court of Appeals                                                                                                                                                                                                                           |
| DECIDED               | June 3, 2026                                                                                                                                                                                                                                      |
| DOCKET                | A187134                                                                                                                                                                                                                                           |
| DISPOSITION           | dismissed                                                                                                                                                                                                                                         |
| PROCEDURAL POSTURE    | Defendant appealed a judgment of conviction and the resulting one-year revocation of his driving privileges, arguing that the trial court should have imposed only a 90-day suspension. The Oregon Court of Appeals dismissed the appeal as moot. |
| PRECEDENTIAL VALUE    | Published Oregon Court of Appeals opinion                                                                                                                                                                                                         |
| PARTIES               | Michael Daniel Farnham v. State of Oregon                                                                                                                                                                                                         |

### TOPICS

- mootness
- appellate procedure
- criminal procedure
- statutory interpretation

### PRACTICE AREAS

- Criminal appellate procedure
- Driver's-license revocation
- Statutory interpretation

### QUESTIONS PRESENTED

1. Whether the appeal challenging the duration of defendant's driver's-license revocation was moot after the one-year revocation period expired.
2. Whether the court should exercise its discretion under ORS 14.175 to review the otherwise moot issue even though the same legal issue had already been resolved in *State v. Farnham*.

## HOLDINGS

1. The appeal was moot because more than one year had elapsed since defendant's driver's license was revoked.
2. Even assuming the statutory prerequisites for review of a moot issue were satisfied, the court declined to exercise its discretion because the same legal issue had already been resolved in *State v. Farnham*.

## KEY QUOTATIONS

“Consequently, we dismiss this appeal as moot.” (229)

## FACTUAL BACKGROUND

Defendant was convicted of felony fleeing or attempting to elude a police officer, misdemeanor unlawful possession of methamphetamine, and misdemeanor driving while suspended or revoked. The conviction for fleeing or attempting to elude resulted in a one-year revocation of defendant's driving privileges. Defendant challenged the duration of the revocation, contending that ORS 809.411 required only a 90-day suspension, but the revocation period had expired by the time the appellate court considered the appeal.

## PROCEDURAL HISTORY

The Coos County Circuit Court entered convictions for felony fleeing or attempting to elude a police officer, misdemeanor unlawful possession of methamphetamine, and misdemeanor driving while suspended or revoked. Based on the fleeing conviction, the circuit court revoked defendant's driving privileges for one year. Defendant appealed, but by the time of appellate review the one-year revocation had expired. The court dismissed the appeal as moot and declined to exercise discretionary review under ORS 14.175.

## DISPOSITION

dismissed

## CASES CITED

- *State v. Farnham*, 341 Or. App. 787, 575 P.3d 196, rev. denied, 374 Or. 593 (2025)
- *Bloomgarden v. Betschart*, 313 Or. App. 804, 807-08, 498 P.3d 338 (2021), rev. denied, 369 Or. 504 (2022)

## OPINION

*State v. Farnham* 350 Or. App. 228

PER CURIAM.

228 June 3, 2026 No. 481

IN THE COURT OF APPEALS OF THE  
STATE OF OREGON  
STATE OF OREGON,  
Plaintiff-Respondent, v.  
MICHAEL DANIEL FARNHAM,  
Defendant-Appellant. Coos County Circuit Court  
25CR01969; A187134

Andrew E. Combs, Judge. Submitted April 10, 2026. Ernest G. Lannet, Chief Defender, Criminal Appellate Section, and Meredith Allen, and Deputy Public Defender, Oregon Public Defense Commission, filed the brief for appellant. Dan Rayfield, Attorney General, Paul L. Smith, Solicitor General, and Colm Moore, Assistant Attorney General, filed the brief for respondent. Before Lagesen, Chief Judge, and Egan, Judge.\* EGAN, J. Appeal dismissed as moot. \_\_\_\_\_ \* Determined by a two-judge department as authorized by ORS 2.570(2)(b). Cite as 350 Or App 228 (2026) 229 EGAN, J. Defendant appeals a judgment of conviction for one count of felony fleeing or attempting to elude a police officer, ORS 811.540, one count of misdemeanor unlawful possession of methamphetamine, ORS 475.894, and one count of misdemeanor driving while suspended or revoked, ORS 811.182. As a result of his conviction for fleeing or attempting to elude a police officer, the trial court revoked defendant's driving privileges under ORS 811.409 for one year. On appeal, in his only assignment of error, defendant contends that the trial court erred "when it imposed a one-year driver's license suspension," because ORS 809.411 required the trial court to suspend his license for only 90 days. We dismiss the appeal as moot. Defendant concedes that the argument he makes in this case he also made in *State v. Farnham*, 341 Or App 787, 575 P3d 196, rev den, 374 Or 593 (2025), that the argument was rejected by this court in *Farnham*, and that "*Farnham* controls." We agree with that assessment.<sup>1</sup> But because defendant's license was revoked for a year, and it has been over "a year since defendant's license was revoked," this case "is \* \* \* moot." *Id.* at 789. Further, even assuming the prerequisites to review a moot issue under ORS 14.175 are satisfied in this case, see *Farnham*, 341 Or App at 789 (concluding the prerequisites for review under ORS 14.175 were satisfied by the same legal issue that is presented in this case), we would decline to exercise our discretion to review the issue presented in this case because it was resolved in *Farnham*, see *Bloomgarden v. Betschart*, 313 Or App 804, 807-08, 498 P3d 338 (2021), rev den, 369 Or 504 (2022) (where the arguments were "largely, if not entirely, the same arguments presented and rejected" in a recent decision, the court saw "no need to exercise our discretion under ORS 14.175 to again address them \* \* \* as they have now not evaded our review"). Consequently, we dismiss this appeal as moot. Appeal dismissed as moot. <sup>1</sup> We note that, at the time defendant filed his brief in this case, the Supreme Court had not yet denied review in *Farnham*.

