

OREGON COURT OF APPEALS

State v. Farnham

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

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 We agree with that assessment.¹ But because defendant's license was revoked for a year, and it has been over "a year since defendant's license was revoked," this case "is * * * moot."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. 1 We note that, at the time defendant filed his brief in this case, the Supreme Court had not yet denied review in *Farnham*.