

OREGON COURT OF APPEALS

City of Eugene v. Hejazi

349 Or. App. 409 (2026) · No. A184491 (Control), A184509, A186553 · Decided May 13, 2026

SUMMARY

The Oregon Court of Appeals held that the circuit court violated Hamid Michael Hejazi's right to counsel under Article I, section 11, of the Oregon Constitution by dismissing his appeals from municipal court convictions before counsel had been assigned to assist him. The court also concluded that it had jurisdiction under former ORS 221.360 because Hejazi's arguments could be understood as constitutional challenges to the municipal ordinances. The court reversed and remanded both judgments of dismissal.

CASE DETAILS

COURT	Oregon Court of Appeals
WRITING FOR THE COURT	Tookey, Presiding Judge; Kamins, Judge; Jacquot, Judge
JURISDICTION	Oregon Court of Appeals
DECIDED	May 13, 2026
DOCKET	A184491 (Control), A184509, A186553
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	Defendant appealed two Lane County Circuit Court judgments dismissing his appeals from Eugene Municipal Court convictions. The Court of Appeals considered whether it had jurisdiction and whether dismissal before appointment of counsel violated defendant's constitutional right to counsel.
STANDARD OF REVIEW	The court reviewed the legal questions of appellate jurisdiction, preservation, and constitutional entitlement to counsel for legal error. It assessed harmlessness under Oregon's standard requiring reversal when the court cannot determine that the outcome would have been unchanged absent the error.
PRECEDENTIAL VALUE	published and precedential
PARTIES	Hamid Michael Hejazi v. City of Eugene

TOPICS

right to counsel

appellate jurisdiction

preservation of error

harmless error

criminal procedure

PRACTICE AREAS

criminal procedure

appellate procedure

constitutional law

municipal law

QUESTIONS PRESENTED

1. Whether the Court of Appeals had jurisdiction under former ORS 221.360 (2023) to review appeals involving constitutional challenges to municipal ordinances.
2. Whether the circuit court violated defendant's right to counsel under Article I, section 11, of the Oregon Constitution by dismissing his appeals before an attorney had been assigned to assist him.
3. Whether any error was harmless when the court could not determine what arguments defendant might have presented with the assistance of counsel.

HOLDINGS

1. Former ORS 221.360 (2023) did not bar jurisdiction because defendant's arguments, considered in the context of the record and the parties' appellate arguments, could be understood as challenging the constitutionality of the municipal ordinances under which he was convicted.
2. The circuit court violated defendant's right to counsel under Article I, section 11, of the Oregon Constitution when it dismissed his appeals before an attorney had been assigned to assist him in responding to the City's dispositive motions.
3. The denial of counsel was not harmless because the court could not rule out that the lack of counsel affected the course or outcome of the cases.

KEY QUOTATIONS

“On the merits, we agree with defendant that when the circuit court dismissed the appeals without a hearing, and before defendant had been assigned an attorney to assist him in responding to the motions, the circuit court violated defendant’s right to counsel.” (349 Or. App. at 416)

“Here, defendant’s legal interests were at risk of prejudice because the city had filed motions seeking dismissal of his appeals.” (349 Or. App. at 416-417)

“Because we cannot rule that out that the lack of assistance of counsel may have affected the course of his cases, we conclude that the dismissal of these cases in the circuit court before defendant had the assistance of counsel to respond to the motions was not harmless.” (349 Or. App. at 418)

FACTUAL BACKGROUND

In February 2024, Hejazi was arrested after being asked to move the tent in which he was sleeping and was charged in Eugene Municipal Court with municipal code violations, including menacing. He entered an Alford guilty plea to menacing, received a 28-day jail sentence and one year of probation, and appealed to the circuit court. In a second case, he pleaded guilty to disorderly conduct, received one year of probation, and likewise

appealed. In both appeals, the circuit court purported to appoint a public-defense entity but dismissed the appeals before an attorney was assigned and without holding a hearing on the City's dismissal motion.

PROCEDURAL HISTORY

Hejazi pleaded guilty in Eugene Municipal Court to menacing in Case No. 24CR16542 and disorderly conduct in Case No. 24CR57085. He appealed both municipal court convictions to the Lane County Circuit Court. Although the circuit court entered orders purporting to appoint counsel, no attorney had been assigned when the City moved to dismiss the appeals, and the circuit court granted both motions without a hearing. The Court of Appeals reversed and remanded both judgments.

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

Reverse both general judgments of dismissal and remand to the circuit court to provide defendant an opportunity to respond to the City's motions to dismiss with the assistance of counsel. The circuit court may reconsider dismissal after receiving arguments from both sides.

CASES CITED

- State v. Roberts, 374 Or. 821, 584 P.3d 1217 (2026)
- City of Lowell v. Wilson, 197 Or. App. 291, 105 P.3d 856 (2005), rev den, 339 Or. 406 (2005)
- City of Salem v. Polanski, 202 Or. 504, 276 P.2d 407 (1954)
- City of Eugene v. Hejazi, 296 Or. App. 204, 437 P.3d 324 (2019), rev den, 365 Or. 192 (2019)
- City of Eugene v. Morrison, 333 Or. App. 730, 554 P.3d 821 (2024)
- Dillard v. Premo, 296 Or. App. 798, 803, 441 P.3d 609 (2019)
- City of Klamath Falls v. Winters, 289 Or. 757, 619 P.2d 217 (1980)
- Stevenson v. Holzman, 254 Or. 94, 458 P.2d 414 (1969)
- State v. Stanton, 369 Or. 707, 511 P.3d 1 (2022)
- State v. Phillips, 235 Or. App. 646, 234 P.3d 1030 (2010), modified on recons, 236 Or. App. 465, 236 P.3d 789 (2010)
- North Carolina v. Alford, 400 U.S. 25, 91 S. Ct. 160, 27 L. Ed. 2d 162 (1970)
- State v. B. J. P., 339 Or. App. 134, 138, 566 P.3d 1187 (2025)