

COURT OF APPEALS OF OREGON

State v. Breshears

347 Or. App. 645 (2026) · No. A181181 · Decided March 11, 2026

SUMMARY

The Oregon Court of Appeals affirmed Daniel Lowell Breshears's convictions for attempted first-degree sexual abuse, endangering the welfare of a minor, and public indecency. The court held that the evidence, including surveillance footage, testimony, and a prior conviction, was legally sufficient for a reasonable factfinder to conclude that defendant intended to induce the child to touch his penis and took a substantial step toward doing so.

CASE DETAILS

COURT	Court of Appeals of Oregon
WRITING FOR THE COURT	Kistler, Senior Judge; Ortega, Presiding Judge; Hellman, Judge
JURISDICTION	Oregon Court of Appeals
DECIDED	March 11, 2026
DOCKET	A181181
DISPOSITION	affirmed
PROCEDURAL POSTURE	Defendant appealed his judgment of conviction for attempted first-degree sexual abuse, endangering the welfare of a minor, and public indecency, challenging the denial of his motion for judgment of acquittal on the attempted-sexual-abuse charge and raising three additional assignments of error concerning the judgment.
STANDARD OF REVIEW	The court viewed the evidence in the light most favorable to the state, drew all reasonable inferences in the state's favor, and asked whether a reasonable trier of fact could find the essential elements of the offense beyond a reasonable doubt.
PRECEDENTIAL VALUE	published
PARTIES	Daniel Lowell Breshears v. State of Oregon

TOPICS

- criminal procedure
- evidence
- standard of review
- appellate procedure
- mootness

PRACTICE AREAS

criminal law

criminal procedure

evidence

appellate practice

QUESTIONS PRESENTED

1. Whether the evidence was legally sufficient for a reasonable trier of fact to find that defendant intended to cause the child to touch his penis and took a substantial step toward doing so, as required for attempted first-degree sexual abuse.
2. Whether the amended judgment mooted defendant's remaining three assignments of error.

HOLDINGS

1. The evidence was legally sufficient for a reasonable trier of fact to find that defendant intended to induce the child to touch his penis and took a substantial step toward achieving that objective. The trial court therefore correctly denied defendant's motion for judgment of acquittal.
2. The amended judgment mooted defendant's remaining three assignments of error.

KEY QUOTATIONS

“In our view, the more difficult question for the state is whether a reasonable juror could find that defendant had the requisite intent, and we begin with that issue.” (649)

“But a reasonable trier of fact could find that defendant’s intent in stepping toward the child as the child started to get down from the bench was to give child the opportunity to touch his penis, which defendant had been holding out to him.” (650)

“There is ample evidence from which a trier of fact reasonably could find that defendant took a substantial step toward inducing the child to touch his penis.” (651)

FACTUAL BACKGROUND

Defendant approached a three-year-old child in a laundromat while exposing and shaking his penis, repeatedly moving toward the child and positioning himself within approximately a foot of the child's face. Surveillance footage and an officer's testimony showed that defendant focused on the child, checked the surrounding area, and moved closer when the child stepped off a bench. The child ultimately went to his mother and reported that defendant had shaken his penis at him. The trial court also admitted defendant's prior conviction arising from placing his penis on a sleeping child's face.

PROCEDURAL HISTORY

The Union County Circuit Court denied defendant's motion for judgment of acquittal and entered a judgment of conviction. After defendant filed his opening brief, the trial court entered an amended judgment; the parties agreed that the amended judgment mooted the remaining three assignments of error. The Oregon Court of Appeals affirmed.

DISPOSITION

affirmed

CASES CITED

- State v. Miller, 345 Or. App. 617, 618 n. 1, ___ P.3d ___ (2025)
- State v. Martin-Thanislaus, 332 Or. App. 601, 602, 549 P.3d 1288 (2024)
- State v. Williams, 357 Or. 1, 346 P.3d 455 (2015)
- Dorn-Privett v. Brown, 329 Or. App. 783, 786, 542 P.3d 62 (2023), rev. denied, 372 Or. 560 (2024)
- State v. O'Hare, 309 Or. App. 357, 365-66, 481 P.3d 953 (2021)

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