

SUPREME COURT OF OREGON

State v. Williams

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

SUMMARY

The Oregon Supreme Court held that “physical force upon another person” under Oregon’s third-degree robbery statute requires 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. The court concluded that grabbing a motel keycard from the victim’s hand without touching, threatening, or otherwise engaging in a physical altercation did not satisfy that standard. The court 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PROCEDURAL POSTURE	Defendant sought review of a nonprecedential Oregon Court of Appeals memorandum opinion affirming the denial of his motion for judgment of acquittal on a third-degree robbery charge.
STANDARD OF REVIEW	Because the issue arose from the denial of a motion for judgment of acquittal, the court viewed the evidence in the light most favorable to the State and considered whether a rational factfinder could find the charged crime's elements beyond a reasonable doubt.
PRECEDENTIAL VALUE	published and precedential
PARTIES	Joshua Brandon Williams v. State of Oregon

TOPICS

- statutory interpretation
- criminal procedure
- appellate procedure
- standard of review
- mens rea

PRACTICE AREAS

QUESTIONS PRESENTED

1. What degree of contact or conduct constitutes 'physical force upon another person' under Oregon's third-degree robbery statute, ORS 164.395(1)?
2. Whether the evidence that Williams grabbed a motel keycard from RH's hand, without otherwise touching or threatening RH, was sufficient to prove third-degree robbery beyond a reasonable doubt.
3. Whether the evidence was sufficient to support attempted third-degree robbery if it was insufficient to support completed robbery.

HOLDINGS

1. The phrase 'physical force upon another person' means 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 the force need not be violent.
2. The evidence was insufficient to establish that Williams used or threatened the immediate use of physical force upon RH. No rational juror could find that briefly grabbing the keycard, without bodily harm, direct contact with RH's hand, threats, or circumstances creating a sense of fear or danger, satisfied ORS 164.395(1).
3. The record did not support remand for entry of a conviction for attempted third-degree robbery because the evidence also failed to show that Williams intentionally attempted to use or threaten the use of physical force.

KEY QUOTATIONS

"Rather, based on the text, context, and legislative history of ORS 164.395, we conclude that the legislature intended "physical force upon another person" to encompass 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." (650)

"Although such force need not be "violent," as defendant argues, it necessarily requires more than just "any degree" of force." (681)

FACTUAL BACKGROUND

A motel guest, RH, removed his keycard from his pocket and used it to unlock a motel door while Williams stood nearby. Williams grabbed the keycard from RH's hand without touching RH's hand, making any verbal threat, or engaging in a physical altercation, and then ran into the motel. RH testified that Williams said nothing during the encounter, and the investigating officer found no evidence of direct contact with RH's hand. Williams was charged with third-degree robbery under ORS 164.395, and the State relied on the grabbing of the keycard as the alleged use or threatened use of physical force.

PROCEDURAL HISTORY

The Baker County Circuit Court denied Williams's motion for judgment of acquittal after the State presented evidence that he grabbed a motel guest's keycard from the guest's hand and ran away. The Court of Appeals affirmed, concluding that its precedent in *State v. Johnson* foreclosed the sufficiency challenge. The Oregon Supreme Court allowed review, reversed the Court of Appeals and reversed the circuit court judgment in part, remanding for further proceedings.

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

The Court of Appeals decision was reversed, the circuit court judgment was reversed in part, and the case was remanded to the circuit court for further proceedings. The court rejected the State's request to remand with instructions to enter a conviction for attempted third-degree robbery.

CASES CITED

- *State v. Wallace*, 373 Or. 122, 125-26, 561 P.3d 602 (2024)
- *State v. Johnson*, 215 Or. App. 1, 5-6, 168 P.3d 312, rev. den., 343 Or. 366 (2007)
- *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)
- *PGE v. Bureau of Labor and Industries*, 317 Or. 606, 859 P.2d 1143 (1993)
- *State v. Gaines*, 346 Or. 160, 171-72, 206 P.3d 1042 (2009)
- *State v. Eggers*, 372 Or. 789, 798-99, 558 P.3d 830 (2025)
- *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, 622-23, 632-33, 188 P.3d 242 (2008)
- *State v. Gonzalez-Valenzuela*, 358 Or. 451, 461, 365 P.3d 116 (2015)
- *State v. Cloutier*, 351 Or. 68, 96, 99, 261 P.3d 1234 (2011)
- *State v. White*, 346 Or. 275, 211 P.3d 248 (2009)
- *State v. Carpenter*, 365 Or. 488, 497 n.4, 446 P.3d 1273 (2019)
- *State v. Haley*, 371 Or. 108, 121, 531 P.3d 142 (2023)
- *Merrill v. Gladden*, 216 Or. 460, 463-64, 337 P.2d 774 (1959)
- *State v. Broom*, 135 Or. 641, 646, 297 P. 340 (1931)
- *State v. Wilson*, 218 Or. 575, 582-83, 346 P.2d 115 (1959)
- *State v. Garcias*, 296 Or. 688, 692-93, 679 P.2d 1354 (1984)
- *Comcast Corp. v. Department of Revenue*, 356 Or. 282, 296, 337 P.3d 768 (2014)
- *Zimmerman v. Allstate Property and Casualty Insurance*, 354 Or. 271, 280, 311 P.3d 497 (2013)
- *Marshall v. PricewaterhouseCoopers, LLP*, 371 Or. 536, 541, 539 P.3d 766 (2023)

- State v. Civil, 283 Or. App. 395, 417, 388 P.3d 1185 (2017)

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