

COURT OF APPEALS OF OREGON

State v. Williamson

345 Or. App. 506 (2025) · No. A181498 · Decided December 10, 2025

SUMMARY

The Oregon Court of Appeals affirmed the denial of Lloyd H. Williamson’s petition for DUII diversion. The court held that although prior DUII convictions outside the 15-year statutory eligibility period were not automatically disqualifying, the trial court could consider them, as well as a prior DUII arrest that did not result in conviction, when exercising its discretion under ORS 813.220. The court concluded that the trial court did not abuse its discretion in determining that diversion would not benefit the defendant and the community.

CASE DETAILS

COURT	Court of Appeals of Oregon
WRITING FOR THE COURT	Pagán, J.; Shorr, Presiding Judge; Powers, Judge; Pagán, Judge
JURISDICTION	Oregon Court of Appeals
DECIDED	December 10, 2025
DOCKET	A181498
DISPOSITION	affirmed
PROCEDURAL POSTURE	Defendant appealed from a judgment entered after a conditional guilty plea to driving under the influence of intoxicants, reserving the issue whether the trial court improperly denied his petition for DUII diversion.
STANDARD OF REVIEW	The denial of DUII diversion after eligibility is established is reviewed for abuse of discretion. A trial court abuses its discretion when its decision rests on an erroneous legal predicate or a factual determination lacking sufficient evidentiary support.
PRECEDENTIAL VALUE	published precedential opinion
PARTIES	Lloyd H. Williamson v. State of Oregon

TOPICS

- criminal procedure
- statutory interpretation
- appellate procedure
- standard of review
- evidence

PRACTICE AREAS

criminal law

criminal procedure

DUII diversion

statutory interpretation

appellate procedure

QUESTIONS PRESENTED

1. Whether ORS 813.215's 15-year eligibility period prevents a trial court from considering DUII convictions occurring outside that period when exercising discretion under ORS 813.220.
2. Whether the trial court could consider a prior DUII arrest that did not result in a conviction when deciding whether diversion would benefit the defendant and the community.
3. Whether the trial court abused its discretion by denying DUII diversion based on defendant's prior DUII history.

HOLDINGS

1. Once a defendant establishes eligibility for DUII diversion, the trial court may consider DUII convictions outside the 15-year statutory window as part of its discretionary assessment under ORS 813.220.
2. The trial court may consider a prior DUII arrest that did not result in a conviction when exercising discretion over diversion, provided the court recognizes the arrest's limited significance and relies on it as part of the overall record.
3. The trial court did not abuse its discretion in denying defendant's diversion petition.

KEY QUOTATIONS

“From the text, context, and legislative history, we conclude that DUII convictions outside the 15-year window may be considered as part of a court’s discretionary assessment of diversion.” (512)

“The trial court did not abuse its discretion.” (513)

FACTUAL BACKGROUND

Williamson pleaded guilty to DUII based on a 2022 incident. He had prior DUII convictions from 1986 and 1990, completed DUII diversion in 1980, and was arrested for DUII in 2018, although the 2018 charges were dismissed for lack of evidence. The trial court determined that he was eligible for diversion under ORS 813.215 but denied diversion after concluding that it would not benefit him.

PROCEDURAL HISTORY

Williamson pleaded guilty conditionally to DUII arising from a 2022 incident and reserved his right to appeal the denial of diversion. The Lincoln County Circuit Court found him eligible for diversion but denied the petition after determining that diversion would not benefit him. The Oregon Court of Appeals assumed without deciding that the issue was preserved and affirmed.

DISPOSITION

affirmed

CASES CITED

- State v. Wright, 204 Or. App. 724, 726, 131 P.3d 838 (2006)
- Espinoza v. Evergreen Helicopters, Inc., 359 Or. 63, 117, 376 P.3d 960 (2016)
- Ploplys v. Bryson, 188 Or. App. 49, 58, 69 P.3d 1257 (2003)
- State v. Gaines, 346 Or. 160, 164, 173, 206 P.3d 1042 (2009)
- Benjamin v. O'Donnell, 372 Or. 764, 769, 557 P.3d 1089 (2024)
- State v. Dendurent, 64 Or. App. 575, 579, 669 P.2d 361 (1983)
- State v. Sullivan, 342 Or. App. 210, 219, 577 P.3d 331 (2025)

Retrieved from lawtools.ai · <https://lawtools.ai/cases/state/oregon-court-of-appeals-court-of-appeals-of-oregon/2025/state-v-williamson-y9t2kada>