

COURT OF APPEALS OF OREGON

State v. Mayse

346 Or. App. 795 (2026) · No. A181693 · Decided February 4, 2026

SUMMARY

The Oregon Court of Appeals affirmed Christina Lynn Mayse’s convictions for computer crime and first-degree theft. The court held that Mayse’s appellate arguments concerning the computer-crime charge were unpreserved and that any error was not plain under the governing statutory interpretation. The court also concluded that the evidence was sufficient for a rational factfinder to infer that Mayse committed theft of \$1,000 or more.

CASE DETAILS

COURT	Court of Appeals of Oregon
WRITING FOR THE COURT	Shorr, Presiding Judge; Powers, Judge; O'Connor, Judge
JURISDICTION	Oregon Court of Appeals
DECIDED	February 4, 2026
DOCKET	A181693
DISPOSITION	affirmed
PROCEDURAL POSTURE	Defendant appealed from a judgment of conviction for computer crime and first-degree theft, challenging the trial court's denial of her motions for judgment of acquittal on both counts.
STANDARD OF REVIEW	The denial of a motion for judgment of acquittal is reviewed by viewing the facts in the light most favorable to the state and determining whether a rational trier of fact could have found the essential elements of the crime proved beyond a reasonable doubt. A statutory interpretation issue is reviewed for legal error. Unpreserved claims are reviewed, if at all, for discretionary plain error; plain error must be an error of law, obvious and not reasonably in dispute, and apparent on the record without choosing among competing inferences.
PRECEDENTIAL VALUE	Published and precedential
PARTIES	Christina Lynn Mayse v. State of Oregon

TOPICS

criminal procedure

appellate procedure

preservation of error

standard of review

statutory interpretation

PRACTICE AREAS

criminal law

criminal procedure

appellate practice

QUESTIONS PRESENTED

1. Whether the trial court plainly erred by denying defendant's motion for judgment of acquittal on the computer-crime charge where defendant argued that she did not use the point-of-sale system for the purpose of committing theft under ORS 164.377(2)(c).
2. Whether the evidence was sufficient to permit a rational factfinder to find that defendant committed first-degree theft of \$1,000 or more under ORS 164.055(1)(a).

HOLDINGS

1. The trial court did not plainly err because defendant's argument that her use of the point-of-sale system could not constitute computer crime was unpreserved and, in light of *State v. Azar* and the evidence, it was not obvious or reasonably undisputed that the conduct fell outside ORS 164.377(2)(c).
2. The trial court correctly denied defendant's motion for judgment of acquittal because, viewed in the light most favorable to the state, the evidence permitted a rational factfinder to infer that defendant took \$1,000 or more from the store.

KEY QUOTATIONS

*"[F]or a person's use or accessing of a computer to be 'for the purpose of * * * [c]ommitting theft' under ORS 164.377(2)(c), the theft at issue must either interfere with another's property rights in—or electronically located on—a computer, computer system, or computer network, or depend on such computer technology as the means of accessing the thing that the person seeks to unlawfully obtain."* (798)

"An error is "plain" when it is an error of law, obvious and not reasonably in dispute, and apparent on the record without requiring the court to choose among competing inferences." (798)

FACTUAL BACKGROUND

Defendant, a 7-Eleven employee, accepted cash from customers and aborted the transactions on the store's point-of-sale system, causing the cash not to register while customers left with merchandise. She generally placed the cash separately in the register, and video evidence showed at least one instance in which she took and concealed the cash in her personal belongings. The store detected no corresponding cash overages, and an investigation identified \$4,775.43 in aborted transactions associated with defendant, including \$1,436.51 during the period for which video evidence was available.

PROCEDURAL HISTORY

The state charged defendant with computer crime under ORS 164.377 and first-degree theft under ORS 164.055(1)(a). After the state presented its case, defendant moved for judgment of acquittal on both counts; the

circuit court denied the motions, and the jury found her guilty as charged. The Oregon Court of Appeals affirmed.

DISPOSITION

affirmed

CASES CITED

- State v. Cassidy, 331 Or. App. 69, 72-73, 545 P.3d 203, rev. denied, 372 Or. 763 (2024)
- State v. Wyatt, 331 Or. 335, 341, 15 P.3d 22 (2000)
- State v. Vanorum, 354 Or. 614, 629, 317 P.3d 889 (2013)
- State v. Azar, 372 Or. 163, 181, 183-84, 547 P.3d 788 (2024)
- State v. Reyes-Camarena, 330 Or. 431, 436, 7 P.3d 522 (2000)