



Judge rules Seneca pot search illegal

Decision leads to dismissal of three cases

By **Scotta Callister**
Blue Mountain Eagle

CANYON CITY — Three controversial marijuana cases were dismissed last week after the Grant County Circuit Court judge tossed out evidence from a search last June in Seneca.

In his April 9 order, Judge William D. Cramer Jr. said the search was illegal because neither person on the property at the time had au-

thority to grant consent.

The ruling brought an end to the state's prosecution against Joy Maxine Graves, Raymond Martin, and a third man, Kenny Walters, who fled at the start of the case.

Attorneys for Graves and Martin successfully challenged the warrantless search. In a hearing earlier this month, they argued that Grant County Sheriff Glenn Palmer and a deputy didn't get clear permission to enter the property for the search, and

that they entered without knowing whether Martin and Walters had the authority let them in.

In a letter supporting his decision, Cramer said law enforcement video presented in the motion hearing did not show Martin consenting to the search.

"At one point, Sheriff Palmer engages him in conversation, asks if there is a gate, goes to the gate, opens it and steps through the gate onto the property," Cramer wrote. "At this point, no permission to enter or search has been given."

Cramer also addressed the issue of authority to consent, and he found the officers did not establish that authority before the search. He found that Palmer provided no basis for his conclusion that Walters and Martin were living on the property.

The judge said the crux of the issue came down to whether law enforcement must determine the person's authority before entering the property, or if they can rely on facts established during or after the search. He said the case law that addresses that issue indicates it must be

established first, or the basis for the search is insufficient.

In this case, Graves, the property owner, was not at the site at the time. Cramer held that the officers didn't "sufficiently inquire and establish" whether the two men were living on the property and had authority.

Cramer wrote that interviews and statements suggest the officers had information to establish probable cause for a warrant, but "that cannot justify a warrantless search."

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Shelly Whale, Heart of Grant County executive director, leads people on the walk to the Grant County Library.

AWARENESS SHINES

Folks of all ages turn out for annual 'Light up the Night' candlelight vigil

By **Cheryl Hoefler**
Blue Mountain Eagle



People gather around a fire pit in front of The Corner Cup prior to last Saturday night's walk. Contributed photos/Colleen Clark

JOHN DAY — People of all ages turned out last Saturday, April 11, to shine the light on domestic abuse awareness at the "Light up the Night" candlelight vigil.

Most of those attending walked with candles and glowsticks from The Corner Cup at the stoplight in John Day to the Grant County Library, and back. Participants also planted pinwheel "Prevention Gardens," representing a brighter future for families, in several locations.

The annual event promotes awareness of sexual assault and child abuse, and is sponsored by Heart of Grant County and Grant-Harney County CASA.

For information about Heart's programs, call 541-575-4335.



A group of children recite the "Hands are not for Hurting" pledge prior to the Candlelight Vigil walk.

THE \$20,000 QUESTION

Payment rumor hovers over forest plan work

By **Scotta Callister**
Blue Mountain Eagle

CANYON CITY — Rumors that the County Court is paying \$20,000 to an outside group to write a new Blue Mountain Forests Plan are untrue, officials said last week.

"That did not take place," County Judge Scott Myers told people attending the April 8 Court meeting. "It is misinformation."

The story began to spread after Commissioner Boyd Britton, at a Feb. 18 Court meeting, proposed an idea to draft a forest plan revision to replace the widely unpopular alternatives proposed last year by the Forest Service.

Britton presented a letter to the rest of the Court, proposing that the county enlist the Blue Mountains Forest Partners to write a plan specifically for the Malheur National Forest.

The Partners group is a local collaborative, formed nine years ago, that has been active in planning for increased restoration and timber harvest activity on the Malheur.

Britton wanted to ask the Partners to draft a new forest plan revision, and he suggested covering up to \$20,000 in the cost of that work with county road funds.

The Court didn't discuss the proposal in detail — or decide to spend any money — at that meeting. Myers and Commissioner Chris Labhart did give Britton the go-ahead to approach the collaborative with the idea.

Since then, several residents have complained in letters to the Court, some assuming the alliance and the money were a done deal.

The subject arose again last week in the Court meeting. Howard Geiger, echoed by others, questioned why the Court was "farming out" the plan revision to what he termed an environmental group.

Myers denied farming out the plan to anyone, and said members of the Court are still working with officials in Harney and other counties to tackle the forest plan revision.

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Boyd Britton



Scott Myers

Court urged to take stand on roads

By **Scotta Callister**
Blue Mountain Eagle

CANYON CITY — Residents pressed the Grant County Court to take a stand against forest road closures last week, with one hinting at a petition to change the face of county government.

"People expect to be represented by this Court, for you to follow the laws as to your oath of office," said Jim Sproul, leader of a road access advocacy group, told the Court. "Either you're going to follow them, or you're not."

Sproul was among some 60 residents who attended the Court's April 8 meeting, held in the larger Circuit Courtroom to accommodate a larger than usual crowd.

The initial draw was a presentation by Malheur National Forest Supervisor Steve Beverlin, who unveiled his draft decisions for two major forest projects, Elk 16

and Big Mosquito.

Both proposals are now in 45-day objection periods, when people who commented earlier in the process may press specific objections. The documents for the projects are posted on the Malheur's website.

Both are landscape-scale projects that include a mix of commercial and noncommercial harvest, thinning and other fire fuels reduction efforts, habitat and riparian improvements, and more. Each includes some road changes, which were the lightning rod for public discussion after Beverlin and his Forest Service

team left the meeting.

Sproul said the Court has not addressed the public's concerns over access.

He waved a sheaf of papers he said represented more than 2,000 signatures — many from a petition drive on travel management several years ago and others that are more recent.

"It takes 191 signatures for a recall. Here's 2,000," he said. Asked if that was a threat, he replied, "It's not a threat. I don't give idle threats."

Jim Sproul
Leader of a road access advocacy group

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STUDENT ART



Ashlie Tipton
Grade 4
Humbolt Elementary
Teacher: Sophie Cosgrove

