

Court overturns death sentences

SALEM (AP) — The Oregon Supreme Court on Tuesday overturned two additional death sentences because of U.S. Supreme Court requirements.

The action sent two Portland murder cases back to trial courts for new sentencing proceedings for Marco Antonio Montez and Stephen Leroy Nefstad.

The Oregon Supreme Court upheld their aggravated murder convictions but said they're entitled to new penalty hearings to allow juries to consider any mitigating evidence that might weigh against a death sentence.

In another case, the Supreme Court refused to review a lower court ruling that narrowed instances in which public officials must disclose conflicts of interest.

The court so far has set aside sentences of seven of the 23 people condemned to die under the state's capital punishment law.

The first five sentences, vacated Jan. 11, included one of a man whose murder conviction also was reversed because of improperly admitted evidence.

Except for that case, the sentences have been overturned because of a U.S. Supreme Court ruling last June that defendants have a broad right to have mitigating evidence considered by juries that can impose capital punishment.

Montez was convicted of the June 20, 1987, death of Candace Straub, who was strangled and her corpse set afire in a motel room on Portland's east side.

Nefstad was found guilty of the March 13, 1987, stabbing death of Steven Jackson, who left the Acropolis Tavern in Portland with Nefstad and Reyes Miranda.

Miranda also was convicted of aggravated

murder, and his death sentence was one of those reversed by the Oregon Supreme Court in January.

To impose capital punishment, a jury must unanimously decide a killing was deliberate, that it's probable the defendant would commit criminal acts threatening society in the future and that the slaying was an unreasonable response to any provocation.

The Oregon court says jurors now must also consider whether there's any aspect of a defendant's background or character or any circumstances of the offense that would justify a sentence of less than death.

In the ethics ruling, the Supreme Court without comment announced it had let stand an Oregon Court of Appeals decision.

That appeals court said officials don't have to announce potential conflicts of interest whenever they support a project "that conceivably could bring personal financial gain, no matter how remote the possibility."

The state Ethics Commission ruled that Anthony Caragol, a former Woodburn city councilman, violated state law by not disclosing a potential conflict when he supported forming a bonding authority that could finance a retirement care facility.

The commission said he had a potential conflict because as a real estate broker he hoped to make money selling houses to people wanting to move to a retirement village in connection with the care facility.

The appeals court reversed the commission. The court said the issue before the council was only forming a bonding authority, which would be an independent body that would decide whether to finance the retirement facility.

Public needs to be aware of owl habitat

WASHINGTON (AP) — Private land owners who disrupt habitat for northern spotted owls could face criminal penalties if the owl is declared endangered, U.S. Fish and Wildlife Service officials said today.

The administrators told a congressional panel that the Endangered Species Act outlaws the "taking" of a species and that a "taking" could include habitat disruption on private lands as well as public forests.

Rep. Les AuCoin, D-Ore, and chairman of the House Appropriations Subcommittee on the Interior, said the service's opinion was critical new information for residents of the Pacific Northwest awaiting the agency's decision on whether to list the owl as endangered.

"This may be the first time it has been made so inexplicably clear that the habitat recovery plans ... would affect private lands as well as public lands," AuCoin said.

John Turner, director of the Fish and Wildlife Service, said most timber companies in the Northwest are "concerned and aware" of the ramifications of listing the owl as endangered, but the general public is not.

"I don't think any of us have done an adequate job of educating

the public about what you can and cannot do," he said.

Ronald Lambertson, a lawyer and the agency's regional director in Boston, said he believed the maximum penalty for taking an endangered species was one year in prison and a \$10,000 fine.

"It's quite severe. I haven't looked at it for some time," he said.

"You might want to dust that off," AuCoin said.


The Fish and Wildlife Service is scheduled to decide by June 23 whether the spotted owl should be protected as a threatened or endangered species, a move critics say would drastically reduce the amount of timber harvested in the Pacific Northwest.

The agency extended its public comment period on the issue until April 11 so it can receive a report Wednesday by a scientific panel made up primarily of U.S. Forest Service biologists.

During today's hearing, AuCoin said he was concerned the Fish and Wildlife Service's regional office serving the Northwest lacks the expertise to rule on whether certain management plans meet criteria to protect the spotted owl.

Service officials said that if

the agency recommends in June to list the owl as endangered it could take another 18 months before a recovery plan would be adopted.



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EXPLANATION

FEB. 16 - APRIL 14

The UO Bookstore is sponsoring a photo contest with this theme:

"AFTERHOURS"

We'd like you to photograph what you do when you're not studying or working, whether it be a day on the slopes or at the ocean, a romp with your kids, or a demolition derby. Show us what you do for fun and relaxation!

Great prizes will be offered, and your entry photos will be displayed in the store.

The winners will be personally notified, and their names posted in the lobby of the Bookstore, as well as announced in the Oregon Daily Emerald on April 30, 1990.

Have lots of fun with this - and Good Luck!

RULES

- Two entries per person
- All photos must have been taken since Jan. 1, 1989
- No professional (a person whose principal living is made by taking pictures) may enter
- Size of photo (total print or mat size):
Maximum: 11 x 14
Minimum: 5 x 7
- Color prints only
- Judging will be done by Qualex, Inc., the UO Journalism Dept., and local professionals outside of the UO Bookstore. The judges will not be aware of who submitted any entry.

DEADLINES

The duration of the Photo Contest will be:

FEB. 16 - APRIL 14, 1990

- All photo entries must be received at the photo department of the UO Bookstore (near the back of the main floor) no later than April 14.
- On the back of your entries you must print very clearly:
 - (1) Your name
 - (2) Your address
 - (3) The title of your print
 - (4) The type of camera lens and film used (if possible)
- "People's Choice" voting will take place within the store April 1 - 14.
- Prints must be picked up by May 31, 1990

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