Man may be resentenced, returned to prison

The man was driving drunk and killed a woman, but his prison sentence was too light

The Associated Press

KLAMATH FALLS — A man convicted in the drunken driving death of a woman may be sent back to prison after a judge gave him too light a sentence.

Wilson Pate, 46, served one year and eight months in the Oregon State Penitentiary for the July 10, 1995, death of Mary Kenneally. The 36-year-old woman was jogging with her twin sister and niece on a rural road when she was struck by Pate's car. He had a blood-alcohol level of .18, more than twice the legal limit.

Pate's crime fell under Measure 11, the 1994 law passed by voters that set minimum sentences for some violent criminals. Under the guidelines, Pate should have been sentenced to five years, 10 months in prison.

But Klamath County Circuit Judge Richard Beesley refused to impose the sentence, saying Measure 11 was unconstitutional. The state Supreme Court unanimously overturned Beesley's ruling last Friday, clearing the way to resentence Pate and a woman convicted of attempted murder.

Pate is out on parole, but Klamath County District Attorney Ed Caleb wants to put him back in prison to serve the rest of the sentence Beesley should have imposed. Monday Caleb will go to court to request a date for resentencing.

The Supreme Court also ruled Beesley should have given Adrienna Soloman a stiffer sentence for trying to kill Monica Mitchell. A week after sentencing Pate, Beesley gave Soloman five years in prison, half the 10-year penalty required under Measure 11.

Caleb said Soloman, who is still in prison, also faces resentencing.

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