

# Innocence Project seeks new DNA tests for Salem man on death row

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The Oregon Innocence Project is taking on the case of a man sentenced to death after being convicted of murdering a Salem woman in 1998. The group has filed a motion in Marion County requesting the DNA testing and retesting of at least 38 pieces of physical evidence in the case against Jesse Lee Johnson.

Johnson, 55, was sentenced to death in 2004 for the murder of Harriet Lavern “Sunny” Thompson, 28.

Thompson’s body was found on March 20, 1998, in her apartment on the lower level of a rental house on 12th Street SE, just south of Morningside Elementary School.

Authorities determined she died from multiple stab wounds.

The deputy district attorney at the time, Darin Tweedt, said Johnson and Thompson, a nurse’s aide, were acquainted.

Mike Quakenbush and Craig Stoelk, two Salem police detectives who were investigating the homicide, arrested Johnson a week after Thompson’s killing. He was charged with a probation violation and his clothing was seized by arresting officers.

Johnson maintained his innocence. In 2004, he declined the state’s plea offer for first-degree manslaughter and first-degree robbery.

“Our investigation showed there is a wealth of physical evidence that either has not been tested or was tested using outdated technology,” said Steven Wax, legal director of the Oregon Innocence Project.

Further testing of the evidence, including blood found at the scene and DNA recovered from the victim, could lead to Johnson’s exoneration, Wax added.

The Oregon Innocence Project has received more than 350 requests for re-



Jesse Lee Johnson

views. It has reviewed more than 200 and decided to pursue only five. Johnson’s murder conviction is the project’s first DNA-based case.

A memorandum filed on Johnson’s behalf stated the following:

Several pieces of DNA evidence were recovered at Thompson’s home. Some, including a cigarette butt, a bottle of liquor and a dollar bill, matched Johnson’s DNA.

Johnson admitted to knowing Thompson, and the pieces of evidence were consistent with a social visit.

However, several key items recovered from the scene did not match Johnson’s DNA. A semen sample taken from a vaginal swab of the victim, a spot of blood by the bathroom sink, blood on the bathroom floor and hairs found on the victim were not a match to Johnson.

The case was a drawn out affair, taking six years from Thompson’s death to Johnson’s conviction. News coverage at the time highlighted some of the key is-

sues:

**The arrest:** Marion County Circuit Judge James Rhoades ruled that the detectives who seized Johnson’s clothing, Quakenbush and Stoelk, should not have seized the clothing without a warrant.

Tweedt, however, said detectives did have lawful authority to seize the clothes and said the state Department of Justice had the right to appeal Judge Rhoades’ ruling.

It wasn’t until three months after the murder, in June 1998, that Johnson was charged. Johnson was held in Marion County Jail for nearly six years as he awaited trial, due to delays brought on by appeals for suppression of evidence collected by Quakenbush and Stoelk.

During the course of his wait, prosecutors appealed rulings that Johnson’s clothing and shoes were illegally seized, asking for the evidence to be suppressed in court. The appeals delayed the trial until March 2004, since it took an additional full week in February to select a jury - nine women and five men.

**The trial:** Tweedt delivered opening statements for the state by recounting Thompson’s stab wounds in her back, arm and hand. Her jugular vein was slashed.

“It really was a scene from a slaughterhouse, ladies and gentlemen of the jury,” Tweedt said.

Stoelk, one of the officers in charge of the crime scene, told jurors that officers collected a bloody sweater, two bloody towels and a broken knife from Thompson’s bathroom. A serrated steak knife was found in the toilet.

Tweedt said the residence was ransacked and stated the motive was robbery. He said Thompson’s stolen jewelry was traded for drugs and some pieces were found at Johnson’s girlfriend’s home.

When Johnson’s lawyer, Lindsay Partridge, delivered opening defense statements, he focused on casting doubt on state witnesses and instead asked jurors

to focus on DNA evidence.

The thoroughness of Oregon State Police crime labs was put into question by the defense by telling jurors not all the evidence available at the crime scene was examined.

Criminalist Donna Scarpone said she did not receive all of the DNA testing swabs used on cigarette butts, the floors and knives found in Thompson’s toilet.

In the defense’s closing statements, Johnson’s attorneys told jurors that crime scene investigators failed to investigate evidence that pointed to another suspect.

“There are more questions as we sit here six years later than there are answers in this case,” said Noel Grefenson, Johnson’s defense attorney.

Grefenson referred to cigarettes, a belt found outside the house, and a possible handprint on Thompson’s bedroom door that was never tested or recorded into the investigation record. Tennis shoe prints were found in blood at the crime scene, but never investigated as well.

Grefenson said investigators should have examined this overlooked evidence in order to vet suspects with a history of violent crimes that fit the same method of operation.

**The sentence:** Jurors took six hours over the course of two days to come to a unanimous verdict on March 18, 2004: Johnson was guilty of aggravated murder in Thompson’s stabbing death.

Johnson maintained his innocence throughout the trial and through the sentencing hearing, where he was sentenced to death for Thompson’s death.

“I’m innocent of this crime. I didn’t kill Harriet,” Johnson said during his sentencing hearing.

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## Oregon lawmakers alarmed by first Trump appointment

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WASHINGTON – Most members of Oregon’s seven-member congressional delegation say they can work with a future President Donald Trump but they are reacting with dismay bordering on disbelief at his first West Wing appointment.

In particular, both Democratic Sens. Ron Wyden and Jeff Merkley have called on Trump to abandon the notion of making Steve Bannon, his campaign manager and the right-wing Breitbart News director, a chief White House adviser.

“First Donald Trump runs a campaign founded on racism, bigotry and sexism. Now he doubles down on division by bringing aboard as his Chief Strategist white nationalist Steve Bannon, who specializes in hate attacks. This is wrong. Totally, completely, absolutely wrong,” said Merkley. “We call on Trump to change course, reject hate strategies, and fire Steve Bannon. Bannon shouldn’t be allowed within 100 miles of the Oval Office.”

Asked about his hopes and his fears about a Trump presidency, U.S. Rep. Kurt Schrader, D-Canby, said he is “rooting for unification and success in our country.”

“I plan to give our president-elect the opportunity to lead and a chance to succeed,” he said. “I also hope that the level of discourse will be a lot more civil than it was throughout the campaign.”

U.S. Rep. Suzanne Bonamici, D-Beaverton, said she hopes Trump will maintain the nation’s values of “equality, diversity and human rights.”

“I stand with all Oregonians and Americans who are rightly concerned that President-elect Trump will ap-

proach governing with the same divisive rhetoric and harmful policy ideas that dominated his campaign. My hope is that he will recognize the significance of his position and the consequences of his language, and that he will engage in and call for civil and respectful debate,” Bonamici said.

Some parts of Trump’s stated agenda appeal to U.S. Rep. Peter DeFazio, D-Eugene, a longtime critic of U.S. trade deals.

“In particular, I look forward to working with this administration on a new trade policy,” he said shortly after the results of last week’s elections were clear. “I have voted against each and every so-called ‘free’ trade agreement, which has exported quality American jobs to seek out the cheapest, most exploitable labor around the world. We need to change that.”

U.S. Rep. Earl Blumenauer, D-Portland, expressed a passionate reaction the last week’s results.

“Like most, I am still struggling with and processing the outcome of last Tuesday’s election. I returned to Congress this week determined to give voice to the pain and outrage that my community justifiably feels. I am committed to fight against assaults on our core values, important essential programs, and attacks against communities who now feel at risk,” Blumenauer said Wednesday. “I’m also committed to doing whatever I can to keep hope for some progress at the national level as we face huge challenges this year.”

The delegation’s lone Republican, Congressman Greg Walden, did not respond to several requests to his communications director.

## Study: High price for Oregon’s death penalty

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Cases with death sentences in Oregon, on average, cost more than double — and as much as \$1 million more — than aggravated murder cases with life sentences, according to a new study.

The study’s researchers calculated the average aggravated murder case with the death penalty cost an average of \$1.39 million, even without corrections costs. In contrast, the same type of case with life in prison cost an average of \$334,522.

The Oregon Death Penalty Cost Analysis report was funded by the Oregon Justice Resource Center, a Portland-based nonprofit, and written by Professor Aliza Kaplan from Lewis & Clark Law School, Professor Peter Collins from Seattle University, Seattle, Washington, and law student Venetia Mayhew. Researchers collection information on hundreds of aggravated murder cases from 2000 to 2013.

“This report confirms what many had long suspected about the cost of Oregon’s death penalty, but the actual figures are staggering,” said Alice Lundell, the center’s spokeswoman. “We’re spending four times more on death penalty cases than on comparable cases without death sentences despite having only executed two people since Kennedy was president.”

Sixty-three people have been sentenced to death in Oregon since the state brought back the death penalty in 1984. Of those, two people voluntarily gave up appeals and were executed, four people died of natural causes while on death row and 22 people had their sentences reduced, according to the report.

With the recent sentencing of David

Bartol, 45, for the jail stabbing of another inmate, 35 people will now be on death row. All potential executions have been subject to a moratorium put in place in 2011 by then-Gov. John Kitzhaber. After taking office, current Gov. Kate Brown upheld the moratorium and made her personal opposition to the death penalty clear. Brown recently reaffirmed the moratorium.

Support for capital punishment has fallen in recent decades, but more Americans support the death penalty than oppose it, according to a Pew Research Center poll. Pew also noted that the number of executions — and the number of states conducting those executions — have fallen sharply since peaking in 1999. Thirty-one states have the death penalty. Oregon, along with three other states, have a moratorium on executions.

Prosecuting aggravated murder, the only crime punishable by death in Oregon, is already a “complicated and time-consuming” process, the report said, but tacking on the possibility of the death penalty drove up the amount of time and money spent on cases.

The study’s authors noted a gap in available information about the costs behind aggravated murder cases. Specific information from courts and local prosecutors about the amount of time and money spent on cases was often unavailable.

Special defense lawyers are required, defense filings double, prosecutorial filings triple and defendants spend more time in expensive, secured housing at local jails.

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## Oregon, California to get earliest Chevy Bolt cars

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Oregon and California will be among the first states to get the Chevrolet Bolt EV because of their strong support for electric vehicles, a General Motors Co. spokesman said Thursday.

The vehicle will be “pretty rare” until 2017, said Jim Cain, the spokesman for GM, which owns Chevy.

“Literally, it just began production,” he said. Though the Bolt EV has yet to ship to dealers, there should be a small number of the cars delivered this year.

In Salem, Capitol Chevrolet is expecting 11 of the cars in mid-December, with 32 more on the way after that.

“We’re excited about the car,” said Jamie Mogle, a sales manager with the dealer.

GM’s Oregon and California move was earlier reported in a *Wall Street Journal* story.

Chevy’s all-electric offering, the Bolt EV, is supposed to get up to 238 miles per charge. It differs from the already-released Chevy Volt in that it doesn’t have a gas engine that helps charge the battery.

Oregon lawmakers have pushed to gain ground on environment issues. Ear-

lier this year, Gov. Kate Brown signed a contentious bill meant to ensure that state would stop using energy derived from coal by 2030. The bill also mandates that by 2040, Oregon needs to receive at least 50 percent of its energy from sources that are renewable.

There are hundreds of car-charging stations in Oregon, said Art James, a senior project executive with the Oregon Department of Transportation.

The adoption rate for plug-in cars in Oregon has seen dramatic year-over-year gains. “It’s very much alive and well,” he said.

Oregon ranks seventh on a list of energy-efficient states by the American Council for an Energy-Efficient Economy that was updated this September.

The Bolt EV recently snagged an accolade from Motor Trend, which named it the 2017 car of the year. Prices start at \$37,995 without a \$7,500 federal tax credit or other benefits and incentives, according to Fred Ligouri, another GM spokesman.

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ALEX WONG

General Motors CEO Mary Barra introduces the new Chevy Bolt EV at CES 2016 on Jan. 6 in Las Vegas.