

OREGON IN BRIEF

From wire reports

Prosecutors clear Oregon FedEx driver after deadly punch

PORTLAND — Prosecutors say a FedEx driver was justified in punching a Portland, Oregon, man after he yelled racial slurs and tried to hit the driver first.

Joseph Magnuson died following the September encounter with driver Timothy Warren, The Oregonian/OregonLive reported.

The Multnomah County District Attorney's Office announced Monday there's no indication Warren intended to kill Magnuson.

A county medical examiner determined Magnuson was in "extremely poor health" prior to the encounter, and his fall after the punch to the head aggravated pre-existing conditions.

Witnesses told authorities Magnuson was yelling "very aggressively" for Warren to slow down, Senior Deputy District Attorney Adam Gibbs wrote in the memo. Warren stopped the truck and tried speaking to Magnuson.

If Warren kept driving, Magnuson might still be alive, but "the decision by Mr. Warren, who is black, to not let the racist vitriol to which he was being subjected go unanswered is not of legal significance," Gibbs wrote.

Both men started yelling at each other, and Magnuson threw a drink at Warren. Warren hit Magnuson once after he threw a punch, according to the memo. Magnuson dropped to the ground unconscious.

"Oregon law contains no 'duty to retreat' and Mr. Warren was within his right to exit his vehicle and verbally challenge the manner in which Mr. Magnuson was addressing him," the memo said. "Mr. Magnuson was the initial verbal aggressor; Mr. Warren responded in kind. Mr. Magnuson then escalated and became the initial physical aggressor; Mr. Warren again responded in kind."

Springfield man who hid pot in fake boulders pleads guilty

PORTLAND — A Springfield man who prosecutors said tried to overnight more than 100 pounds of marijuana to Oklahoma concealed in fake boulders has pleaded guilty to a federal drug charge.

The Oregonian/OregonLive reports 37-year-old Curran Manzer on Tuesday pleaded guilty to marijuana possession with intent to distribute.

Court records show police began investigation Manzer in September 2017, when workers at United Parcel Service reported packages he had shipped to Oklahoma City smelled like marijuana.

Court documents say packages containing up to \$50,000 cash also were shipped by UPS to Manzer's Springfield home.

After he dropped off packages Nov. 10, police with a search warrant opened them and found six large Styrofoam

rocks that contained a total of 143 pounds of marijuana.

Shipping pot across state lines is prohibited under both federal and state law.

Man pleads guilty in attempt to pay ICE agent to deport wife

PORTLAND — A Portland man has pleaded guilty to a bribery charge after he tried to pay a U.S. Immigration and Customs Enforcement agent to deport his estranged wife.

The Oregonian/OregonLive reports 48-year-old Antonio Burgos pleaded guilty Tuesday.

He originally faced three charges of bribery in Portland's U.S. District Court.

Burgos first followed an officer from an ICE facility in Portland to a Vancouver, Washington, parking lot where prosecutors say Burgos offered the agent money to deport the woman, whom he was in the process of divorcing.

The officer declined but called Burgos in cooperation with ICE investigators, who recorded two conversations in which prosecutors say Burgos offered \$3,000 to remove the woman.

Prosecutors say he met the agent in person June 26, increasing his offer to \$4,000 to deport his wife and her child from a previous relationship.

He will be sentenced in May.

Lawmakers ordered to comply with subpoenas

PORTLAND — A Multnomah County Circuit Court judge has ruled Oregon legislative leaders must comply with subpoenas for documents and testimony in the sexual harassment investigation at the Capitol.

The Oregonian/OregonLive reports Judge Christopher Marshall said Monday the subpoenas were reasonable in scope and had been issued lawfully by the Oregon Bureau of Labor and Industries. But he also found the Legislature's top officials initially had cause to object, rejecting the agency's request for a contempt order and \$1,000-a-day fines.

He gave lawmakers until Dec. 5 to provide documents and Dec. 18 to provide testimony.

Through their attorneys, Senate President Peter Courtney and House Speaker Tina Kotek had argued supplying the information would jeopardize the privacy of people who had complained about misconduct.

On Monday, labor agency lawyer Nena Cook said the alleged victims' information would be kept private under a protective order.

The Bureau of Labor and Industries had identified two interns who reported being sexually harassed while working for former Sen. Jeff Kruse, R-Roseburg. Kruse resigned following the allegations, which he denied.

The labor agency's investigation dates back to Aug. 1, when Democratic Labor

Commissioner Brad Avakian took the extraordinary step of filing a complaint with his own agency alleging Courtney and Kotek knew or should have known about complaints about Kruse and the "broader sexually hostile environment in the Capitol." Avakian's complaint also named seven other individuals including the Legislature's human resources chief and top lawyer, plus the entire Legislature and Department of Administrative Services, which handles human resources for much of the state government.

Woman accused of trying to get help to kill ex-husband

PORTLAND — A Washington state woman was arrested on suspicion of trying to kill her ex-husband in Hillsboro, Oregon, and soliciting help from someone to do it.

The Oregonian/OregonLive reports 36-year-old Tanya Schmalz of Battleground, Washington, was arrested last Monday and booked into Washington County Jail.

Hillsboro Lt. Henry Reimann says no one else was arrested. He said he didn't know more about the case.

It wasn't clear from the criminal complaint what the connection is between Tanya Schmalz and the person she is accused of soliciting.

Oregon court records show Tanya Schmalz and ex-husband Jonathan Schmalz divorced in 2013.

Jonathan Schmalz has filed a motion seeking temporary custody of their two children and claimed in court documents his ex-wife has now tried to kill him twice.

It wasn't immediately known if she had an attorney.

Wyden: Public needs more time to study nuke waste proposal

RICHLAND, Washington — U.S. Sen. Ron Wyden says the public needs more time to comment on a proposal to reclassify radioactive waste stored at the nation's nuclear weapons production complex.

The Oregon Democrat this week joined calls for the process to be slowed down.

The U.S. Department of Energy is considering a change to how it interprets the legal definition of high level radioactive waste.

The Tri-City Herald says that would allow more flexibility in how it disposes of waste at sites like the Hanford Nuclear Reservation near Richland.

Defining less of the nation's nuclear waste as high level could speed up environmental cleanup that is expected to take decades and save billions of dollars.

But critics say it could also mean more waste allowed to remain in the ground at Hanford.

Two fatally shot in Portland

PORTLAND — Authorities say a man found dead on the Burnside Bridge in Portland, Oregon, died from a gunshot wound — just several hours after a woman was found dead underneath the Morrison Bridge.

KOIN reports officers responded to a report of an assault with a weapon shortly after 12:30 a.m. Tuesday. When they arrived, officers found an unconscious man on the sidewalk in the middle of the bridge. He was pronounced dead a short time later.

What's believed to be a shooting death happened less than four hours after a woman died from a gunshot wound underneath the Morrison Bridge, which is just a mile from the Burnside Bridge.

Police say they're working to learn more about the deaths and whether they're connected.

Oregon State student accused of hate crimes heads to trial

CORVALLIS — An Oregon State University student accused of putting offensive stickers on the cars of members of a racial justice group has waived his right to a jury trial.

The Corvallis Gazette-Times reports Andrew Oswald waived the right during a brief appearance Monday in Benton County Circuit Court. His trial before Judge David Connell is scheduled to begin on Nov. 28.

Oswald has pleaded not guilty to three felony counts of intimidation and two misdemeanor counts of criminal mischief, stemming from the June 2017 bumper sticker incident.

Oswald was a graduate representative of the university's student government. He was ousted from the role following his arrest in January.

Prosecutors clear police in shooting in south Oregon

KLAMATH FALLS — The Oregon Department of Justice has determined criminal prosecution is not warranted in the deadly shooting by police near Modoc Point last month.

The Herald and News reports Klamath County District Attorney Eve Costello had asked the state to review the shooting investigation, saying Monday there is no cause to prosecute.

Phillip Moskios Jr. was shot following a confrontation with law enforcement officers during a traffic stop just off of U.S. Highway 97 in southern Oregon in early October.

Authorities say Moskios assaulted an Oregon State Police officer after a K-9 alerted officers to his car.

Authorities say the Klam-

ath Falls Police Department and the federal Drug Enforcement Administration were involved in pursuing Moskios.

Police searching for people who illegally killed bull elk

MEDFORD — Oregon State Police Fish and Wildlife Troopers are asking for the public's assistance in finding the people responsible for shooting a bull elk Friday evening northeast of Medford.

Oregon State Police said Monday preliminary investigation shows the elk was shot and partially cut up off South Fork Little Butte Creek Road near Lake Creek.

Police say a dark SUV was seen in the area around 9:15 p.m. Friday after rifle shots were heard.

Anyone with information about that vehicle or any other vehicles or people seen in the area around that time is asked to call Police Sgt. Jim Collom at 541-841-0416 or the Turn in Poachers (TIP) hotline at 1-800-452-7888.

Man stabbed at Portland church identified as pastor

PORTLAND — Police are looking for a man who stabbed a pastor outside The Well Community Church in Northeast Portland.

KOIN reports the victim of the Sunday afternoon attack was found with a serious stab wound.

Church officials posted on Facebook the man assaulted is their operations pastor Kevin Nichols. Church officials say he was attacked while alone in the church parking lot.

Nichols was taken to the hospital and is expected to survive.

Nichols initially was reported to be a volunteer.

Former Oregon state board director faces \$20K ethics fine

SALEM — The former director of the Oregon Educators Benefits Board is facing a \$20,000 fine after an investi-

gation into his conduct.

The Statesman Journal reports the Oregon Government Ethics Commission levied the civil penalties in a 10-count ethics case against James Raussen that began two years ago.

The commission issued its final order by default at its November meeting after Raussen failed to appear at an earlier hearing.

The Oregon Educators Benefits Board purchases insurance benefits for public school teachers.

The commission found Raussen used his position for financial gain and improperly received gifts from companies that had an interest in his decision-making.

Records show Raussen's violations included accepting gifts of food and game tickets from insurance companies, using a state vehicle to visit wineries and extending a business trip to Las Vegas on the taxpayer's dime.

Man pleads guilty, gets 15 years for stabbing man to death

PORTLAND — A 42-year-old man has pleaded guilty to stabbing another man to death last year in Portland.

The Multnomah County District Attorney's Office says Jacob McGhee pleaded guilty to manslaughter on Friday in the death of 30-year-old Richard Whitmore.

McGhee was then sentenced to 15 years in prison.

Police say officers found Whitmore lying in a pool of blood Nov. 7, 2017 near the Morrison Bridge in Portland's Central Eastside neighborhood. Whitmore died later at a hospital.

Police say McGhee had gotten into an altercation with Whitmore and surveillance video showed Whitmore had tried to get away from McGhee before he was stabbed.

The Oregon State Medical Examiner's Office determined the cause of Whitmore's death was a penetrating sharp force injury of the left chest.

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