

# Group urges Oregon AG to reverse nonunanimous jury convictions

## Oregon prisoners seek post-conviction relief after U.S. Supreme Court ruling

By **JAIMIEDING**  
The Oregonian/OregonLive

SALEM — An international human rights group on Tuesday, March 30, urged Oregon Attorney General Ellen Rosenblum to lift her opposition to reversing nonunanimous jury convictions — recently declared unconstitutional — against people who have completed their appeals.

Since Oregon enacted its law in 1934, juries could convict people of most felonies by a 10-2 or 11-1 vote. Louisiana was the only other state that allowed nonunanimous jury convictions, until voters struck down the law in 2018.

Last April, the U.S.

Supreme Court found nonunanimous jury convictions unconstitutional in the case of Ramos v. Louisiana. It allowed Oregonians who were in the middle of their appeals process to have their convictions overturned and retried by the courts.

But hundreds convicted by nonunanimous juries remain in Oregon prisons because their cases and sentences were final at the time of the high court's decision. They are now seeking post-conviction relief in civil court in hopes of having the Ramos decision apply to them and getting a chance for retrials.

Prisoner advocates have criticized Rosenblum,

saying she is blocking that relief.

"It's something that should be changed, and the attorney general has the power to do that," John Raphling, a senior researcher at Human Rights Watch, told The Oregonian/OregonLive.

In a letter written by Raphling, the group said nonunanimous juries are discriminatory and "violate international human rights law and undermine the integrity of Oregon Courts."

Rosenblum spokesperson Kristina Edmunson said the attorney general's office has already sent back hundreds of cases on appeal for retrials and it is "committed" to reviewing the remaining cases after the U.S. Supreme Court makes a ruling in a pending case that will explicitly address

whether past nonunanimous jury convictions should get retrials.

"I cannot resolve Oregon's nearly 100-year practice of less than unanimous jury decisions by executive fiat," Rosenblum said in the statement. "It is the courts that decide what the Constitution requires. And the Legislature is the place to decide the best policy for the state based on the will of the people."

Raphling noted that the United States participates in the International Convention on the Elimination of All Forms of Racial Discrimination, which prohibits policies that restrict rights based on race or policies that appear to be race neutral but create racial disparities.

Oregon's nonunanimous jury law was put in place "almost explicitly as a way

to marginalize the voices of racial and ethnic minorities," Raphling said.

He was referring to a sensational murder trial in Oregon in 1933 involving a Jewish suspect that prompted a public vote to create the law.

The law appears to have succeeded in its intent, Raphling said.

In Multnomah County, Black people are incarcerated at roughly six times the rate of white people, according to a study of 2014 incarceration data by the MacArthur Foundation Safety and Justice Challenge cited by Human Rights Watch.

Black people represent 18% of petitioners in Ramos cases statewide and 45% of petitioners in Multnomah County, according to a study by the Criminal Justice Reform Clinic

at Lewis & Clark Law School. Census Bureau figures show just 3% of Oregonians identify as exclusively or partly Black, including 8% of Multnomah County residents.

"Just because these are past convictions doesn't mean that harm hasn't been done and that she shouldn't be taking steps to mitigate that harm," Raphling said.

Though Rosenblum has spoken in support of getting rid of nonunanimous convictions in Oregon, she filed a brief opposing the Supreme Court's decision in the Ramos case, citing the "practical consequences" of retrying hundreds and potentially thousands of past cases.

Doing that, she argued, would "retraumatize crime victims and survivors and overwhelm our state's criminal justice system."

## 3rd Oregon man arrested in attack on U.S. Capitol

Associated Press

PORTLAND — An Oregon man has been arrested in Florida on criminal charges in connection with the Jan. 6 attack on the U.S. Capitol, court records show.

A grand jury indicted Richard Harris, 40, and federal law enforcement officers took him into custody March 18, Oregon Public Broadcasting reported.

Jail records showed Monday, March 29, that he is being held at Broward County Jail without bail in the custody of the U.S. Marshals. It wasn't immediately known if he has a lawyer.

On Friday, a federal judge ordered Harris detained until trial because he is considered a potential flight risk and danger to the community, court records show. His case is being transferred to Washington.

Federal prosecutors charged Harris with five counts related to the Capitol riots, including assaulting, resisting or impeding officers; obstruction of an official proceeding; and entering and remaining in a restricted building.

Harris is the third person with ties to Oregon charged in the insurrection. Last

week, the FBI announced it had arrested brothers Jonathanpeter and Matthew Klein. They face charges including conspiracy to prevent Congress from certifying the 2020 presidential election results for Joe Biden. The brothers have not yet entered pleas to the federal charges.

Jonathanpeter Klein's defense lawyer Michelle Sweet on Friday unsuccessfully urged for her client to be released pending trial, saying he could continue to work at an eastern Oregon ranch. Nanci Klein, the brothers' mother, wrote a letter to the court saying that they could stay at her home. Both were ordered held in a Portland jail until at least their next court hearing scheduled for April 1.

In court documents, federal prosecutors provided images from videos and social media they say depict Harris at the insurrection. One video shows a man who appears to be Harris talking on a landline phone inside the U.S. Capitol. He is accused of making threatening remarks into the phone about House Speaker Nancy Pelosi and then-Vice President Mike Pence, documents said.

## STATE BRIEFS

### Man sentenced to 17 years in child pornography case

PORTLAND — A Portland man who served 12 years in prison for sexually abusing a child in California was sentenced Monday, March 29, to serve 17 more years after using Facebook Messenger to convince a teenager to take sexually explicit videos of himself.

Prosecutors said Scott Lawrence, 57, posed online as a woman and communicated with the teenager from South Dakota, The Oregonian/OregonLive reported.

Lawrence obtained the boy's videos and distributed a graphic image of the boy to two other people, Assistant U.S. Attorney Gary Sussman said. Lawrence pleaded guilty to receiving and distributing child pornography and violating his supervised release conditions from a 2018 conviction for failure to register as a sex offender.

U.S. District Judge Robert E. Jones ordered Lawrence to face a life term of supervised release following his 17-year federal prison term.

Sussman argued the lengthy sentence was necessary to protect the public.

Both the prosecutor and Lawrence's lawyer, Francesca Freccero, jointly recommended the prison sentence imposed by the judge. Freccero unsuccessfully argued for five years

of supervised release after Lawrence's prison term.

On Oct. 24, 2019, investigators raided Lawrence's Portland home with a federal search warrant, seized his cellphone and iPad, and found the videos, according to court records.

### Former AG Holder to investigate OHSU harassment complaints

PORTLAND — Former U.S. Attorney General Eric Holder is conducting an independent investigation into misconduct at Oregon Health & Science University after a recent lawsuit alleging workplace harassment.

KOIN reported President Danny Jacobs and Board of Directors Chairman Wayne Monfries sent a letter Tuesday, March 30, announcing they have retained Hodder "to conduct a comprehensive, independent investigation of OHSU's workplace environment related to sexual harassment, discrimination, retaliation and racism."

Earlier this month, a woman filed a \$45 million lawsuit against Dr. Jason Campbell, who was working as a resident at OHSU during the alleged abuse.

The complaint alleges that Campbell sent the woman unwanted, sexually explicit text messages, "pornographic photographs" and "sexually charged social media messages."

— Associated Press

## Alzheimer's Disease and Dementia ARE YOU AT RISK?

According to a new study by Johns Hopkins University School of Medicine and the National Institute on Aging, men and women with hearing loss are much more likely to develop dementia and Alzheimer's disease. People with severe hearing loss, the study reports, were 5 times more likely to develop dementia than those with normal hearing.

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—2011 Study by Johns Hopkins University School of Medicine and the National Institute on Aging

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