

Judge: Trial against ex-cop can continue

Child neglect charges against ex-Grant County deputy tossed but trial can proceed on other counts

By STEVEN MITCHELL
Blue Mountain Eagle

CANYON CITY — After more than a month of deliberating, a Grant County Circuit Court judge has tossed out misdemeanor charges against a former Grant County sheriff's deputy but ruled that trial can proceed on three felony counts.

In a written ruling issued Monday, July 18, Circuit Court Judge Dan Bunch stated he would dismiss four counts of child neglect but not charges of fourth-degree assault, attempted first-degree rape and attempted first-degree sex abuse against Tyler Smith.

The ruling comes in response to a motion by Smith's attorneys to dismiss all the charges against him, which they alleged were part of a plot by former Grant County Sheriff Glenn Palmer, other sheriff's office employees and Smith's accuser to get him fired and prosecuted.

Smith was arrested on Sept. 9, 2019, and then fired by the Grant County Sheriff's Office on Dec. 17, 2019, several months before having an opportunity to enter a not guilty plea on April 30, 2020.

Smith's trial was slated to begin in late October of 2021. However, it was abruptly put on hold to

give defense attorneys time to sift through hundreds of pages of discovery materials filed just one day earlier by the prosecution.

The evidence in question included documents and internal reports from the Grant County Sheriff's Office.

Additionally, there were two recorded interviews with Smith's accuser, including one in which she acknowledged placing a tracking device on Smith's vehicle and keeping the Grant County Sheriff's Office informed of his whereabouts.

In his ruling, Bunch writes that Smith's accuser created "proof problems" for the prosecution by not disclosing the alleged assault when she was asked by law enforcement whether there was reason to be concerned regarding Smith's potential for violence.

However, the judge writes, it "simply strains logic" to believe that Smith's accuser and the Grant County Sheriff's Office colluded to make a false accusation of assault to further her goals and those of the sheriff's office.

Bunch adds that he stopped short of concluding that law enforcement deliberately withheld evidence that could be used by the defense to exonerate Smith.

However, in the child neglect

case, the questions become more complicated.

While the judge disagreed with the defense that internal investigations were being conducted to develop evidence in the assault case, he was "convinced" that some of the efforts in the investigation were intended to prove that Smith left his children unaccompanied.

Bunch wrote that he was "particularly disturbed" that the sheriff's office became aware that Smith's accuser was tracking him and continued to receive information from her.

"While the court does not believe law enforcement encouraged (Smith's accuser) to track the defendant," Bunch wrote, "law enforcement became complicit once the knowledge was obtained."

Finally, the document containing Smith's "Garrity" warning, which Palmer used to conduct an administrative interview regarding the charges of child neglect, stated specifically that the interview would not be used as part of a criminal investigation. Palmer, during the evidentiary hearing on the motion to dismiss the charges against Smith, testified that he shared portions of that interview with Gretchen Ladd-Dobler, Wheeler County's district attorney and one of the special prosecutors in Smith's case.

"Sheriff Palmer's informing the



Steven Mitchell/Blue Mountain Eagle, File
Tyler Smith appears in Grant County Circuit Court on Wednesday, April 20, 2022. A Grant County Circuit Court judge earlier this month dismissed four counts of child neglect but not charges of fourth-degree assault, attempted first-degree rape and attempted first-degree sex abuse against the former Grant County sheriff's deputy.

prosecutor of the defendant's story regarding his absences is clearly violative of this provision and is disturbing," Bunch wrote. "Consequently, the court orders that the child neglect charge be dismissed in the interest of justice."

How we got here

Smith maintains that the criminal charges against him were part of a plan by former Grant County Sheriff Glenn Palmer, Under-sheriff Zach Mobley, Mobley's wife, Abigail, and Grant County

Sheriff's Sgt. Danny Komning, Abigail Mobley's older brother, to have him removed from the sheriff's office and get him arrested.

That plan, Smith asserts, was in retaliation for allegations Smith made to the Oregon Department of Justice on July 31, 2019, that Abigail Mobley had used illegal drugs and had a sexual relationship with an inmate incarcerated for drug crimes while she was a jail deputy with the Grant County Sheriff's Office.

Smith also argues that his accuser was a close friend of the Mobeys and Komning.

After a 21-month investigation found that Abigail Mobley committed eight violations of the department's code of conduct, ranging from abuse of her position to conduct unbecoming an officer and neglect of duty, she resigned from the sheriff's office on Dec. 26, 2021, following a 30-day suspension.

Abigail Mobley, who was on paid leave throughout the investigation, was not found to have used illegal drugs.

What's next

Smith's trial on the assault, attempted rape and attempted sex abuse charges is scheduled to begin on Oct. 24 in Grant County Circuit Court.

The 12-person jury trial is expected to last 14 days, according to court documents.

Two ambulance services in Morrow County fight it out on Facebook

By PHIL WRIGHT
East Oregonian

BOARDMAN — Morrow County Health District and Boardman Fire Rescue District on Monday, July 25, threw social media jabs at each other over who can handle emergency calls for ambulance service.

Morrow County Health District in a post on Facebook contended the Ambulance Service Area Plan for the county designates the health district as the ambulance service provider for all of Morrow County, and Boardman Fire has been ignoring that.

"BFRD is engaging in

a practice known as call jumping, where multiple providers responded to a single incident," according to the health district's post. "In Oregon, call jumping is illegal. The state of Oregon has determined that this practice presents risks to the public and patients that do not outweigh the benefits of the action."

The health district and the Morrow County EMS Advisory Committee on April 27 even issued a determination against Boardman Fire and Rescue District Chief Michael Hughes' request to change the plan and allow Boardman Fire to respond

to all calls within its district, which covers an area of 330 square miles.

That determination also called out Boardman Fire District for "a failure to adhere to appropriate protocol and procedure," which included "patient confidentiality violations in public forums," members of the fire district "disparaging health district ambulance crew in public" and "engaging in a public campaign to undermine the reputation" of Morrow County ambulance staff and the health district board.

The determination also shot down Hughes' request because one of the "over-

riding reasons" for the request was about funding rather than public safety.

In spite of the health district's determination, Boardman Fire has continued to respond to all calls.

Ken Browne, chair of the Boardman Fire Rescue District, fired back on Facebook.

"In Boardman Fire's case, it is properly responding because it is a Quick Response Team agency. In March 2020, the Health District was taking over 7 minutes to respond to 911 emergency medical calls, when the accepted National average is 60 sec-

onds. In an effort to provide quicker patient care (within the County's ASA Plan) and to also be in alignment with the Governor's Covid response State of Emergency, Boardman Fire requested their dispatch center, Morrow County Sheriff's Office, to page us for all medical emergencies. The Sheriff's dispatch center has been doing so since March 2020."

Browne also stated while the Oregon Health Authority has approved the ASA Plan, the county has yet to adopt it.

Browne then took a shot at Emily Roberts, CEO of Morrow County Health

District.

"However, Since becoming CEO of the Health District, Emily Roberts has been on a mission to keep Boardman Fire from doing what we have been trained and certified to do. It should also be noted that the EMS Advisory Committee is 80% Health District employees," according to Browne's post.

Morrow County Health District spokesperson Scott Gallagher explained Hughes is not looking to partner with the health district but instead take it over and the funding that goes with it.

Umatilla County has the 2nd highest rate of COVID-19 cases among Oregon counties

By JOHN TILLMAN
East Oregonian

PENDLETON — Morrow County on Monday, July 25, reported three new deaths from COVID-19, bringing its total to 37 and its case rate to a high 301 per 100,000 people in its population, according to the Oregon Health Authority. The state rate was 190 and Multnomah County's 158 on July 20.

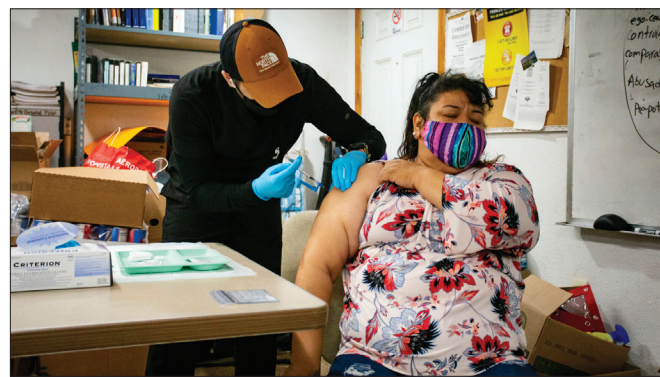
Umatilla County's last recorded death attributed to COVID-19 occurred June 16, Marlee Goodnight, health department communications coordinator, said.

"Death reports continue to trickle in from the massive January surge," she said. "Most fatalities are among the old."

Despite no deaths this month to date, total recorded COVID-19 mortality in Umatilla County grew from 229 in early July to 235 by July 25.

Umatilla County had the second highest COVID-19 case rate among Oregon counties as of July 20, with 29,606 per 100,000 population.

At 31,773, Jefferson County was first and its neighbor Crook third, at 27,160, in Oregon Health Authority data. Malheur and Deschutes counties rounded



East Oregonian, File

Maria Ugarte, right, looks away Friday, Dec. 10, 2021, as she receives her second dose of the COVID-19 vaccine from Sergio Gonzalez, a licensed practical nurse, during a vaccination clinic in Hermiston.

out the top five, followed by Grant, Morrow and Harney. The only western Oregon county in the top 10 was Linn in ninth place, ahead of Klamath.

With 294 fatalities per 100,000, Umatilla County also reported a higher than statewide average rate of deaths attributed to COVID-19.

During the week of June 26 to July 2, 209 new COVID-19 cases were reported in Umatilla County. That number fell to 190 for July 3-9, and to 189 for July 10-16. Data were not yet available for July 17-23 at press time.

OHA wastewater monitoring for SARS-CoV-2 viral concentration showed no change at Pendleton and sustained decrease at Herm-

iston this month. Pendleton was last sampled on July 11 and Hermiston on July 14.

Umatilla County's COVID-19 vaccination rate of 60.4% of population aged 18 or older with at least one dose remains below the state median for 36 counties of about 69.5% and state mean average of 84.6%.

Umatilla County had a population of 80,075, according to the 2020 census. Of that number, 40,853 individuals have been vaccinated, equating to 60.4% of those 18 or older being vaccinated, as of July 18, according to the OHA.

In Umatilla County, of people age 18 and older 14,567 have received a booster dose. Those eligible to receive a booster dose but haven't yet num-

bered 18,260. Of those eligible 44.4% have received a booster. For comparison, statewide 84.6% of those over 18 have been vaccinated, and of those eligible 47.4% have been boosted, Goodnight reported.

The OHA on July 20, urged Oregonians in the 21 counties with high COVID-19 cases and hospitalizations to mask up, warning the state's hospital system is again under extreme strain.

"You still need to wear a mask in health care settings to keep everyone safe," the OHA's website read.

The OHA emphasized that data from Opera, Oregon's COVID-19 disease surveillance system, are provisional and subject to change.

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