

just news

Doney's killer sentenced

From the perspective of Doney's father, the proceeding was a trial of the justice system as much as it was a hearing for Darrell Monical

BY ANNDEE HOCHMAN

Darrell Blaine Monical, the man who killed Eugene Doney in Couch Park more than a year ago, was sentenced March 28 to 20 years in prison, with a five-year minimum to be served before he will be eligible for parole.

Monical, initially charged with murder in the case, pleaded guilty to the lesser charge of manslaughter last December. In a plea agreement, he said that he strangled Doney and slit his throat "while under the influence of alcohol after he accosted me and attempted to have homosexual contact with me."

It was the sentence, and not the killing, that was at issue in last month's proceeding before Multnomah County Circuit Court Judge Robert P. Jones. As part of the plea agreement, Monical's attorney, Wendell R. Birkland, and Deputy District Attorney Charles M. Kokes had recommended a maximum sentence of 20 years, with a five-year minimum.

But in January, Judge Stephen S. Walker refused to approve that sentence, saying it was too light. The sentence for manslaughter can carry up to a ten-year minimum. Birkland asked that the case be transferred to a different judge, and it was switched to Jones.

Birkland argued that Jones should approve the lesser sentence because of the confrontation that led to Doney's death. Monical did not testify at the hearing, but his uncle, Larry

Monical, described for the court his nephew's version of the encounter.

He said Doney offered oral sex to Monical, who was intoxicated after drinking 190-proof grain alcohol earlier that night. Monical refused, saying he was not gay. The two talked in Couch Park, then Monical "began vomiting . . . the next thing he remembers, he was inside the play structure, he was bent over, his pants were down and Mr. Doney was poking him from the rear and trying to enter him," Larry Monical said in court. He said Darrell Monical choked Doney until he was unconscious, left the area, then realized his keys and wallet had dropped. When he returned to get them, Doney had regained consciousness. The two struggled, and Monical cut Doney's throat with a broken bottle.

Police did not find any broken glass at the scene. Doney's jacket and wallet were in his car, parked 3½ blocks away. The incident happened in the early morning hours of February 13, 1988. Monical was arrested five months later, after making statements about the killing to friends.

In arguing for the lighter sentence, Birkland said the death was a "victim-precipitated" crime. "We're not saying [Monical's] actions were completely justified. We're only saying Mr. Doney contributed to his own death . . . If he hadn't tried what he tried on Mr. Monical, he'd still be alive."

Doney's father, Norman Allen Doney, asked the judge to impose a ten-year minimum sentence.

"I do not agree with the plea-bargain system," he told the court. "Eight months ago a man pleaded guilty to killing my son. And here we are today. It's just not right. Nobody can speak for my son. I would rather see a full-blown trial."

Doney, who was 24 when he was killed, was about to enter Mount Hood Community College and planned to transfer to the University of Oregon in the fall. On the night before the incident, according to testimony in the hearing, he had spent about three hours at Silent Partners. Bruce Fuller, the bartender there, testified that he served Doney five drinks in that time.

Monical, 19, had been suspended from the Wolf Creek Job Corps and was living with his uncle in Northwest Portland, near Couch Park, at the time of the incident. Larry Monical said his nephew left Portland a few days after the killing and described what happened that night only months later, after his arrest, in a phone call from the Douglas County Jail.

In court, Darrell Monical shook noticeably throughout the two-hour proceeding. When his father, Glen Monical, cried during his testimony, Darrell Monical lowered his head and wiped his eyes. Just before Jones sentenced him, he stood up and said, in a quavering voice, "I truly, truly am sorry. I can't put words to how sorry I am. But I really, really am sorry. I didn't want this to happen."

From the perspective of Doney's father, who sat at the prosecutor's table with Kokes, the proceeding was a trial of the justice system as much as it was a hearing for Monical. Kokes

explained that a change in Oregon law had made some of Monical's early statements to detectives inadmissible in court, and that is why prosecutors agreed to the plea bargain on a lesser charge.

"We had no eyewitness and, really, no physical evidence," Kokes told the judge. "Our case changed; some of the evidence was lost. It seemed reasonable as a negotiation to offer half of the mandatory minimum."

For Doney, it was not reasonable and it was not enough. "My son was killed with a weapon wielded by Mr. Monical," he said in court. "All this court has as to what transpired that night is Mr. Monical's testimony."

But it was enough for the judge. After listening to accounts from men present at Silent Partners about Doney's behavior that night, to Larry Monical's account of his nephew's version of the incident and to Norman Doney's pleas for justice, Jones approved the sentence with a five-year minimum. He said he did so because of Monical's age, the "nature and circumstances of the confrontation" between him and Doney and the fact that prosecutors as well as the defense attorney had recommended that sentence.

And he acknowledged that, for Doney's father and the rest of his family, the sentence and the judicial system that produced it might still seem inadequate.

"I truly wish I could say something or do something to make you feel, when you walk out of here, that justice had been served," he told Doney. "But that is not to be . . . the justice system doesn't really offer anything to victims."

OCA lies allowed to prevail; complaint filed too late

In February, Portland attorney Janice R. Wilson filed a complaint with Secretary of State Barbara Roberts' office, claiming that the Oregon Citizens' Alliance flouted election laws by publishing false statements in their literature urging repeal of Gov. Neil Goldschmidt's executive order banning discrimination against gays and lesbians in state jobs.

Last month, Wilson got her answer: it's not our turf. The only remedy for charges of false statements in election materials, according to the response Wilson received from Roberts' office, is a suit filed in circuit court. And it's too late for that — such matters must be filed within 30 days after the election and can only be filed by a candidate or political committee, not an individual citizen.

In Wilson's 10-page complaint, she quoted from OCA literature which, among other things, claimed Measure 8 would grant "special rights," require affirmative action for gays and lesbians and force foster-care agencies to accept homosexuals as foster parents (gays and lesbians were permitted to become foster parents before Goldschmidt's executive order).

She also quoted campaign literature stating that "homosexual behavior represents a significant health risk to the general public." In addition, she noted that several leaflets were published without the necessary disclaimer saying they were paid for by the 'No Special Rights' campaign committee. For those brochures, circulated by the "P.L. Media Center," the secretary of state's office has fined a Newberg woman, Sharon Caldwell, \$25 for each failure to print a disclaimer.

Although Wilson said she is disappointed that the false-statement allegations can't be pursued further, she believes her complaint has symbolic values. As she wrote in the letter to Roberts, "At the very least, when these atrocious falsehoods are raised again it cannot be said, 'They must not have been lies, because no one complained.'"

— Anndee Hochman

Correction

A conventional loan is a good choice when the buyer has a downpayment of over 20 percent, not 2 percent as reported in an article about financing a home in last month's edition.

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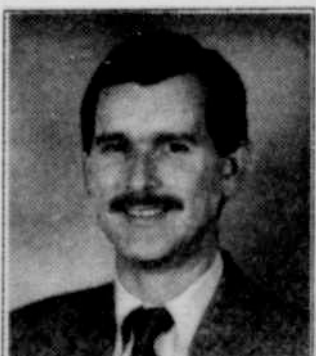
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