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Hood murder garners man death sentence

Dennis Richard Brooks, a 26-year-old Portland man convicted of murder in the shooting death of a 34-year-old California woman, was sentenced to death last Tuesday by Clackamas County Circuit Judge Dale Jacobs.

Brooks was condemned for the October 1979 shooting death of Kittie Coy of Chico, Calif., whose snow-covered body was found bound to a tree near Timothy Lake in Mount Hood National Forest in December of that year.

The sentence will automatically be reviewed by the Oregon Supreme Court. If upheld, Jacobs will set an execution date. Brooks is the fourth man to receive a death sentence in Oregon since the penalty was reimposed by voters in November 1978.

The method of execution would be the gas chamber.

Brooks, a Portland native living in Vancouver, Wash., at the time of his arrest in January, was convicted last summer of the execution-style slaying of Coy. She was suspected of being a member of a forgery ring that operated in the Portland area, but failed to show up for her arraignment last year after she was charged with four counts of first-degree forgery.

The murder occurred in October 1979 after Brooks, Coy and Frederick Hazeem—a co-defendant in the death who pleaded guilty to a first-degree manslaughter and testified for the state—participated in credit card forgeries.

The motive suggested by the state for the killing was that Coy had stolen money from the two men and double-crossed them.

The three of them drove up the High Rocks area, near Mount Hood, taking drugs and drinking alcohol on the way, according to testimony. Brooks claimed they were just going to thumbcuff Coy to a tree to teach her a lesson and release her later.

Identification of her body took more than two months because he had used a number of aliases—19 in California and about four in Oregon—according to the Clackamas County district attorney's office. She had taken the name Mary Ellen Donnelly at the time of her Oregon forgery arrest.

She was also wanted by California authorities for failure to appear at a sentencing there on charges of burglary and receiving stolen goods.

Coy's body was found in December by sheriff's deputies acting on a tip.

After negotiating with the state, Hazeem pleaded guilty to the manslaughter charge and was sentenced to 20 years.

During Brooks' two-day death penalty hearing, Hazeem described Brooks as a violent man who often kept guns and other weapons close to hand. Jack Seidler, chief psychologist at the Oregon State Penitentiary, called Brooks "a sociopath of pathological dimensions."

To impose a death sentence, a judge must find that a defendant convicted of murder acted deliberately, that the murder was an unreasonable response to provocation, if any, and that there is a probability he would commit future criminal acts of violence.

Jacobs said he answered yes to the three points. He described how he visualized Brooks must have shot Coy in the back of the head.

He cited the psychologist's testimony that it would take a "cataclysmic event" to change Brooks and that there was no hope for rehabilitation.



Winter runoff

Runoff near Lolo Pass Road cascades as the result of recent rains. Despite flooding in other Oregon areas, local streams managed to remain below flood stage.

Photos by Mark Floyd

Ordinance appeals go to commission for staff direction

Since the adoption of an updated Sandy zoning ordinance earlier this year, city staff has discovered that although there were no sweeping changes, enough variation exists that not everyone is happy.

As a result, the staff has received a number of formal and informal requests for changes in the zoning of particular parcels or amendments to the text of the ordinance itself. The approach of the staff has been to accumulate the appeals and bring the lot of them before the Sandy Planning Commission.

Next Wednesday, at 7:30 p.m., the commission will consider those requests when it meets in the Council Chambers at Sandy City Hall.

The commission is not expected to take final action on the appeals at its Wednesday meeting, but rather will inform city staff which of the requests should be pursued further and at what meeting date public hearings should be scheduled.

The first request for a zone change involves the former site of the Mount Hood Animal Clinic, 37820 Highway 26, at the west end of Sandy. The owner of the property, V.J. Keating objects to the change in the zoning of the property from general commercial to high-density residential.

The site is on the south side of Highway 26 fronting University Avenue. Keating is currently attempting to sell the property and charged in a letter to the city, "For the planning commission and city council to pass a comprehensive plan without notifying individual property owners whose property is rezoned to a less valuable zone is unjust in the extreme."

The second request which the commission will consider involves a zone change on property at 40830 Highway 26. Ruby Eliason, owner of the residential property adjacent to vacant commercial property at Highway 26—Langensand Road intersection, would like her one-third acre parcel rezoned to highway commercial.

Prior to the 1980 update, her property had that zoning designation. At the time of adoption, it was changed to medium-density residential in consideration of its present residential use and the fact that it was lacking commercial highway access, according to Don Wilson, city planner.

The third request to come before the commission involves the modification of the home occupation provisions of the zoning ordinance.

Billie McNutt operates a hypnosis center in her home at 38336 Hood St.

The property is zoned high-density residential. The Municipal Code establishes standards for home occupations.

Home occupations are not listed as a permitted use in the high-density designation, according to Wilson.

The home occupation standards make provisions for limited signage of home occupations, however, no provisions are made for signing her home occupation in the high density zone. McNutt is requesting a small identification sign, however, it isn't permitted under the present conditions.

City staff has also initiated two requests.

During the zoning ordinance update, the city staff looked closely at properties west of Wolf Drive which have frontage along both Pioneer Boulevard and McCormick Drive. The northern portion of the properties which face Highway 26 are well-suited for commercial development, according to Wilson.

The backside of the properties which face McCormick Drive are more residential in nature and should probably be developed for high density uses, according to the staff report.

Due to the zoning presently placed on the property and the development standards of the commercial zone, there is a possibility that some conflict may arise and the staff is asking the commission to consider the area and initiate any changes accordingly.

The staff is also seeking direction from the commission in applying the off-street parking requirements in the downtown area.

There are several commercial buildings located in the core area which do not have adequate off-street parking areas as required by the zoning ordinance. According to the staff report, these are typically older buildings which have been in continuous use through several decades. Many of the buildings have space which is presently being leased to smaller establishments.

The difficulty arises, according to the report, when the business owners come in for a business license after having rented or leased their space, only to find that off-street parking spaces are not available as required by the ordinance.

Therefore, city staff is not able to equitably apply the off-street parking requirements in a uniform fashion. The staff is requesting commission consideration of these individual properties and direction as to whether or not off-street parking requirements should be changed, or possibly a variance to the provisions granted.

Advice to renters: 'Put it in writing'

If there's one piece of advice that experts give repeatedly to both renters and landlords it's: "Put it in writing."

It's a safety precaution that can prevent a lot of later problems, says Mari Stephenson, coordinator of the Renter's Hotline. "It's the first step the law states. Put all requests and agreements in writing!"

If that piece of advice is too late coming for some owners or tenants, the Renter's Hotline may still be able to help. They can inform people of their rights under Oregon law or refer them to volunteers who may be better able to help.

The hotline was established in late summer by the Multifamily Housing Council, a division of the Homebuilders Association of Metropolitan Portland.

The council is a private organization of property managers, owners and developers. Besides running the Hotline, the council also raises funds through rental workshops, seminars and the sale of rental forms.

Ever since the Hotline was opened it has been deluged with calls from both tenants and landlords.

"It's been a real learning experience," says Stephenson. Calls vary

from typical landlord-tenant grievances to unexpected problems and conflicts. Calls have been almost equally divided between renters and owners.

Most calls, however, fall into five major categories. Twenty-four percent of the calls concern move-out or eviction notices. Sixteen percent concern repairs, services or damages. Nine percent concern security deposits, 8 percent are about late rent or non-payment and 5 percent deal with rent increases. The remaining 38 percent fall into a miscellaneous category.

Stephenson says she averages 15 calls a day—many of those from all around the state.

Stephenson says the law doesn't favor either landlord or tenant—but it can work to the advantage of either party depending on the situation.

"It (the law) is never as clear cut as you want it to be. It's not black and white," she says.

"I get so many calls from both sides," she says. Both landlords and renters have told her they feel they have no rights. "I hear that statement from both sides."

Stephenson says it is usually better to negotiate a tenant-landlord grievance. "If you work it out it's going to be a lot better than taking it to court."

Although they haven't had to yet, the Renter's Hotline is prepared to mediate conflicts through an arbitration board.

There is another renter service in Portland, but only the Multifamily Housing Council's hotline has a manned phone. The volunteer-staffed Tenant's Union has an answering service and returns calls later.

Stephenson doesn't feel being a home builders organization creates any conflict of interest when dealing with tenants.

"I'm the person manning the phone all the time. Whoever calls me—I will give them the best advice, she says. "I really think all the other volunteers will treat them the same. There are some bad owners out there. We're not trying to protect them."

She refers to a recent article in the Willamette Week newspaper on the "10 worst" landlords in the metropolitan area.

"We hated to see it, of course,"

Stephenson says. "No one ever shows the 10 best. None of the owners were members of our council, however. That was a good sign."

Stephenson feels a major service and goal of the hotline is to educate the public. "If people know the law they probably aren't going to create any problems."

There is a 7 to 8 percent vacancy of rental units in the metropolitan area—a higher than normal rate, Stephenson says.

"Because the economy is bad, younger people are moving back home with their parents and singles are doubling up," she says. "There's no problem with available units in Portland, though there might be in a specific neighborhood."

Stephenson says a frequent question concerns landlords who will not rent to tenants with small children.

"The question seems actually larger than the problem," she said. "It gets talked about a lot, but in the city as a whole, it's not a problem."

Other calls may be more unusual.

Stephenson had one call from an owner

whose tenant had committed suicide in his apartment. "The question was whose responsibility was it to clean up the mess. The answer that I gave was it was the family's. The owner had no control over the situation," she says.

Another manager had a tenant shoot at the manager's son. She wanted to know what to do with the tenant's property after he had been jailed.

Another landlord was owed a year's rent. Such cases often occur when the owner "rents to a friend or rents to someone who was a friend," says Stephenson.

"You just wouldn't think someone would let it go that long. But they do, not knowing they have a legal route to take," she says.

Occasionally the Renter's Hotline will get a call for the tenant or owner and then "a few hours later" will receive a call from the other party. "Surprisingly, their stories don't agree," said Stephenson. Stephenson said she gives both parties advice according to the facts they give her.

The Renter's Hotline number is 288-0125 and is open from 8 a.m. to 5:30 p.m. Stephenson said to "keep trying" if the lines are busy.

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