



ROD ADAMS IN THE DAYS BEFORE HE BECAME UNHOUSED

PHOTO COURTESY ROD ADAMS

## THE (FIRST) TRIAL OF ROD ADAMS

*Adams argued his arrest for sleeping on public property criminalizes homelessness, but a judge wasn't hearing it*

**O**n an early February morning, Rod Adams was lying in a sleeping bag under an awning in downtown Eugene when a security guard woke him up.

Adams, 61, had been sleeping on private property. The security guard asked him to leave. Adams said "OK," got up and left.

The security guard notified Eugene police officer Bo Rankin of the encounter. Five days later, Rankin issued Adams a citation for trespassing.

Because of that encounter, Adams, his public defender, a city prosecutor, a judge, the police officer, the security guard, the building manager, six jury members and about a dozen civilians supporting Adams spent the better part of Nov. 15 at Eugene Municipal Court for Adams' trial.

The jury found Adams guilty of criminal trespass in the second degree. Judge Richard Fredericks sentenced Adams to probation, and the threat of jail time if he commits a similar offense in the future. Adams will almost certainly reoffend.

Since he moved to Eugene nine years ago, Adams, who

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— ROD ADAMS

is homeless, has been ticketed or arrested more than 40 times for a variety of minor, nonviolent crimes, including trespassing, illegal camping, violating park rules and jaywalking. Adams has two more pending trespass charges for sleeping, which he also plans to take to trials.

Adams and his lawyer, Joe Connelly, filed a motion to dismiss all three trespass charges, arguing enforcement of the law under these circumstances criminalizes homelessness and violates Eighth Amendment restrictions on cruel and unusual punishment. There are insufficient beds for the number of homeless in Eugene, Adams is not eligible for many of the beds and Eugene Mission had no available beds the nights in question, they argued.

Fredericks denied the motion.

Adams wanted to argue the necessity defense — that committing the crime was justified due to an imminent danger, because there was no practical alternative and because the harm prevented was greater than the harm done. But a judge excluded the defense, saying there was no imminent danger.

"What about 27 dead homeless people in one year in Eugene?" Adams said.

Any attempt Connelly made to introduce homelessness as a factor in the case was quickly shot down by the city prosecutor and judge. While cross-examining Rankin, Connelly asked, "Are you aware that there are insufficient beds in Eugene?"

"Objection, your honor, relevance," said the city prosecutor, Suzanne Bruce.

"Sustained," Fredericks said.

When Adams took the stand, Connelly asked, "Have you had problems finding housing?"

"Objection, your honor," said the prosecutor.

"I'm going to sustain the objection," the judge said.

"Do you have to sleep at night, or at least sometime during the day?" Connelly asked Adams.

"Objection, your honor," Bruce said. "The facts in this case don't fall on whether the defendant was sleeping or not. They only fall on what the defendant was doing at a particular time, and I think that leads us into muddy waters."

"I agree," Fredericks said. "I'll sustain the objection."

The defense was going to call two witnesses, Sue Sierralupe and Arwen Maas-Despain, who work with the homeless through Occupy Medical, a service that provides free health care services to the Eugene community. But about five hours into the trial Connelly told them there was no way they'd be allowed to testify in this case.

According to Oregon law, "a person commits the crime of criminal trespass in the second degree if the person enters or remains unlawfully" upon a premises. It was clear Adams broke the law — video footage showed as much — but without the ability to explain why, his case was dead in the water.

"Where do the moral obligations reside in America?" Adams said loudly, before the jury left the courtroom to deliberate.

The jury deliberated for 20 minutes before delivering the verdict.

According to *Eugene Weekly's* analysis of Eugene Municipal Court records, 35 percent of tickets Eugene police wrote for minor, non-traffic crimes in 2016 were issued to individuals who were homeless or lacked a permanent address, despite the homeless accounting for no more than 2 percent of the city's population.

When Fredericks asked Adams to make a statement prior to sentencing him, Adams said, "You've denied all the evidence that irrefutably proves the criminalization of homelessness, so I don't know what else I can tell you. We've proved it, and you refuse to hear it."

"You may feel like we're trying to grind you under our heels, and I can tell you that's not the case," Fredericks responded. "We try to help people. We try to hook them up with services. No one is trying to punish someone for being homeless."

The city prosecutor recommended a sentence of five days in jail and probation. Connelly recommended no more than one or two days in jail. Fredericks sentenced Adams to a year of probation, plus seven days in jail the next time he trespasses.

Adams' next trials are slated for Dec. 7 and 13. ■

### LEAH RIEDLINGER

Born in Green Bay, Wisconsin, Leah Riedlinger arrived in Eugene with her family at age one. She played soccer at Buena Vista Elementary and Monroe Middle School, but switched to cross country as a sophomore at Sheldon High. "I spent the next summer in Alaska, packing fish," she says. "I came back, took three extra classes and graduated after my junior year." She spent one year in Texas ("because I like country music") and worked in a restaurant, then started college at Southern Oregon University in Ashland. "They had a cool ethics program," she says. "I decided to be a philosophy major." She studied Spanish and theology for a year at the Pontifical Catholic University of Ecuador, and worked for Pedalers Express in Eugene while completing a BA in philosophy at the University of Oregon. Afterwards, she had jobs with nonprofit groups in Portland and spent three years in a Buddhist monastery in Okayama, Japan. "I was on track for ordainment as a nun," she says, but instead she returned to Eugene in 2013 and found work as a case manager with Catholic Community Services. "I liked working there. I was given the names of people at the [Eugene] Mission or living in a tent, and I worked to help them get approved for rentals." She is currently enrolled in grad school at Portland State and designing research projects in Eugene to facilitate communication between the unhoused and people living more privileged lives. On Wednesday, Nov. 29, she will host a Lunch Match event, a free luncheon and workshop for around 40 participants, both housed and unhoused who will share personal stories and solutions-forward conversation. Registration is required. For information, email [lunchmatcheugene@gmail.com](mailto:lunchmatcheugene@gmail.com).

## HAPPENING PEOPLE

BY PAUL NEEVEL

