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NEWS

BY MORGAN THEOPHIL

THE (SECOND) TRIAL OF ROD ADAMS

Homelessness again plays no role in verdict in criminal trespass case



ROD ADAMS (LEFT) AT HIS NOV. 15 TRIAL

PHOTO BY KENNY JACOBY

On Feb. 26, Rod Adams was awakened by a Eugene police officer, arrested for trespass and taken to jail.

This incident was nothing new for Adams, a homeless man, who has been ticketed or arrested more than 40 times for a variety of minor, nonviolent crimes since moving to Eugene nine years ago.

Because of that February occurrence, Adams, his public defender Joe Connelly, city prosecutor Matthew Cox, Judge Richard Fredericks, two witnesses, six jury members and more than a dozen civilians supporting Adams attended Adams' second trial on Dec. 7 at the Eugene Municipal Court.

Unlike Adams' first trial on Nov. 15 (see *Eugene Weekly* 11/22), Fredericks allowed questions regarding homelessness to surface. Nonetheless, the jury found Adams guilty of criminal trespass in the second degree.

"I'm wondering if the jury knows that morality has no place in this court room?" Adams said early in the trial. "If you apply the regular standard, I am guilty and you're condemning me to death — there's no place for morality here."

The incident at hand was filmed, as Officer Matthew Pizzola, who found Adams at 7:30 that rainy February morning, was wearing a body camera. The 30-minute video was played and used as evidence during the trial.

In the video, Pizzola happens upon Adams asleep in his sleeping bag against a building downtown. Pizzola yells for Adams to wake up, recognizes Adams quickly and asks if Adams saw the "no trespass" sign posted only a few feet away, which Adam denies.

Adams, who had been sleeping under the awning of the building, stood up and walked into the rain. "This is what a soft kill is in

this country," Adams said. "I would've been fine if I was sleeping right out here in the rain, right?"

"No," Pizzola said. "I would've cited you for prohibited camping."

During cross-examination, Connelly sought to prove that while Adams was, by legal definition, trespassing, there was no proof that he was doing so unlawfully.

"Not to be silly, but when someone lies down at night, it's dark, isn't it?" Connelly asked.

"Yes," Pizzola said.

"And you had never told Mr. Adams to leave that day, or any other time in this particular location, correct?"

"In this particular location, I don't believe so," Pizzola said.

Regarding Pizzola's statement to Adams about prohibited camping, Connelly asked, "Given that exchange, you know that there's no legal place for a person to sleep outside, correct?"

"I'm not aware of a place, no," Pizzola said.

During final statements, Connelly tried to use Pizzola's confirmation about there being no legal place to sleep outside to show that Adams simply had no other place to sleep. "What we have also is evidence that there is no lawful place for a homeless person to sleep outside," Connelly said. "Where is a body to go?"

"This isn't about whether this is an unfair law, this is about if this particular individual committed this crime in this spot on that day. It may be a harsh law, but it is the law," Cox said to the jury. "This would be the same thing for all of you."

After the jury members delivered a guilty verdict, Fredericks spoke with Adams about his situation beyond the courtroom, asking what steps he has taken to find housing, and if he even wanted to be housed.

Adams replied, "All of them, and of course I do."

Fredericks postponed the sentencing nearly two weeks, asking that Adams go to different service providers — specifically those that help house homeless veterans — and attempt to find housing.

Adams immediately said he has been to all possible providers and services in the area, including those that are veteran specific, and said he does not qualify because he is physically and mentally stable.

Fredericks expressed his disbelief, and said Adams must then come back at his sentencing with documented proof that he does not qualify, adding that the conversation will continue from there.

Adams' sentencing for this case and trials regarding a probation violation, criminal trespass and disorderly conduct are scheduled for Dec. 20. ■

POLLUTION UPDATE

The Oregon Department of Environmental Quality (DEQ) sent a warning letter to the **City of Oakridge** on Nov. 28 for causing "wastes to be placed in a location where such wastes are likely to be carried to waters of the state." More specifically, DEQ expressed concerns about the fact that the city transports waste screened from its wastewater treatment plant "in an open bed dump truck to the landfill near Eugene, Oregon," and that during transport "debris and liquids spill onto the road." DEQ cited this practice as a violation of the city's Clean Water Act permit and of Oregon law, and as a "danger to public health." DEQ has asked Oakridge to immediately cease this practice, and to properly label transport vehicles with "City of Oakridge placards." — *Doug Quirke/Oregon Clean Water Action Project*

