

Redmond man sues sheriff for \$2.5 M

BY GARRETT ANDREWS
CO Media Group

A former Deschutes County Sheriff's Office captain has filed a \$2.5 million federal lawsuit against Sheriff Shane Nelson alleging the sheriff acted with "evil motive or intent" in a series of personnel investigations that cost him his career.

In a 45-page complaint filed Monday in federal court in Eugene, Deron McMaster asserts that Nelson violated McMaster's right to free speech and status as a whistleblower.

Among other allegations, the longtime supervisor says Nelson concealed evidence relating to a co-worker's internal investigation, and that he demoted McMaster for speaking out against the sheriff and exposing improper actions by the sheriff and the sheriff's wife.

"Defendant Sheriff Nelson acted with evil motive or intent toward (McMaster) when Sheriff Nelson intentionally concealed damaging testimony given by his wife," the lawsuit reads.

"This has a profound and chilling effect on other DCSO employees not to 'cross' the

Sheriff."

Nelson refused to answer questions, though an office spokesperson sent a statement.

"The Deschutes County Sheriff's Office is aware of the complaint filed by Mr. McMaster's attorney," wrote sheriff's spokesman Sgt. Jayson Janes. "Sheriff Nelson disputes the allegations made in this complaint and plans to vigorously defend the Sheriff's Office against these allegations."

Janes said no further information will be released due to the pending litigation.

McMaster worked for the sheriff's office for 28 years, rising to become one of three captains reporting directly to Nelson.

McMaster says in 2021 he was demoted and forced to resign.

A Bulletin article published in October based on hundreds of pages of internal documents and audio files describes much of the history contained in the lawsuit. In essence, a scandal involving former deputy Richard "Deke" Demars came to envelop McMaster after Demars confessed to McMaster an affair

with a subordinate deputy.

The investigation of Demars soon included allegations of domestic abuse by a different woman, a longtime girlfriend, and her two children.

McMaster alleges he learned during the Demars investigation that Nelson's wife, Lisa, had told internal investigators that she and her husband had known about discord in the Demars household for years.

The Nelsons were neighbors to Demars' household for around 7-8 years, and Nelson's son was friends with the two boys in the Demars household.

McMaster says that after he learned the Nelsons knew about alleged abuse in the Demars household, Nelson placed McMaster on paid leave for alleged policy violations. The sheriff said McMaster should have gone to him directly regarding Demars, rather than go to Demars' supervisor as well as an outside agency, which is what McMaster did.

McMaster and his attorney received discovery documents as part of the disciplinary process, but missing from the documents — and the only thing missing — was a copy of



Bulletin file

Deschutes County Sheriff Shane Nelson, seen here at a press conference in 2016.

Lisa Nelson's interview transcript, according to the lawsuit.

The internal investigation of McMaster was conducted by two retired Oregon law enforcement officers, Tim Moore and Matt Ellington, who are named as respondents in the lawsuit.

The lawsuit alleges Moore and Ellington conducted shoddy and improper work, and their reports should be considered invalid under the law.

The McMaster lawsuit was assigned to U.S. District Judge Michael J. McShane, who

oversaw the jury trial in the civil suit filed against Nelson by former deputy Eric Kozowski.

In 2018, Nelson fired Kozowski, two years after Kozowski challenged Nelson in the 2016 election. Last summer, a jury in federal court determined Nelson had violated Kozowski's rights and awarded him \$1.06 million. The county was further ordered to pay around \$1 million in attorney fees for both sides.

On the heels of the Kozowski verdict, the county announced a settlement with another deputy who'd sued in

federal court. Crystal Jansen, then the only female deputy in a supervisory role, alleged Nelson harassed and discriminated against her. She received \$500,000 in exchange for agreeing to drop her complaint.

As of Wednesday, there were still no female deputies in supervisory positions.

Also Wednesday, there were four active lawsuits against the sheriff's office.

An Air Force veteran, McMaster now works as an aircraft mechanic in Redmond.

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Sex abuse case declared a mistrial

BY GARRETT ANDREWS
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A mistrial was declared in the child sex abuse case of Josue Jair Mendoza-Melo on Tuesday after he learned from a *Bulletin* article that his judge was a chief proponent of Ezra's Law, proposed legislation named for a toddler who Mendoza-Melo seriously injured in 2017.



Mendoza-Melo

The Redmond man is currently charged with two counts of first-degree sodomy and nine counts of first-degree sex abuse for allegedly abusing two girls multiple times between 2010 and 2016.

He has pleaded not guilty. His trial in that case began Monday in Jefferson County Circuit Court with jury selection, opening statements and witness testimony.

But Tuesday's proceedings began with the lawyers meeting in chambers with Judge Wade Whiting, where Mendoza-Melo's attorney informed him the defense intended to seek a mistrial due to a conflict of interest.

"Mr. Mendoza-Melo appreciates the judge taking his concerns seriously," Mendoza-Melo's attorney, Jennifer Kimble, told *The Bulletin* Tuesday.

In 2019, Mendoza-Melo was convicted in a separate case of attempted murder of his then-girlfriend's 2-year-old son, Ezra Jerome Thomas,

who suffered significant and permanent injuries.

Mendoza-Melo ultimately agreed to a plea deal in that case and was sentenced to 12 years in prison. Prosecutors at the time expressed frustration with state sentencing law, which they said limited the prison term they could pursue due to Mendoza-Melo's lack of criminal record.

Ezra's story was one of several that inspired lawmakers, prosecutors and victim advocates to develop Ezra's Law, which would allow judges to impose longer sentences in cases where victims suffer permanent injuries.

The bill died in a legislative committee in 2020 after the walkout by Republican lawmakers. It was reintroduced in 2021 but was again shot down.

Whiting, a former Crook County district attorney, was a key supporter of the bill, a fact reported by *The Bulletin* on Tuesday. Whiting spoke in favor of the bill at legislative hearings in Salem, highlighting the case of La Pine man Nick Ricks, who was shot four times in the back by a stranger at a Prineville bar. Ricks was paralyzed, and his shooter, Omar Ramzi Araim, received a 6-year prison sentence, not longer due primarily to Araim's lack of a prior criminal record.

Late last year, Whiting was appointed to replace Judge Mike McLane as the third judge of the 22nd Judicial District, which covers Crook and Jefferson counties. He

began hearing cases in January.

Tuesday morning, Whiting considered the motion by Mendoza-Melo requesting a mistrial. Kimble told the court her client learned of Whiting's support for Ezra's Law from *The Bulletin*, and he felt Whiting's connection to Ezra's Law was highly prejudicial.

Whiting asked each juror if they'd read *The Bulletin* article. One said they'd seen it but hadn't read it.

Jurors are asked to not read news articles about the cases they hear or discuss them with others.

Whiting ultimately approved the motion, dismissing the jury and declaring a mistrial. He told the defendant he understood how he could feel the judge's support of Ezra's Law could appear prejudicial.

The court clerk will now assign a new court date, though Kimble said it could be several months out due to witness availability.

"Our only concern is that justice, and the appearance of justice, is sought," Jefferson County District Attorney Steve Leriche told *The Bulletin*.

Mendoza-Melo will now return to Snake River Correctional Institution in Malheur County, where he's been serving his sentence in Ezra's case.

Ezra requires full-time care, and his caregivers have said he's not expected to live to be an adult.

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Fishing closures announced on lower Deschutes River

Spokesman staff report

Summer steelhead are forecasted to have a low run this year, prompting the Oregon Department of Fish and Wildlife to issue angling closures with steelhead, bass, and salmon in parts of the Deschutes River this summer, starting as early as June 1.

Last year's upriver steelhead run to Bonneville Dam on the Columbia River was the lowest since records began in 1938, resulting in the first steelhead fishing closure on the Deschutes since 1978. Pre-season forecasts for 2022 are similar to last year's returns, according to the department.

As more summer steelhead pass through Bonneville Dam from summer through fall, fishing seasons will be adjusted.

Anglers should always check the recreation report for their fishing zone as



Gary Lewis / For The Bulletin file photo
A male summer-run steelhead.

regulations can change.

Under temporary rules adopted for the Deschutes River on Wednesday:

- Steelhead and bass fishing is closed from June 1 to Aug. 15 from the mouth at the westbound I-84 bridge upstream to Pelton Dam.

- Chinook salmon fishing is closed from Aug. 1 to Aug. 15 from the mouth at the westbound I-84 bridge upstream to the upper railroad trestle (approximately three miles downstream from Sherars Falls).

- Coho salmon fishing

is closed from Aug. 1 to Aug. 15 from the mouth at the westbound I-84 bridge upstream to the upper railroad trestle (approximately three miles downstream from Sherars Falls) and from Sherars Falls upstream to Pelton Dam.

Normally under permanent regulations, hatchery steelhead fishing is open all year, coho fishing is open Aug. 1 to Dec. 31 and Chinook fishing is open Aug. 1 to Oct. 31.

Salmon fishing closures are needed during these time periods as salmon anglers may encounter wild steelhead.

Trout fishing remains open on the Deschutes River as there is less risk that trout anglers will encounter wild steelhead.

Anglers should take extra steps to avoid targeting steelhead and safely release them if caught, according to the department.

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