

MURDER, continued from Page A1

disability than it does to non-clinical personality traits like ill temperament, dishonesty, or stubbornness," Armstrong wrote.

Armstrong suggests that the lower court judge, Judge Dale Penn, erroneously conflated personality traits (like stubbornness, dishonesty, etc.) with mental disorder and that the exclusion of expert testimony on that basis was unfounded.

After his arrest, Zielinski was examined by Dr. Richard Hulteng, a Portland psychologist. Hulteng diagnosed Zielinski with adjustment disorder with depressed mood, anxiety disorder and alcohol abuse along with narcissistic personality traits.

Hulteng stopped short of diagnosing Zielinski with combat-related post traumatic stress disorder, stemming from Zielinski's experiences in the first Gulf War, and opined that there was no indication that Zielinski was "inherently incapable of controlling himself."

A second psychologist largely concurred with Hulteng's evaluation, writing that, at the time of the alleged murder, Zielinski "was experiencing heightened stress, increased despair, and hopeless, catastrophic, and rigid thinking."

The second psychologist diagnosed Zielinski with anxiety disorder and alcohol abuse and obsessive-compulsive personality traits.

The state filed a motion to prevent the psychologists from testifying regarding Zielinski's

What happens next?

In 2013, Peter Zielinski pleaded guilty to killing his wife in their Keizer home.

Now that the Appeals Court of Oregon has overturned the verdict, Zielinski can withdraw his plea, said Amy Queen, a spokesperson for the Marion County District Attorney Office.

Zielinski remains in prison while the courts assign a new judge and set dates for the next steps in the process. As of press time Wednesday, Sept. 27, no actions had been scheduled. Queen was unable to speak about case specifics because it has been reopened.

The appellate opinion states that Judge Dale Penn erred when not allowing testimony about Zielinski's diagnosis with anxiety disorder. Doing so would have permitted a jury to determine whether Zielinski was operating under extreme emotional disturbance. If a jury had found Zielinski to be suffering from EED, it could have considered a conviction for first-degree manslaughter rather than murder.

Under Oregon law, the minimum penalty for murder is a 25-year sentence while the minimum penalty for first-degree manslaughter is 10 years. Zielinski was originally sentenced to life in prison with a possibility for parole after 25 years.

anxiety, its source and how it manifests. The defense argued that such testimony critical to understanding Zielinski's situation. It would have provided the opportunity to argue that Zielinski was operating under extreme emotional disturbance (EED), a determination which is left to juries under Oregon law. Judge Dale Penn sided with state attorneys.

In 2013, Zielinski changed his plea from not guilty to guilty with the condition that he could appeal the judge's decision on the psychological testimony.

Leaving the door open to the EED defense could reduce the crime of murder to first-degree manslaughter. The two carry different minimum sentences under Oregon law. The

minimum penalty for murder is 25 years and the minimum for first-degree manslaughter is 10 years.

In addition to conflating issues of disability and personality, Armstrong, the appeals court judge, contended that nothing in Oregon law states that a person's situation is limited to the events and circumstances leading up to a homicide and that removing the evidence of an anxiety disorder diagnosis "eliminates the objective component of the EED defense."

Zielinski's case will now come back to the Marion County Circuit Court. No dates have yet been set for new court appearances. Zielinski remains in prison at Oregon State Correctional Institution in Salem.

PARKING, continued from Page A1

long-term solutions," Jespersen said. "We want to show people that the schools, city and police are all working together to come up with a viable solution."

The forum is, in part, a response to neighbor concerns along Newberg Drive North, which runs adjacent to the school campus to the east. Over the past two years, several neighbors have complained to school staff, city leaders and the school board about increased traffic during drop-off and pick-up times.

There is a gate between the Newberg and the McNary campus that students use to walk to school and parents use as a drop-off point to avoid the bottleneck of the McNary parking lot.

Residents of Newberg Drive and Max Court have complained about issues ranging from speeding to litter to traffic congestion so thick it prevents them from leaving their driveways in their vehicles. Frustration with the situation and perceived lack of relief drove one resident to put a lock on the gate in an effort to stymie the

flow last spring.

That action drew harsh condemnation from the Keizer City Council, but hope that the school would address the situation by opening up other gates that access the campus on Sandy and Robindale drives beginning with the 2017-18 school year. That never happened, but Jespersen said it isn't out of the question.

"We have one gate open, now, but historically there have been other gates open," Jespersen said.

In 2014, McNary officials closed a gate leading to Sandy Drive North after years of complaints about loitering and vandalism.

Charles Anderson, who has led the charge to get the Newberg Drive gate closed, contends all the problems of Sandy have been funneled to Newberg, but Teague counters that the problems on Sandy Drive were of an altogether different nature.

Jespersen said officials at the forum will also be willing to talk about the impacts of a possible SKSD bond measure being sent to voters in May of 2018. The district is expected to seek about \$620 million to expand capacity at numerous schools including McNary.

"We don't want it to turn into a rally for the bond measure, but that outcome could provide opportunities to accelerate plans we come up with during the forum," Jespersen said.

To expand McNary's capacity, the district would need to strike a deal for additional land, but it could result in the shifting of fields and creation of additional parking, Jespersen said.

"We have to pay for that, and we have to have room for our kids and their cars," he said.

The Salem-Keizer School Board has authorized land acquisition tasks involving McNary High School.

In a special meeting following an executive session Tuesday, the board authorized Michael Wolfe, chief operations officer, to initiate and conduct moves toward purchasing land adjacent to McNary and to Hallman Elementary School.

Wolfe is also authorized to look into land for a new elementary school in northeastern Salem.

The proposed land purchases are included in the bond proposal for the May 2018 election. The McNary project and the one for a new elementary school are scheduled for construction to begin in 2019.

Nightmare Factory celebrating 30 years

The Nightmare Factory returns this October for their 30 year anniversary with the promise of "it's most terrifying haunt ever." The Nightmare Factory haunted house will provide thrills and excitement for all ages.

General admission is \$15 and starts October 6-7, 7 p.m. to 11 p.m. Their next dates, October 13-14 marks their free T-shirt weekend, wherein

they give the first 200 guests a free T-shirt. The factory then continues through October 21-22, 7 to 11 p.m.; October 25-26, 7 to 10 p.m.; October 27-28, 7 to 11 p.m.; October 29-31, 7 to 10 p.m.; and finally November 3-4, 7 to 11 p.m.

The Nightmare Factory is an annual fundraiser for the Oregon School for the Deaf and is located at 999 Locust Street N.E. in Salem.

public notices

PUBLIC NOTICE

PUBLIC NOTICE

The Keizer Police Department has in its physical possession the unclaimed property described below. If you have any ownership interest in this property you must file a claim **(IN WRITING ONLY)** with the Keizer Police Department, Property & Evidence Department, PO Box 21000, Keizer OR 97307-1000 within 30 days from the date of this notice or your rights will be forfeited. Include your name, address, phone number, date property was lost or stolen, sufficient description, proof of ownership/documentation to establish reasonable certainty of ownership. You will be contacted only if we can verify ownership by the description you provide.

PROPERTY DESCRIPTION:

Bicycles
Ski Equipment –
Snowboards, Binders
Laptop Computers, Cases
New I- Phone and
Accessories
Clothing
Hunting Bow
Baby Strollers
Watches/ Jewelry
Air Guns, BB's, Pistol
Grips
Binoculars
Camera Lens
RC Vehicles
Theatrical Costume
New Tires
Construction Equipment
Tools

Date of Notice: 09-08-17

9/8, 9/15, 9/22, 9/29

NOTICE TO INTERESTED PERSONS

IN THE CIRCUIT COURT OF THE STATE OF OREGON FOR THE COUNTY OF MARION

Case No. 17PB06086
NOTICE TO INTERESTED PERSONS
In the Matter of the Estate of: DENNIS WAYNE SIMPSON, Deceased.

NOTICE IS HEREBY GIVEN that the undersigned has been appointed personal representative. All persons having claims against the estate are required to present them, with vouchers attached, to the undersigned personal representative at P.O. Box 316, Woodburn, OR 97071, within four months after the date of first publication of this notice, or the claims may be barred.

All persons whose rights may be affected by the proceedings may obtain additional information from the records of the Court, the personal representative, or the lawyer for the personal representative.

Dated and first published on September 15, 2017.

Diana Simpson
Personal Representative

Personal Representative:
Diana Simpson
P.O. Box 316
Woodburn, OR 97071
503-981-9104

Attorney for the Personal Representative:
Ronald M. Hellewell
1596 Liberty Street SE
Salem, Oregon 97302
503-399-7430
503-399-0545 fax
rhellewell@aol.com

9/15, 9/22, 9/29

NOTICE TO INTERESTED PERSONS

NOTICE TO INTERESTED PERSONS

PATRICIA TIPTON has been appointed Personal Representative of the ESTATE OF MICHAEL A. TIPTON, deceased, by judgment of the Circuit Court of the State of Oregon for Marion County, Probate Case No. 17PB06693. All persons having claims against the estate are hereby required to present them, with vouchers attached, to the undersigned Personal Representative, c/o Susan P. Cook, Attorney at Law, 117 Commercial St. NE, Suite 260, PO Box 5943, Salem, OR 97304, within four (4) months after the date of first publication of this notice as stated below, or they may be barred.

All persons whose rights may be affected by the proceedings may obtain additional information from the records of this court, the Personal Representative or the attorney for the Personal Representative.

Dated and first published: September 15, 2017.

Patricia Tipton
Personal Representative

Susan P. Cook,
OSB #962492
Attorney for
Personal Representative
117 Commercial St. NE,
Suite 260
PO Box 5943
Salem, OR 97304
(503)581-6878
e-mail: scookatty@aol.com

9/15, 9/22, 9/29

NOTICE TO INTERESTED PERSONS

IN THE CIRCUIT COURT OF THE STATE OF OREGON FOR THE COUNTY OF MARION
PROBATE DEPARTMENT
No. 16PB02812
NOTICE TO INTERESTED PERSONS
In the Matter of the Estate of Paul Milton Rucker,

Deceased.

Notice is hereby given that Christopher K. Anderson has been appointed as the personal representative of the above estate. All persons having claims against the estate are required to present them to the undersigned personal representative, within four months after the date of first publication of this notice, as stated below, or such claims may be barred.

All persons whose rights may be affected by the proceedings in this estate may obtain additional information from the records of the Court, the personal representative or the attorney for the personal representative.

Dated and first published September 15, 2017

Christopher K. Anderson
PO Box 191
Scotts Mills, OR 97375

Personal Representative
Mikelle L Rupp, OSB# 111385
Attorney for Personal Representative
8655 SW Citizens Dr.,
Suite 104
Wilsonville, OR 97070-9490
Telephone: (503) 922-0961
Fax: (503) 980-7476
kellyrupp@lawyer.com

9/15, 9/22, 9/29

SUMMONS BY PUBLICATION

IN THE CIRCUIT COURT OF THE STATE OF OREGON FOR THE COUNTY OF MARION

Case No.: 17CV36925
SUMMONS BY PUBLICATION

U.S. BANK, NATIONAL ASSOCIATION, AS TRUSTEE UNDER THE POOLING AND SERVICING AGREEMENT DATED AS OF JUNE 1, 2006, GSAMP TRUST 2006-HE4, MORTGAGE PASS-THROUGH CERTIFICATES, SERIES 2006-HE4,
Plaintiff,

v.
THE UNKNOWN HEIRS AND DEVISEES OF FRANCIS JOHN ATTENBERGER; ORRIN ATTENBERGER; IRVIN ATTENBERGER; OCCUPANTS OF THE PROPERTY,
Defendants.

To: The Unknown Heirs and Devisees of Francis John Attenberger

You are hereby required to appear and defend the Complaint filed against you in the above entitled cause within thirty (30) days from the date of service of this summons upon you, and in case of your failure to do so, for want thereof, Plaintiff will apply to the court for the relief demanded in the Complaint.

NOTICE TO DEFENDANT:

READ THESE PAPERS CAREFULLY!

You must "appear" in this case or the other side will win automatically. To "appear" you must file with the court a legal paper called a "motion" or "answer." **The "motion" or "answer" (or "reply") must be given to the court clerk or administrator within 30 days of the date of first publication specified herein along with the required filing fee.** It must be in proper form and have proof of service on the plaintiff's attorney or, if the plaintiff does not have an attorney, proof of service on the plaintiff.

If you have questions, you should see an attorney immediately. If you need help in finding an attorney, you may call the Oregon State Bar's Lawyer Referral Service at (503) 684-3763 or toll-free in Oregon at (800) 452-7636.

The relief sought in the Complaint is the foreclosure of the property located at 2865 Ladybug Court NE, Salem, OR 97301.
Date of First Publication: September 15, 2017.

McCarthy & Holthus, LLP
s/ Jeremy Clifford
Jeremy Clifford,
OSB #142987
920 SW 3rd Ave, 1st Floor
Portland, OR 97204
Phone: (855) 809-3977
Fax: (971) 201-3202
E-mail:
jclifford@mccarthyholthus.com
Of Attorneys for Plaintiff

9/15, 9/22, 9/29, 10/6

NOTICE TO CLAIMANTS

CIRCUIT COURT OF OREGON COUNTY OF MARION

Case No. 17PB06921
NOTICE TO CLAIMANTS
In the Matter Of
CAROL J. HARLAND LIVING TRUST
DATED NOVEMBER 27, 2002

NOTICE IS HEREBY GIVEN that the undersigned is Trustee under the Carol J. Harland Living Trust dated November 27, 2002. All persons having claims against the trust estate are required to present them, with vouchers attached, to the undersigned Suzanne L. Murzello, Trustee, c/o Freeman Green, Saalfeld Griggs PC, P.O. Box 470, Salem, OR 97308, within four months after the date of first publication of this notice, or the claims may be barred.

The name of the Settlor of the trust is Carol J. Harland. All persons whose rights may be affected by the proceedings may obtain additional information from the records of the court or the attorneys for the personal representative, Saalfeld

Griggs PC.

Dated and first published September 15, 2017.
Suzanne L. Murzello,
Trustee,
Carol J. Harland Living Trust dated November 27, 2002, Petitioner

Attorney For Petitioner:
Freeman Green,
OSB #080737
Saalfeld Griggs PC
PO Box 470
Salem, OR 97308
Phone: (503) 399-1070
Email: fgreen@sglaw.com

9/15, 9/22, 9/29

NOTICE TO INTERESTED PERSONS

IN THE CIRCUIT COURT OF THE STATE OF OREGON FOR THE COUNTY OF MARION Probate Department

Case No. 17PB04154
NOTICE TO INTERESTED PERSONS
In the Matter of the Estate of: JANICE LEE CLUGSTON, Deceased.

NOTICE IS HEREBY GIVEN that the undersigned has been appointed personal representative. All persons having claims against the estate are required to present them, with vouchers attached, to the undersigned personal representative, c/o Raphael Conant, Attorney at Law, PO Box 852, Salem, OR 97308, within four months after the date of first publication of this notice, or the claims may be barred.

All persons whose rights may be affected by the proceedings may obtain additional information from the records of the court, the personal representative, or the attorney for the personal representative, Raphael Conant.

Dated and first published September 15, 2017.
Eric Clugston,
Personal Representative

Raphael Conant
Attorney for
Personal Representative
495 State St., Ste 500
PO Box 852
Salem, OR 97308
(503) 581-1500

9/15, 9/22, 9/29

NOTICE TO INTERESTED PERSONS

NOTICE TO INTERESTED PERSONS
Juanita V. Culver has been appointed Personal Representative of the ESTATE OF JOHN L. MORGAN, deceased, by the Circuit Court of the State of Oregon for Marion County under Probate No. 17PB06646. All persons having claims against the estate are

required to present them to said Personal Representative at 131 W. Main St., P O Box 350, Sublimity, OR 97385, within four months after date of first publication of this notice or they may be barred.

Your rights may be affected by this proceeding and additional information may be obtained from the records of the Court, the Personal Representative or the attorneys for the Personal Representative.

DATED and first published September 22, 2017.

Juanita V. Culver
Personal Representative

Stephen L. Tabor, P.C.
Attorney at Law
131 W. Main Street
P O Box 350
Sublimity, OR 97385
Attorney for Personal Representative

9/22, 9/29, 10/6

NOTICE TO INTERESTED PERSONS

IN THE CIRCUIT COURT OF THE STATE OF OREGON FOR THE COUNTY OF MARION PROBATE DEPARTMENT

Case No.: 17PB06361
NOTICE TO INTERESTED PERSONS
In the Matter of the Estate of: MARK A. BUCK, Deceased.

Notice: The Circuit Court of the State of Oregon, for the County of Marion, has appointed Tammy Maguire as Personal Representative of the Estate of Mark A. Buck, deceased. All persons having claims against said estate are required to present the same, with proper vouchers to the Personal Representative, c/o Stan Butterfield, Stan Butterfield, P.C., Attorney at Law, 946 SE Uglow Ave, Dallas, OR 97338, within four months from the date of the first publication of this notice as stated below, or they may be barred. All persons whose rights may be affected by this proceeding may obtain additional information from the records of the court, the Personal Representative, or the Attorney for the Personal Representative.

Dated and first published September 22, 2017.

Tammy Maguire,
Personal Representative
c/o Stan Butterfield, P.C.
Attorney at Law
946 SE Uglow Ave
Dallas, OR 97338
Telephone: (503) 623-2427
Email:
stanbutterfield@hotmail.com

9/29, 10/6, 10/13