

# SENTENCE,

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Goodman, the officer involved in the October 2016 incident.

In the lead up to the sentencing, Marion County Deputy District Attorney Katie Suver advocated for consecutive sentences on the two main charges, attempted murder and felon in possession of a firearm, a departure from standard practice.

"Before there is an argument that the defendant hasn't been given a chance by the criminal justice system, the defendant is in this system because of his own decisions, his own choices," Suver said. "The defendant is selfish to his core. Self-interest is what defines this defendant. Indiscriminate violence defines him and that is what makes him so incredibly dangerous."

Bennett sided with the state and sentenced Hernandez to 15 years for the attempted murder and 10 years on the possession charge. Hernandez will be able to earn credit for

good time served only during the last 10 years of the sentence.

**NIGHT OF THE GUN**  
Around 2:30 a.m. Friday, Oct. 14, 2016, Goodman attempted to conduct a traffic stop on a red 1997 Honda Civic after pacing the vehicle going 46 mph traveling north on River Road North. The posted speed is 35 mph, and a DMV check showed the vehicle's insurance had been terminated.

Goodman activated his lights to conduct a traffic stop near the intersection of River Road North and James Street Northeast. Another vehicle, which was later determined to be associated with the suspect vehicle attempted to interfere with the stop, but Goodman was able to get around and pursue the Civic.

After activating his car's siren, the Civic made a right turn on Chemawa Road Northeast and then another right into the parking lot at Safeway.

The driver of the Civic turned back toward the exit south of Oregon State Credit Union, before hopping

out of the moving car as it approached cement barricades in the parking lot.

As the driver exited, he turned to Goodman's vehicle and squared his shoulder in what Goodman described as a "pistol shooting stance" in a probable cause statement.

Goodman came to a stop about 35 yards from the suspect and the vehicle and was stepping out of his patrol car when the Civic driver ran to the rear of the vehicle. The suspect raised his hand again and Goodman saw a black object in the man's hand — it was later determined to be a 1911 Colt handgun.

Goodman said it appeared as though the man was attempting to fire the gun, but it did not discharge and ended up flying out of the suspect's hand.

The suspect grabbed the gun and began fleeing on foot with Goodman in pursuit. As the man attempted to flee across River Road North, he fell in some bushes where police later found the handgun.

The suspect ran across River Road and hid under a vehicle

at 120 Chemawa Road North where he was found and taken into custody without further incident. Investigating officers retrieved the handgun from the bushes with a round in the chamber, rounds in the magazine and with the safety disengaged.

Investigators later determined that Hernandez had at least tried to fire the gun, but it might have jammed. In a dash cam video of the incident, a quick flash is seen in the area where Hernandez's hands would be as he exits the vehicle.

**MULTIPLE STRIKES**  
Hernandez's encounter with Goodman was not the first time he drew a gun on another person.

When he was 16 years old, in September 1995, Hernandez approached a man getting into his vehicle outside a church on Portland Road. When the victim asked if he was kidding, Hernandez pointed a semi-automatic handgun at the man. The victim handed over the keys and an accomplice drove the vehicle away. A little more than a month later, Hernandez was interviewed about the incident and admitted to pointing a gun at the victim. After Hernandez was convicted of the crime, he was sentenced to 70 months in

prison.

Police were interviewing Hernandez in relation to another crime committed a few days prior. A store clerk suspected Hernandez and two accomplices of stealing beer from the store where she worked and ran after the group. Hernandez, who was identified by his accomplices, fired a shot at the woman as the group fled. Hernandez was arrested for robbery, but was not convicted of any offense.

In 2003, Hernandez was released from prison after a conviction of second degree robbery and was arrested for being a felon in possession of a firearm for the first time. He received a 13-month prison sentence as a result.

He was released again in 2006 and was later thrown out of a Salem bar for involvement in a fight and pointing a gun at the bouncer, a musician and firing two shots at a patron. Hernandez fled the scene, but was apprehended. He was charged with unlawful use of a firearm and convicted. The episode resulted in a 10-year sentence.

His arrest for the attempted murder of Jeff Goodman occurred less than three months after being released from prison on the 2006 conviction.

## QUESTION OF INTENT

When determining whether Hernandez's sentence for his latest crimes would run concurrently or consecutively, Bennett said intent was the crux of the issue.

Hernandez had the gun in his possession prior to Goodman's attempt to make a traffic stop. The state contended during the trial that Hernandez had the gun because he knew there was a parole warrant for his arrest and he was in possession of stolen property he was trying to sell.

However, it was left to the jury to determine whether Hernandez intended to kill Goodman.

"Ten of 12 (jurors) made the decision that you intended to kill that officer," Bennett said.

Speaking on his own behalf, Hernandez said going to prison at 16 years old led him into a criminal lifestyle.

"I learned from people in there, who were my age now, what to do. People who had a criminal mentality and that's what I learned," Hernandez said.

He said that he was offered, but declined, a plea agreement for seven-and-a-half years in relation to the incident with Goodman.

"I did not intend to kill that officer. I would not have done that. I know I have a chance to die in prison, and a chance to bury more (family members) while in prison, but I did not try to kill that officer," Hernandez said.

Ultimately, Bennett decided against concurrent sentences on the two main charges because the jury had determined Hernandez intended to kill Goodman.

"You can deal with it, if you think I'm wrong, on appeal," Bennett said.

## puzzle answers

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