

Two Keizer cops come packing law degrees

By ERIC A. HOWALD
Of the Keizertimes

Before getting into what distinguishes Keizer Police Department Det. Andy Phelps and Officer RJ Farrens from their peers in the Keizer Police Department, it's necessary to understand the difference between "probable cause" and "beyond a reasonable doubt."

An officer needs probable cause to issue a citation or place a suspect under arrest. There is no exact measurement for probable cause because it can vary from incident to incident but, as a rule of thumb, an officer wants a better than 50 percent suspicion of a person having committed a criminal act.

"Beyond a reasonable doubt" is what prosecuting lawyers are looking for when presenting a case to a judge or jury. Ideally, they are seeking near-certainty that the person they are charging with a crime is the one that is guilty.

"The criminal justice system as a whole is a lot bigger than just the arrest," said Phelps, who started as a KPD reserve officer in 2010 before being hired on full-time in 2012. "Anyone in law enforcement is trying to pursue justice. If evidence I collect makes it harder to get a conviction, that is totally fine with me. I want to collect it and paint the true picture, not skew the evidence. If the suspect didn't do it, I want that to be shown."

What makes Phelps and Farrens particularly adept at the case-building aspect of the job is that both have law degrees and passed the bar exam that could have led to careers as attorneys. Farrens took a job with KPD two years ago when he was on the cusp of applying to becoming a lawyer outright. Phelps was a court-certified lawyer with the Marion County District Attorney's Office when he transitioned to the law enforcement side of the justice system, which was his plan all along.

"When I was 4 years old, I had an officer come into my life and tell me everything was going to be okay that day, and it ended up being okay. In my mind, that made the officer a hero, I think it was that exposure that formed what I think of cops," said Farrens.

Farrens, the youngest of several siblings, excelled in school, triple-majored in history, religion, and philosophy at the College of Idaho and knew he wanted to tackle graduate school. He picked Willamette University for law school when it came time to make a decision.

Like Phelps, he was working for the Marion County District Attorney's (MCDA) Office when he began taking another look at a law enforcement career.

"If a report was good, that made it easier in court," Farrens said. "I realized that if I wanted to make a positive impact in the criminal justice system, the work starts here."

Phelps said that a typical course of study in law school focuses on federal law because graduates can end up working anywhere in the country, but he benefitted from studying Oregon case law in the class of Chief Justice Paul DeMuniz, the former head of the Oregon Supreme Court.

"What really refined my Oregon law knowledge was my experience as a law clerk at the Marion County D.A.'s office," Phelps said.

When he started at the MCDA, Phelps was assigned as a DUII law clerk which meant reviewing DUII cases throughout the county to determine if the officer who made the stop had followed all the rules and writing counterarguments when defending attorneys challenged some aspect of the incident.

"Having that background helps me think about what is needed to prosecute a case," Phelps said. "It gives me a broader perspective behind the meaning of the law and I hope it helps me determine how to reach the reasonable doubt standard."

Farrens offered an example of how taking those extra steps can work when he's investigating an incident.

Not too long ago, Farrens met a woman at Salem Hospital with what he called "considerable face injuries." He said it looked as though the woman had been in a fight and there was even potential probable cause to arrest someone for the crime. But, by investigating further and not simply placing the suspect under arrest, Farrens eventually learned that the wounds had been self-inflicted.

"I was looking for beyond a reasonable doubt and it came back to not having probable cause," he said.

Phelps said his law degree helps in threading the needle when it comes to search and seizure. Like probable cause, there is no one-size-fits-all guideline for when an officer can search or seize property. The facts of each case are different and the timeline officers are operating under is also variable. Instead, precedents set in the courts es-

tablish boundaries regarding search and seizure, which lawyers then use as measuring sticks in the cases that are most like the one they are prosecuting or defending.

"The lawyers get a chance to review facts for several weeks while the patrol officer has to make the decision in a split-second. I like knowing what my parameters are and what I have to work between," Phelps said.

Neither officer believes the law degree places them above other cops on the beat, their backgrounds are simply one more tool in the collective toolbox. As Farrens put it, the biggest asset he's gleaned from the extra degree is an appreciation of the patience police work takes.

One of Farrens' proudest engagements thus far was with a woman that had been a frequent source of disruption in the community. Farrens was patient and learned her problems were stemming from substance abuse and that the woman's roommate situation was a regular incitement. Through conversation he had with her, the woman found a way to change her situation and Farrens helped find her a new roommate he can check in with if problems occur. Her contacts with police are now almost non-existent.

"So many of us join this profession because we want to help people, not arrest people. We do that often. The rewarding times are when we can prevent things from happening," Farrens said.



KEEP ON TRUCKING

SUMMER END CELEBRATION

Friday, September 7th 4:00 pm– 9:00 pm

- Food Trucks
- Live Music
- Beer & Wine
- Raffles
- Shuttle Service
- Family Fun at Center 50+

The Salem Food Truck Pod and Barrel and Keg are pulling together to support Friends of Center 50+. Come join us Friday, September 7th at Center 50+ for a fun evening. Bring your friends and family to enjoy great food, and great company to support a great cause. Proceeds from this evening's event will support such programs as Respite, Fit 50+ and Alzheimer's and dementia support and Senior Program Scholarships. For more information please contact Center 50+.

Find us on Facebook

Center 50+ 2615 Portland Rd NE Salem, OR 97301 503.588.6303 www.cityofsalem.net/Center50

public notices

NOTICE TO INTERESTED PERSONS

IN THE CIRCUIT COURT OF THE STATE OF OREGON FOR THE COUNTY OF MARION PROBATE DEPARTMENT In the Matter of the Estate of Fred T. Hargand Case No. 18PB02898

NOTICE TO INTERESTED PERSONS NOTICE IS HEREBY GIVEN that Maria Pettis has been appointed administrator. All persons having claims against the estate are required to present them, with vouchers attached, to the administrator at 8339 Highway 20, Toledo, OR 97391, 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 administrator, or the attorneys for the administrator, Brian Haggerty, OSB #980588, Minor, Bandonis & Haggerty, P.C., PO Box 510, Newport, OR 97365, (541) 265-8888. Dated and first published July 6, 2018.

7/6, 7/13, 7/20

NOTICE TO INTERESTED PERSONS

IN THE CIRCUIT COURT OF THE STATE OF OREGON FOR THE COUNTY OF MARION No. 18PB04448- Probate In the Matter of the Estate of Norman R. Newton, Deceased

Notice is hereby given that by Order of the Circuit Court of the State of Oregon for Marion County, Probate No. 18PB04448, Shawn W. MacDonald has been appointed Personal Representative of the ESTATE OF NORMAN R. NEWTON, deceased.

All persons having claims against said estate are required to present such claims, with proper vouchers, to the undersigned Personal Representative, c/o Sarah K. Rinehart, Attorney at Law, 117 Commercial Street NE, Suite 300, Salem, Oregon 97301, within four (4) months after the date of first publication of this notice, or the claims may

be barred.

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

Dated and first published July 6, 2018.

Shawn W. MacDonald
Personal Representative

Sarah K. Rinehart,
Attorney at Law
OSB# 821142
117 Commercial Street NE,
Suite 300
Salem, Oregon 97301
Attorney for Personal
Representative

7/6, 7/13, 7/20

STORAGE AUCTION

Self-Storage Public Sale
Turner Road Storage
4555 Turner Rd SE
Salem, Oregon 97317
Saturday 07/21/2018
@ 9:30am

A03 Gasper Salas
B03 Tabatha Kremers
C14 Eric J. Braun
E05 Gasper Salas
RV108 Millie E. Young

Sale Subject To Cancellation
Turner Road Storage
reserves the Right to refuse
any and all bids.

7/6, 7/13

NOTICE TO INTERESTED PERSONS

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

Case No. 18AP00775
SUMMONS - ADOPTION
In the Matter of the Adoption of:
TARYNN LEE
HOCHSTETLER,

A Minor Child.
TO: JARRETT ANGLIN:
YOU ARE HEREBY NOTIFIED
THAT STACEY AND MONTY
MASON are applying to adopt
Tarynn Lee Hochstetler
IF YOU HAVE ANY
OBJECTION, IT IS HEREBY
ORDERED that you file an
answer in writing in the
above-entitled Court within
(30) days of the first date of
publication, the first date of

publication being July 13, 2018, if you fail to do so the Petitioners will apply to the court for relief demanded in the Petition.

No hearing will be set unless objections are filed.

NOTICE TO THE RESPONDENT: 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" must be given to the court clerk or administrator within 30 days along with the required filing fee. It must be in proper form and have proof of service on the petitioner's attorney or, if the petitioner does not have an attorney, proof of service upon the petitioner.

If you have any 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 (in the Portland metropolitan area) or online at www.oregonstatebar.org or elsewhere in Oregon at (800) 452-7636.

Lori A. Jenkins,
OSB #854427
Attorney for Petitioners:
1265 Waller St SE,
Salem Or 97302
Phone #503.363.5335

7/13, 7/20, 7/27, 8/3

NOTICE TO INTERESTED PERSONS

TRUSTEE'S NOTICE OF SALE

Reference is made to that certain trust deed made by KARLA DAVENPORT, who acquired title as Karla Schulze, as Grantor, to SANTIAM ESCROW, INC., as Trustee,* in favor of PEARL A. SUNDERMAN and MAURICE D. SUNDERMAN, Trustees of The Pearl A. Sunderman Family Trust dated 06/05/91, as Beneficiary, dated November 6, 1998, recorded November 12, 1998, in the mortgage records of Marion County, Oregon, at Reel 1540, Page 715, covering the following described real property situated in said county and state, to wit:

Parcel I: Beginning at the Southwest corner of Lot 2,

Block 2, DITTERS ADDITION to Sublimity, Marion County, Oregon; thence North to the Northwest corner of Lot 1, Block 2, DITTERS ADDITION to Sublimity; thence East 80.00 feet; thence South 200.00 feet; thence West 80.00 feet to the place of beginning.

Parcel II: The East 10 feet of Lot 3, Block 2, of DITTER'S ADDITION to Sublimity, Marion County, Oregon.

Said real property is commonly known as 226 SW Division Street, Sublimity, Oregon.

*The successor Trustee is Stephen L. Tabor, Attorney at Law.

Both the Beneficiary and the Trustee have elected to sell the real property to satisfy the obligations secured by the trust deed and a Notice of Default has been recorded pursuant to Oregon Revised Statute 86.752. The default for which foreclosure is made is Grantor's failure to pay when due 2the full principal balance due on the obligation in the sum of \$40,683.04, plus accrued interest, when the obligation came all due and payable under its terms on November 12, 2013, and also the failure to pay the real property taxes as they came due.

By reason of the default, the Beneficiary has declared all sums owing on the obligation secured by the trust deed immediately due and payable, those sums being the following, to-wit: \$40,683.04 with interest thereon at the rate of 8.5 percent per annum beginning February 7, 2018, plus \$1,093.45 in prior accumulated interest; together with penalties, title expenses, costs, Trustee's fees and attorney fees incurred herein by reason of said default; and any further sums advanced by the Beneficiary for the protection of the above described real property and its interest therein.

WHEREFORE, notice hereby is given that the undersigned Trustee will on August 21, 2018, at the hour of 11:00 o'clock, A.M. in accord with the standard of time established by ORS 187.110, at the following place: The front steps of the Marion County Courthouse, 100 High Street NE, in the City of Salem, County of Marion,

State of Oregon, sell at public auction to the highest bidder for cash the interest in the described real property which the Grantor had or had power to convey at the time of the execution by Grantor of the trust deed, together with any interest which the Grantor or Grantor's successors in interest acquired after the execution of the trust deed, to satisfy the foregoing obligations thereby secured and the costs and expenses of sale, including a reasonable charge by the trustee. Notice is further given that reinstatement or payoff quotes requested pursuant to ORS 86.786 and 86.789 must be timely communicated in a written request that complies with the statute addressed to the Trustee either by personal delivery to the Trustee's physical office set forth in this notice, or by certified mail, return receipt requested, addressed to the Trustee's post office box address set forth in this notice. Notice is further given that any person named in ORS 86.778 has the right under ORS 86.778 to have the proceeding dismissed and the trust deed reinstated by paying the entire amount then due (other than such portion as would not then be due had no default occurred), together with costs, Trustee's fees and attorney fees not exceeding the amounts provided by ORS 86.778, and by curing any other default complained of in the notice of default that is capable of being cured, at any time that is not later than five days before the date last set for the sale.

Without limiting the trustee's disclaimer of representations or warranties, Oregon law requires the trustee to state in this notice that some residential property sold at a trustee's sale may have been used in manufacturing methamphetamines, the chemical components of which are known to be toxic. Prospective purchasers of residential property should be aware of this potential danger before deciding to place a bid for this property at the trustee's sale.

In construing this notice, the singular includes the plural, the word "Grantor" includes any successor in interest to the Grantor as well as any other person owing an

obligation, the performance of which is secured by said trust deed, and the words "Trustee" and "Beneficiary" include their respective successors in interest, if any.

Dated: March 29, 2018.
/s/ Stephen L. Tabor,
Trustee

For further information, please contact:

Stephen L. Tabor, Trustee
Stephen L. Tabor, P.C.
131 W. Main Street
P.O. Box 350
Sublimity, OR 97385
(503) 769-8089

This communication is from a debt collector and is an attempt to collect a debt. Any information obtained will be used for that purpose.

7/6, 7/13, 7/20, 7/27

STORAGE AUCTION

"NOTICE OF FORECLOSURE AND SALE (ORS87.687)"

Contents of the following units will be sold by A Storage Place of Keizer L.L.C., 5050 River Rd. N., Keizer, OR 97303: To satisfy the lien plus additional rents and fees. The sale of the following units will be held online at www.StorageTreasures.com ending, Wednesday, July 25, 2018.

Contents may include personal, household, and other items:

- 1.) 306 – Ricky Reed
- 2.) 313 – Michelle Wilcox
- 3.) 371 – Andrew Howard
- 4.) 531 – Brittany Danielle Amacher

7/6, 7/13

STORAGE AUCTION

Self-Storage Public Sale
Hyacinth Street Storage
2415 Hyacinth St SE
Salem, OR 97301
Saturday, July 21, 2018
@ 12:30 PM
#100 Jeromy, Bruce
Sale Subject To Cancellation.
Hyacinth Street Storage
reserves the Right to refuse
any and all bids.

7/6, 7/13