

# Trial set for Michel Mitchell in child sex abuse case

Defense argues against warrant for Google searches, email

By KYLE SPURR  
The Daily Astorian

A summer trial has been scheduled for the Astoria man accused of multiple sex abuse charges.

Judge Cindee Matyas on Friday tentatively set a three-to-five-day trial to begin at 9 a.m. Aug. 11 in Clatsop County Circuit Court for Michel Thomas Mitchell.

Mitchell, 45, is charged with 30 counts of first-degree sexual abuse (a Class B felony), two counts of tampering with a witness and one count of bribing a witness.

The alleged sexual abuse occurred between Jan. 1, 2007, and Jan. 1, 2012, according to court documents, and the charges of tampering and bribing a witness occurred between Aug. 1 and

Aug. 31, 2014.

The female victim was younger than the age of 14 at the time of the alleged abuse.

At a hearing Friday, Mitchell's defense lawyer Jay Frank of Eugene argued for a motion to quash the prosecution's search warrant for Mitchell's emails and Google searches.

Frank said the search warrant was too broad and did not specify the suspected criminal conduct.

"It's really a fishing expedition," Frank said.

Judge Matyas denied the motion to quash and directed the prosecution to amend its search warrant to focus on emails related to the alleged crimes. Prosecutor Dawn Buzzard said the search warrant will focus on correspondence since 2007, when Mitchell made first contact with the alleged victim.

Google will send Mitchell's searches and emails that relate to his Gmail account. Much like a search warrant into someone's house only to look for drug-related material, the prosecution will only



Michel Mitchell

look for Google searches and emails related to the alleged crimes, Buzzard said.

The search warrant stems from emails obtained by the prosecution from the victim's mother.

Emails from the victim's mother show on Aug. 10, Mitchell sent her an email that listed out the state statute for sexual abuse in the first degree. In addition, an email sent on Aug. 14, had a link about "respectfully communicating with CPS and DHS, according to the affidavit.

Mitchell was arrested Sept. 24 after Astoria Police received a report in early August from the Oregon Department of Human Services about a possible child sex abuse case involving Mitchell.

He is out on bail and appeared in person at the hearing Friday.

Other email communication between Mitchell and the girl's mother included alleged planning and collusion, specific question-and-answer information based on how he believed interviews would go and Mitchell suggesting the girl talk to someone who is not a mandatory reporter to find out what she might say, according to court documents.

"It's crazy to see how controlling he was," Buzzard said in a previous court hearing.

Upon further investigation, the prosecution obtained more probable cause for the search warrant based on two previous incidents where, Buzzard said, Mitchell allegedly showed a sexual interest in children.

The first incident was reported Sept. 29 when Mitch-

ell's ex-wife, married to him between 2003 and 2007, said she recalled finding suspicious material on his computer while they were married. She told detectives she clicked on a folder on his computer and found links to pictures of girls between 6- and 8-years old that were fully clothed.

"The pictures were not sexy pictures, but when she clicked on an associated link from that page, it took her to adult pornography," court documents state.

The second incident was reported Sept. 19 by a former co-worker of Mitchell's. The co-worker, who worked with Mitchell between 2005 and 2008, said he brought his 5-year-old daughter to work. His daughter and Mitchell were in the office together. Mitchell came out and claimed the girl was looking up adult pornography on the computer, according to the co-worker.

"He later asked his daughter about the allegation, but she said she didn't do anything and that the pornogra-

phy had come up under the search bar on the computer," the court documents stated.

Frank argued Friday that the previous incidents do not relate to the current charges of sex abuse.

"These episodes did not involve child sex abuse and did not involve emailing," he said.

At the Friday hearing, Frank said he was hesitant about an August trial date. Waiting for the Google searches and emails and text messages off of the alleged victim's phone, may take time, Frank said.

"Mr. Mitchell's livelihood is at stake," he said. "He has a right to a speedy trial but sometimes that can be a fool's errand."

Frank also indicated he plans to file a request for a settlement conference, where he hopes to avoid trial by reaching an agreement with the prosecution.

Besides the proposed settlement conference, Judge Matyas set a status hearing for 3:30 p.m. May 14, the last hearing before trial.

# Port could have new audit ready for budgeting season

By EDWARD STRATTON  
The Daily Astorian

The Port of Astoria could have its fiscal year 2014-15 audit ready by May, according to its auditing firm Moss Adams.

"The state's OK with you being behind, as long as we can have an audit on the streets for the budget meetings," said Jim Lanzarotta, a partner with Portland-based Moss Adams. Lanzarotta started his accounting career in Astoria and audited the Port during the tenure of former Executive Director Peter Gearin.

The Port of Astoria failed to turn in an audit within six months of the end of its last fiscal year, which ended June 30. It contracted CFO Selections financial consulting firm to comb through and check the accuracy of its financial statements and its 2013-14 fiscal year audit, done by West Linn-based Merina & Company.

Lanzarotta said Moss Adams has been planning the Port's audit this month with the help of CFO Selections and is looking to do the main research in April.

The Port hasn't started meeting yet to plan its 2015-16 budget, which is due June 30. Lanzarotta said that barring any setbacks in CFO Selections' review of the Port's finances, the audit should be available when the Port Budget Committee starts meeting.

But the Port's audit and budgetary issues could go back a ways, Todd Kimball from CFO Selections revealed.

2007. It should have been recorded then as a long-term receivable and held in a restricted account, but it still hasn't been recorded.

The check, which will have to be recorded as an expense, is among the changes Kimball said would have to be made on previous audits and budgets.

At the Tuesday Port Commission meeting, he covered the check and five other issues he's found with the Port's past financials, including:

- A net adjustment of \$75,000 to the Port's expenses and revenue, after gross adjustments of \$475,000.
- 235 misreported items, because of lack of understanding about reporting and a lack of care in the reporting.
- Misreported tenant improvements and Port-issued rent credits. In total, he said, the Port's reduced rent equal to \$450,000 between 2012 and 2014 in exchange for tenant-financed improvements. The improvements, he said, should have been recorded as fixed assets going against liabilities.
- Unreported potential liabilities related to the Astoria Areawide Groundwater Contamination. The Oregon Department of Environmental Quality, the Port and petroleum distributors formerly located on Port property have been negotiating a cleanup effort since 2000. Kimball said he's been working with Moss Adams to summarize the Port's potential environmental liability on the issue. Lanzarotta added that the

potential liabilities of the cleanup would be offset by an estimate of what the Port's insurers might pay.

- Several fixed assets (vehicles, tools, etc.) disposed of but not taken off the books. Kimball said those changes would be minimal.

Kimball said the changes would all require amendments to the Port's 2013-14 audit, with footnotes disclosing the changes.

Lanzarotta said it's up to the Port whether to change prior year's budgets or adjust the current budget to account for any changes. "Often times, taking the hits (in the current year) and cleaning up financials is the usual reaction," he said.

**Good this year**

Along with the report on the Port's past financials and audit Tuesday, Finance Manager Jim Grey reported that through the first seven months of the 2014-15 fiscal year — July through January — the Port has more than \$500,000 in net income.

Grey's report was the second in as many months. Both reports have been advisory items, meaning the Port Commission still hasn't voted to approve them its financials. There are no approved financials since December 2013 listed on the Port's website.

"What we're seeing through the first seven months is strong operating revenues," said Grey, adding that most categories of revenue exceeded what was budgeted for in June.

## Roller derby smashing action



**Air Raid's jammer MasScara tries to pass Shanghaied Roller Doll's pivot Smelter Skelter during the second half of the Spring Breakdown roller derby match at the Astoria Armory Saturday. Air Raid Roller Girls won 170-113. See more photos from the derby online at [dailyastorian.com](http://dailyastorian.com).**

JOSHUA BESSEX — The Daily Astorian

# Astoria names new finance director

Susan Brooks, the finance and administration director at Tongue Point Job Corps Center, is Astoria's new finance director.

The certified public accountant had previously served as the city's assistant finance director from 1998 to 2002.

The city's finance director also functions as the city treasurer and city clerk and oversees human resources.

**Uncashed check**

In 2010, Kimball said, the Port Commission approved of using a \$110,000 check from the Energy Trust of Oregon on behalf of work done at the Bornstein Seafoods office in

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## PUBLIC NOTICE

**Baxter Family Medicine joins CMH Primary Clinic April 20, 2015**

Kevin Baxter, DO, and Jan Monroe, FNP, are pleased to be joining the CMH Primary Care Clinic team. They will begin seeing patients at the clinic in Warrenton at 1639 SE Ensign Lane, Suite B103, on April 20.

This change allows Kevin Baxter, DO, and Jan Monroe, FNP, to focus on caring for their patients instead of running a business. Their patients will enjoy the same care and services that they have previously. For more information or to make an appointment, call 503-338-4500.



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<b>2014 RAM 1500</b> SLT, Crew Cab, 4x4 Stock #394067 MSRP \$43,070 Lum's Discount -\$3,062 Consumer Cash -\$2,000 Ram Truck Bonus Cash -\$500 Truck Month Bonus Cash <b>SALE PRICE \$34,888*</b>	<b>2014 RAM 1500</b> 4x4, Crew Cab, Tradesman Stock #394086 MSRP \$37,325 Lum's Discount -\$2,037 Consumer Cash -\$2,000 Ram Truck Bonus Cash -\$500 Truck Month Bonus Cash <b>SALE PRICE \$31,988*</b>	<b>2014 RAM 1500</b> SLT, Crew Cab, 4x4 Stock #394097 MSRP \$43,440 Lum's Discount -\$3,352 Consumer Cash -\$2,000 Ram Truck Bonus Cash -\$500 Truck Month Bonus Cash <b>SALE PRICE \$35,588*</b>
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