



The jury box in the third-floor courtroom at Clatsop County Circuit Court. Danny Miller/The Daily Astorian

THE DECIDERS

County needs a deep pool of potential jurors in death penalty case

By KYLE SPURR
The Daily Astorian

Hundreds of Clatsop County residents are being called to the fairgrounds in September for jury duty in the county's first death penalty trial in 15 years.

Residents will be screened on their attitudes toward capital punishment and whether they think they can be impartial. A pool of prospective jurors will move on to jury selection in the trial courtroom.

Twelve jurors, with two to four alternates, will serve in the case against Randy Roden, the live-in boyfriend accused of murdering his girlfriend's 2-year-old daughter and abusing her two sons in their Seaside apartment.

The last death penalty trial in 2001 involved Anthony Scott Garner, who fatally stabbed a woman on a motorboat in the Warrenton mooring basin and set the boat on fire to cover up the crime. Garner was found guilty and sentenced to life in prison.

Roden's trial is expected to last up to two months in Circuit Court. Jurors will not be sequestered. If the jury finds Roden guilty of aggravated murder, a penalty phase will determine a possible death penalty sentence.

"We need a large number of jurors because of the length of the trial," Judge Paula

Brownhill said. "It may be a hardship for many people to serve four days a week for up to eight weeks."

Questionnaire

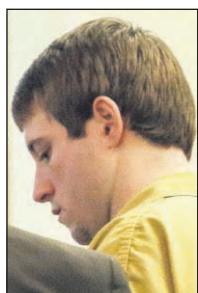
At the county fairgrounds, jurors who are available for trial will be asked to fill out a lengthy questionnaire.

Typically, questionnaires are not used in most trials. Since more than 300 potential jurors could be called for screening, the questionnaires will swiftly provide prosecutors and defense lawyers with information about each juror.

"The questionnaires help jury selection move more quickly because lawyers don't have to ask so many questions," Brownhill said.

The questionnaires will ask if potential jurors have heard about the Roden case, what they have heard about the case and if they can be fair. The surveys will also explore a possible juror's interests and beliefs, including their position on the death penalty.

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Randy Roden

Death penalty in Oregon

The history of capital punishment in the Beaver State began shortly after its inception in the mid-19th century. The death penalty became law four times, was voted out twice and struck down by the Oregon Supreme Court once.

Feb. 14, 1859 — Oregon becomes the 33rd state.



1864 — The death penalty for first degree murder is adopted by statute.

1864-1903 — Authority to carry out executions is vested in the county sheriffs.

1903 — In response to the "spectacle" surrounding public executions, Oregon legislators amend the law to require executions be carried out at the Oregon State Penitentiary in Salem.

Jan. 29, 1904 — H.D. Egbert becomes the first man to be hanged at the Oregon State Penitentiary.

1904-14 — During the next 10 years, 24 men are hanged at the penitentiary. On Dec. 13, 1912, four men are executed on the same day, the most at one time at the penitentiary.



Gov. Oswald West was an opponent of the death penalty.

1914 — Oregon voters repeal the death penalty with just over 50 percent of the vote.

1920 — Voters restore the death penalty, approving new articles to the constitution with 56 percent of the vote.

Nov. 5, 1920 — Emmet Bancroft is the first to be hanged since re-enactment of the death penalty. Fifteen hangings follow Bancroft's between 1920-31.



Oregon's gas chamber in Salem.

1931-62 — The state stops using the gallows and begins using lethal gas.

Nov. 3, 1964 — Oregon voters repeal the death penalty by 60 percent of the vote.

1978 — Oregon voters approve

Ballot Measure 8, re-instituting capital punishment by lethal gas. Measure 8 does not amend the Oregon Constitution, but is incorporated into the Oregon Revised Statutes.

Under the death penalty statute the sentence is determined by the trial judge, without a jury.

1981 — The Oregon Supreme Court strikes down the death penalty statute because it deprives the defendant of his right to trial by jury.

1984 — Through a series of ballot measures Oregon voters amend the constitution requiring that, following conviction for aggravated murder, a defendant be given a separate sentencing hearing before the trial jury. Sentencing options available to juries for aggravated murder include the death penalty.

1988 — The U.S. Supreme Court reverses a Texas death penalty sentence as violating the Eighth Amendment (Perry v. Lynaugh). The decision impacts Oregon's capital punishment law since it is based upon the Texas law.

Following Perry, 17 Oregon cases are remanded for resentencing only. Of those, eight are resentedenced to death.

1984-90 — The Oregon Department of Justice litigates 24 death penalty cases, using more than 14,300 hours at a cost of \$794,000.

Sept. 6, 1996 — Inmate Douglas Franklin Wright becomes the first person executed by lethal injection in Oregon. Wright chooses not to pursue any legal appeals. His execution is Oregon's first in 34 years.

May 16, 1997 — Harry Charles Moore is the most recent inmate to be executed. He, too, chooses not to pursue his appeals.

Today — Oregon has 34 death row inmates, one of which is a woman.



The drug cocktail used to administer death consists of Pentobarbital (induces unconsciousness), Pancuronium Bromide (stops breathing) and Potassium Chloride (stops heart).

Sources: Oregon.gov; Oregon Department of Corrections; The Oregon Encyclopedia
Alan Kenaga/EO Media Group

JURY SELECTION

Jury orientation in Randy Roden's murder trial is scheduled to begin at 10:30 a.m. Sept. 12 at the Clatsop County Fairgrounds. Prospective jurors will be automatically excused for the following reasons:

- 70 years of age or older;
- Breast-feeding a child;
- Convicted of or served a sentence for a

felony within the last 15 years;

- Convicted of or served a sentence for a misdemeanor involving dishonesty or violence within the last five years;
- Served as a juror in state or federal court within the last 2 years;
- Not a resident of Clatsop County;
- Not a citizen of the United States;
- Under 18 years old;

- Had rights withdrawn during incarceration and not restored;
- Sole caregiver for a child or other dependent and personally attends to the child or dependent during the court's normal hours and is unable to afford day care or make other arrangements;
- Undue hardship or extreme inconvenience to the person, person's family, person's employer or the public.

Another pot shop picks downtown

Portland-based company looks to the coast

By EDWARD STRATTON
The Daily Astorian

A sixth marijuana store is coming to Astoria.

Portland-based Tidewater Retail Inc. is planning to open a retail shop on Commercial Street in the space that now houses Garbo's Vintage Wear.

Case Van Dorne, a co-owner with Tidewater, said the company is designing a 2,000- to 5,000-square foot



Edward Stratton/The Daily Astorian

The building housing Garbo's Vintage Wear will become a marijuana store.

Warrenton supports library's future

Short-term site options, nonprofit in the works

By ERICK BENGEL
The Daily Astorian

WARRENTON — A new subcommittee of the Warrenton Community Library Board will help find a temporary home for the library, a beloved resource housed in a worn-out structure that officials say is becoming dangerous.

Meanwhile, some residents are forming a nonprofit to begin seeking funds for a permanent location.

The two groups — both of which still need members — sprang from a brainstorming session between the public and the Library Board, which held an open meeting Thursday at City Hall.

After an inspection of the library site in Hammond, Building Official Jim Byerly concluded that the old wooden structure has outlived its useful life and is becoming a potential hazard for visitors.

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