

# Appeals court upholds ban on gun sales to marijuana card holders

Ruling applies in Oregon and Washington state

By SUDHIN THANAWALA  
Associated Press

SAN FRANCISCO — A federal government ban on the sale of guns to medical marijuana card holders does not violate the Second Amendment, a federal appeals court said Wednesday.

The ruling by the 9th U.S. Circuit Court of Appeals applies to the nine Western states that fall under the court's jurisdiction, including California, Washington state and Oregon.

It came in a lawsuit filed by S. Rowan Wilson, a Nevada woman who said she tried to buy a firearm for self-defense

in 2011 after obtaining a medical marijuana card. The gun store refused, citing the federal rule banning the sale of firearms to illegal drug users.

Marijuana remains illegal under federal law, and the federal Bureau of Alcohol, Tobacco, Firearms and Explosives has told gun sellers they can assume a person with a medical marijuana card uses the drug.

The 9th Circuit in its 3-0 decision said Congress reasonably concluded that marijuana and other drug use "raises the risk of irrational or unpredictable behavior with which gun use should not be associated."

The court also concluded that it's reasonable for federal regulators to assume a medical marijuana card holder was more likely to use the drug.

Wilson's attorney, Chaz Rainey, said there needs to be more consistency in the appli-

cation of the Second Amendment. He planned to appeal.

"We live in a world where having a medical marijuana card is enough to say you don't get a gun, but if you're on the no fly list your constitutional right is still protected," he said.

The 9th Circuit also rejected other constitutional challenges to the ban that were raised by Wilson, including her argument that her gun rights were being stripped without due process.

Paul Armentano, deputy director of the National Organization for the Reform of Marijuana Laws, said the idea that marijuana users were more prone to violence is a fallacy.

"Responsible adults who use cannabis in a manner that is compliant with the laws of their states ought to receive the same legal rights and protections as other citizens," he said.

# Warrenton bicycle thief gets two years in prison

Trio stole from campgrounds

By KYLE SPURR  
The Daily Astorian

One of the three Warrenton men accused of stealing more than a dozen bicycles in July from visitors at Fort Stevens State Park and the KOA campground was sentenced to two years in prison.

Devin Corey Gerou, 19, pleaded no contest to first-degree theft Tuesday in Clatsop County Circuit Court. Gerou also pleaded no contest to previous theft and burglary cases. The sentences for each case ran together, totaling two years.

Warrenton Police received multiple reports in July of stolen bicycles from the local campgrounds. None of the bicycles were locked or secured.

Officers increased patrols, and initially found five of the bicycles at one location in Warrenton.

Police were able to identify the three suspects: Gerou; Jacob Martin Kitzman, 24; and John Michael

Lafreniere, 26. The three were arrested and booked July 31.

Police recovered nearly 15 stolen bicycles, valued at \$8,000 to \$10,000, and returned several to their owners. Some of the bicycles had already been dismantled, had parts or accessories removed, and one had been repainted a different color, according to police.

Police found many of the bicycles at a residence on U.S. Highway 101 just south of Warrenton. A stolen motorcycle was also recovered.

On July 12 — before stealing the bicycles from the campgrounds — Gerou burglarized a residence on the 600 block of S. Main Street in Warrenton, stole a Yamaha YZ250 motorcycle and attempted to elude police.

In May, Gerou broke into a residence on the 9200 block of Fort Clatsop Road in Astoria and rode off on a Kawasaki Side X Side ATV without the owner's

permission.

In March, Gerou burglarized a residence on the 500 block of N.W. First Street in Warrenton.



Devin Corey Gerou

Last November, Gerou attempted to elude police and recklessly endangered Kitzman and another person.

As part of his sentence, Gerou is ordered to pay more than \$8,350 in restitution to the victims in his various criminal cases. During his incarceration, Gerou is being recommended for substance abuse treatment.

Kitzman and Lafreniere are both charged with first-degree theft. Kitzman has a criminal history that includes convictions of theft, assault and driving under the influence of intoxicants. Lafreniere was charged earlier this year for theft, burglary, menacing and disorderly conduct.

Both are in custody in Clatsop County Jail, and due back in court Friday for early resolution conferences.

# Officials advise no contact with ocean water in Newport

Associated Press

NEWPORT — State officials are advising the public to avoid contact with water along the Oregon Coast at Newport's Nye Beach and nearby waterways after high levels of fecal bacteria were detected.

The Oregonian/Oregon-Live reported the health advi-

sory issued Wednesday says children and older adults are at the greatest risk for contracting diarrhea, stomach cramps, skin rashes, upper respiratory infections and other illnesses if infected.

The Oregon Health Authority says the origin of the increased pathogen and fecal bacteria could include shore

and inland sources, including stormwater runoff, sewer overflows, failing septic systems and animal waste from livestock, pets and wildlife.

State and Lincoln County officials say recreational activities on the beach remain safe.

Officials did not predict how long the alert would remain in effect.

# Oregon location eliminated in search for geothermal lab site

Associated Press

BEND — A site near Oregon's Newberry Volcano is no longer in the running for a federal enhanced geothermal research laboratory.

The Bulletin reported that the Wednesday decision by the U.S. Department of Energy left sites in Utah and Nevada competing for the lab.

The department put \$29 million into research by a Sandia National Laboratories team in Fallon, Nevada, and the University of Utah's team in Milford, Utah. The investment is meant to help the organizations prepare for an underground geothermal research lab.

Developers and researchers in Central Oregon say

they are surprised and disappointed that the Newberry Geothermal Energy site didn't make it to the next round.

The location near the volcano was leased by Seattle-based AltaRock Energy Inc.

# Public records reform could spark new suits without supermajority

Governments could sue over new mandate

By PARIS ACHEN  
Capital Bureau

SALEM — The state will face more lawsuits from local governments if lawmakers pass public records reform in 2017 without a supermajority vote, according to a lobbyist who represents county governments.

Attorney General Ellen Rosenblum has submitted draft legislation that would for the first time set a deadline for public bodies to respond to records requests. The bill gives public bodies 10 business days to furnish requested records, with certain exceptions.

Rob Bovett, a lobbyist for the Association of Oregon Counties, said some county officials might see that deadline as an unfunded mandate because they might have to pay overtime or hire people to meet the deadline.

Some counties have "grown increasingly frustrated with the regularly unfunded mandates" from lawmakers, Bovett said.

"They're not taking it anymore; they're actually suing, so it's a different universe," he said.

Nine counties in May filed a lawsuit against the state alleging that a requirement to give 40 hours of paid sick leave to employees is an unfunded mandate.



Paris Achen/Capital Bureau

Rob Bovett, a lobbyist for the Association of Oregon Counties, said unless passed by a supermajority in the Legislature, public records reforms could be viewed by counties as an unfunded mandate prohibited by the Oregon Constitution.

The lawsuit is based on a 1996 amendment to the Oregon Constitution that requires lawmakers to reimburse local governments when new requirements with a fiscal impact are adopted without supermajority support. In Oregon, three-fifths of the members of the House and Senate must vote in favor to make a supermajority.

"In order to avoid getting struck down as unconstitutional, we need to have this bill go through the Legislature by overwhelming majorities, so we have to build consensus on this," Bovett said. "Otherwise, we are going to be litigating pieces of this as an unfunded mandate."

Bovett made the comments during a discussion Wednesday about possible changes to the bill. Lobbyists who represent local

governments asked Rosenblum Wednesday to revise the bill to give public bodies 15 business days to provide requested records.

Michael Kron, special counsel to the attorney general, said some of the revisions to the bill will include the longer 15-day deadline but also language to emphasize records should be provided as soon as possible.

The legislation stemmed from the work of the attorney general's task force on public records law reform, which included local government interest groups and journalist groups.

"It was a consensus compromise," Rosenblum said of the revisions.

The Capital Bureau is a collaboration between EO Media Group and Pamplin Media Group.

# Buoy 10 salmon fishery extended

The Daily Astorian

Recreational anglers will get more time to harvest Chinook salmon at the mouth of the Columbia River.

The Buoy 10 Chinook salmon fishery had been expected to close Tuesday.

But catch rates at 45 percent of what was forecasted prompted fisheries managers to extend the season through Sept. 14. Retention of coho and steelhead is scheduled to remain open through December.

The fishery runs from Buoy 10 at the mouth of

the Columbia upstream to Tongue Point. The daily bag limit is two salmon a day. Only one may be a Chinook, which must be at least 24 inches long to keep. Up to one steelhead or two coho per day can be kept. Coho must be at least 16 inches long.

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