

# Roden: Trial is expected to last about two months

Continued from Page 1A

Wing, 26, pleaded guilty in January to first-degree manslaughter and two counts of first-degree criminal mistreatment. She was sentenced to more than 15 years in prison, contingent on her truthfully testifying at Roden's trial.

Roden, 28, is already serving an eight-year prison sentence for violating probation from a previous domestic violence conviction. He violated probation by possessing marijuana, oxycodone and methadone and failing to report that he moved in with Dorothy Wing.

## Two culprits

Roden's defense lawyer Conor Huseby used his opening argument to pin the crimes

on Dorothy Wing and complications from the flesh-eating virus known as methicillin-resistant *Staphylococcus aureus* infection.

"The truth is there are two culprits in this case," Huseby said.

On the night Evangelina Wing was found dead, the defense believes the girl was likely sick and fussing from her mother's abuse and the infection. Huseby envisions Dorothy Wing getting upset and smacking her daughter like she had done many times before, but that time it killed her.

"She killed her daughter and she is getting away with it," Huseby said.

Neighbors, friends and babysitters will testify about seeing and hearing Wing be abusive to her children before



**Chief Deputy District Attorney Ron Brown delivers opening statements for the case against Randy Roden on Tuesday at Clatsop County Circuit Court in Astoria.**

Danny Miller  
The Daily Astorian

Roden came into their lives. Huseby said the witnesses will describe Wing smacking her children in the head and

twisting their arms, similar to some of the injuries found on the children.

The same witnesses never

saw Roden do anything abusive to the children. Huseby said even Wing admitted Roden was good with her children.

Huseby also questioned the way the case was investigated. He claims law enforcement targeted Roden from the beginning, and treated Wing like a victim.

In each police interview, Roden never admitted to any crime.

"I did not hurt her. I did not manhandle her. I did not do anything to her," Roden told police.

Huseby also pointed to an interview with the older brother, where he calls Roden nice and Wing mad. When asked who killed his sister, the brother says, "that evil witch."

"All the major injuries in this case are explained by Dorothy Wing," Huseby said.

The trial is expected to last about two months.

# Measure 97: It would bring in \$6 billion over a two-year budget cycle

Continued from Page 1A

"This is going to affect each and every citizen of the state," Owen said. "And the ones that are going to hurt the most are the ones who can least afford it."

The Cannon Beach Chamber of Commerce has not taken a stance on the measure. But Executive Director Court Carrier said a chamber member requested to speak on the issue at the next meeting in October.

"We're prevented by our bylaws on taking political stances," Carrier said.

But he said the chamber could look at changing the bylaws on issues that affect so many in the business community.

## Business versus labor

The corporate-backed opposition campaign has been led by the political action committee



**Court Carrier**

Defeat the Tax on Oregon Sales. More than 20 companies with locations in Clatsop County have contributed money to oppose the measure.

Support for the measure has been primarily backed by labor unions through political action committees Defend Oregon and Yes on 97. Computer chip-maker Intel Corp. has also donated \$10,000 in support

of the measure.

Companies and business groups opposed to the tax have argued that it is essentially a sales tax that would trickle down and hurt small businesses and families through higher costs for goods and services.

Proponents of the tax have argued that it mostly targets large, out-of-state corporations and will provide much-needed revenue for spending on education, health care and senior citizens amid a projected bud-

get shortfall of more than \$1 billion.

## Impact mixed

The Legislative Revenue Office said the measure would generate about \$6 billion over a two-year budget cycle.

Had the measure been enacted in 2012-13, the last year of available census data, the Revenue Office's key findings said it "would have increased Oregon's per capita state and local tax burden by

roughly \$600 to \$4,501." An economic simulation run by the group showed the measure would hinder income, employment and population growth over the next five years, albeit within 1 percent of projections without the tax.

The Legislative Revenue Office said the impact of Measure 97 on the economy would ultimately be determined by how it raises revenue, and how the state spends the additional money.

# Smith: Default sale of the barn's property postponed until February

Continued from Page 1A

Without it, the city says the former livery stable is "uninhabitable" and poses an immediate threat to the health and safety of the general public. The city has won a temporary injunction in Clatsop County Circuit Court and now wants to make it permanent.

## Summary judgment

In early September, the city sought a motion of summary judgment. They said the facts weren't worth disputing and the court should grant a permanent injunction against Smith.

Smith challenged that

motion last week. She said the case presents "contested questions of fact," and seeks consideration of the barn's historic and architectural significance.

In her response, Smith, who has been levied thousands of dollars in fines for building violations, challenged "conclusory statements" by Jim Brien, the city's building official, regarding the condition of her barn. She also cited the Gearhart Municipal Court decision last year which determined that use of the barn for weddings and receptions is unregulated by Gearhart's zoning code and does not require a conditional use permit.

Material sought in Smith's request for documents spans from January 2006 to September of this year.

Smith seeks city building permit documents, 2015 mayoral recall election correspondence and recordings, copies of conditional use permits for the past 10 years and information about the city's hiring processes. Every city councilor from 2010 is named in requests. "Each and every communication with the public" regarding the barn is sought.

Gearhart City Administrator Chad Sweet said Monday the city was "filtering" through Smith's request.

"A lot of the requests we're not even responding to because they have nothing to do with the case," he said. "Those that do have to do with the case we've been working with councilors and staff in putting together all of the documentation, probably a few thousand pages so far."

Sweet said the city would respond to matters relevant to the use of the barn. "That's what's relevant in this particular case," Sweet said. "We're focusing on what has to do

with the case."

The question of summary judgment will be decided Oct. 24, Sweet said. If the request is denied, a trial date is scheduled for Nov. 15.

## Default sale is postponed

The Neacoxie Creek Barn property at 773 Pacific Way in Gearhart won a reprieve last week from a default sale that had been scheduled for Friday. The sale has been postponed until 11 a.m. Feb. 6 accord-

ing to an attorney for creditors. The auction will take place on the Clatsop County Courthouse steps.

While Smith is listed on the property deed, she is not listed as a party to the proceeding, which appeared as a legal notice in The Daily Astorian. The notice came after the failure of grantor Martha Strickland to repay \$297,741 "and other advances and expenses" on the property, which comprises two Gearhart lots.

# Pot: There are no retail pot stores operating in the city of Long Beach

Continued from Page 1A

businesses may still find it difficult to access acceptable locations in Long Beach, and any tax kick-backs from the industry will likely be modest.

State buffer guidelines had required that all marijuana businesses be located at least 1,000 feet from schools, playgrounds, recreational centers, child care centers, public parks, public transit centers, libraries and arcades. But changes to the state laws, enacted last year, gave municipalities the option to reduce 1,000 foot buffers to as little as 100 feet, for everything except schools.

Before the recent amendment, Long Beach municipal code further extended the 1,000-foot buffer to include amusement parks, churches, residential treatment facilities, youth-oriented facilities and juvenile group homes. Long Beach also required marijuana businesses be located a minimum of 200 feet from any nearby residential property. Those restrictions had made setting up shop in Long Beach difficult.

Local municipalities retain

a high degree of control over the regulation of marijuana-related business and some cities and have banned the dispensaries and retailers altogether, while others have reduced buffers to make it easier on potential shop owners.

## Retail site still unlikely

Currently there are no retail pot businesses, legal pot producers or processors operating in Long Beach, and with all three retail allotments for Pacific County now in use elsewhere in the county, it may be some time before the option is available.

"We don't currently have any (retail establishments) outstanding as the code doesn't really allow for any right now. The code is very restrictive and the retail allotment for Pacific County is met," said Community Development Director Ariel Smith, before the new ordinance was passed.

Now, the relaxed buffers approved in the city's updated ordinance will certainly make it easier for producers and processors to set up, though any marijuana business in Long Beach will still need city-is-

sued permits, in addition to state permits from the Washington State Liquor and Cannabis Board.

"This would make it a little easier but not that much easier," City Administrator David Glasson said after the vote.

Glasson remained ambivalent. "It's probably not worth the effort to have (pot businesses)."

Licensed marijuana retail facilities in Washington state have sold over \$1 billion in marijuana flowers and cannabis-infused products since regulators first began permitting such sales just over two years ago. Those sales have yielded \$275 million in tax revenue. Taxes collected from retailers, producers and processors in Pacific County totaled \$1.6 million over that same two-year period.

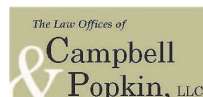
City Councilor Del Murry was the only member of the council to vote against the ordinance to relax the buffers. He said after the vote that he did not think marijuana businesses in Long Beach were a good fit, nor would they send the right message to local youth.

## Dawn McIntosh rejoins Campbell & Popkin



**Dawn McIntosh**

Judge-elect Dawn McIntosh has rejoined Campbell & Popkin to work closely with Chris Palmer, in whom she has great confidence. Dawn and Chris are both well-known for skillfully representing clients in divorce, separation, custody and other family law matters. Campbell & Popkin also provides services in business law, litigation, real estate, estate planning and probate. Dawn and Chris are both taking new clients.



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## 5 Things To Tell a Friend

*October is National Breast Cancer Awareness Month*

- Your two greatest risk factors for breast cancer are being a woman and getting older.
- Get screened. Finding breast cancer early and receiving treatment will increase your chance of surviving breast cancer.
  - 20-40 years old: Get a clinical breast exam every three years from your doctor. Talk to your doctor about self exams.
  - 40 years and older: Get a mammogram and a clinical breast exam from your doctor every year.
- Practice self care. You can reduce your risk of cancer by getting regular exercise, maintaining a healthy weight and limiting your alcohol intake.
- Be proactive. Through early detection and better treatment, more women are surviving breast cancer.
- Talk about it. Tell any woman you care about to get a mammogram. You could save her life.



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