

Arsonist gets five years after plea

Victim lost 'everything'

By JACK HEFFERNAN
The Daily Astorian

A man convicted on two counts of attempted arson after setting an Astoria apartment building on fire last year was sentenced Monday to five years in prison.

Christopher Ray Young, 45, set the two-story, fourplex Emerald Heights apartment building ablaze last June. He reached a deal with the District Attorney's Office, pleading no contest in February. He originally faced up to 30 years in prison after being charged with four counts of first-degree arson.

Young, who was under the influence of a number of

drugs — including methamphetamine — and alcohol, lit a gas can on fire while he was a guest at an apartment in the building. Prior to lighting it on fire, he huffed and also drank gas from the tank.

He then sustained a concussion after jumping from the building before standing up and attempting to rescue other people still inside, his lawyer said.

The sentencing hearing was originally scheduled for February, but Circuit Court Judge Dawn McIntosh was unable to commute to the courthouse because of a landslide on U.S. Highway 101 south of Cannon Beach.

At the second scheduled hearing, Young said he wanted to retract his no-contest plea, claiming he was under the influence of methamphetamine

when he agreed to it. He later decided to move forward with the original plea deal.

Young apologized Monday for the incident, saying his drug addiction led him to commit the crimes. He said he lost all of his possessions in the fire, including photos of his children.

"I deserve every moment I've spent in here," he said. "I ask everyone here, human-to-human, to give me a chance once I'm back in the outside world."

Ann Carsner, a 59-year-old woman who lived in and was inside the building at the time of the fire, provided her own testimony before Young spoke.

"I'm having a very hard time even looking at you," she told Young. "I almost died that day. Everything I earned in 58 years was gone."

Carsner then read a list of the items she had lost in the fire. It included a picture of Marilyn Monroe her daughter gave her, a Chinaware set her husband brought home after serving in the U.S. Navy and a new \$1,200 couch.

"I hope that while you're in prison you better yourself, but 90 percent of the things I lost are irreplaceable," she said.

Judge McIntosh said while she sympathized with the difficulty of drug addiction, other people with similar addictions do not choose to commit violent acts.

But while speaking to Carsner, she also pointed out an observation she had made.

"He's been in this courtroom several times," McIntosh said. "I don't think he's ever listened to me as clearly as he's listened to you."

High pesticide level prompts pot recall

By ERIC MORTENSON
Capital Bureau

SALEM — The Oregon Liquor Control Commission issued its first recall of recreational marijuana after testing of a brand sold at a Mapleton store showed it contained a level of pesticide residue that exceeds the state limit.

The commission, which oversees retail sales of recreational cannabis, said samples of Blue Magoo marijuana failed a test for pyrethrin levels. Pyrethrins are a mixture of six chemicals that are toxic to insects, according to the National Pesticide Information Center based at Oregon State University. Pyrethrins are found in some chrysanthemum flowers, and in some cases can be used on organic products.

The recall points out some of the complications that accompany the legalization of recreational cannabis. Growers, like all other agricultural producers, now face a regulatory structure they may not have dealt with before.

Pesticide use has been particularly thorny, because the federal government still considers cannabis illegal and has not established allowable tolerances of pesticides in pot. As a result, states that have legalized cannabis are figuring it out themselves. Oregon tests cannabis for 59 active ingredients.

"It's a big struggle, for sure," said Sunny Jones, cannabis policy coordinator for the Oregon Department of Agriculture.

The Oregon Health Authority oversees medical marijuana, the liquor commission oversees recreational marijuana, and the Department of Agriculture regulates aspects that range from food safety regarding cannabis edibles to pesticides, water quality issues and commercial scales used to weigh the product. The recalled pot was grown by Emerald Wave

Estate, based in Creswell, and sold at Buds 4 U in Mapleton, a small town west of Eugene. The liquor commission said people who bought the pot should dispose of it or return it to the retailer.

Mark Pettinger, spokesman for the commission, said the retailer has fully cooperated in the recall. It sold 82.5 grams of Blue Magoo to 31 customers from March 8 through March 10. The store noticed the failed pesticide reading in the state's Cannabis Tracking System on March 10 and immediately notified the commission, Pettinger said.

"The retailer was great," he said. "They get the gold star."

Pesticide application would have been done at the grower level, which is the province of the Department of Agriculture. Pettinger said the distribution system breakdown occurred when a wholesaler, Cascade Cannabis Distributing, of Eugene, shipped the pot to the Mapleton store before pesticide test results were entered in the state's tracking system. The testing was done by GreenHaus Analytical Labs, of Portland, which is certified by the state to test cannabis for potency, water content and pesticide residue.

The mistake might qualify as a violation under Oregon administrative rules, Pettinger said. Failure to keep proper records is a Class III violation; the first offense is punishable by up to 10 days of business closure and a \$1,650 fine. Four violations within a two-year period can lead to license revocation.

The rest of the grower's nine-pound batch of Blue Magoo marijuana flower has been placed on administrative hold, meaning it cannot be lawfully sold pending the outcome of additional pesticide testing. Pettinger said the pot is in the grower's possession.

Bill would seal names of sex crime victims

Designed to protect victims and families

By PARIS ACHEN
Capital Bureau

SALEM — Civil rights activists, defense lawyers and journalists voiced concern Monday over legislation that would give pseudonyms to sex crime victims and witnesses in grand jury indictments and keep their names out of public court records.

District attorneys and victim advocates say the legislation is designed to protect victims and their families who might otherwise refuse to testify in front of a grand jury out of fear of retribution from the defendant. They said that is especially true in the case of accused sex traffickers who may have multiple victims.

"The fear of victims testifying against their traffickers cannot be over exaggerated," said Nita Belles, executive director of In Our Backyard, a Bend-based anti-human trafficking nonprofit organization. "They and (their families) have been threatened, and the traffickers have carried out enough threats against them in the past to make believers out of them."

However, opponents argued during a hearing in front of the Senate Judiciary Committee that the proposal would violate the public's constitutional rights to open courts and an open press.

Journalists are "sympathetic to those victims of sex crimes who are often required to relive their experiences multiple times throughout the trial process," said Keith Ship-

man of the Oregon Association of Broadcasters. "However, our member stations are concerned about the unusually broad nature of Senate Bill 248, particularly the recently released ... amendments and that they may adversely impact the public's right to know, particularly if that person involved is a public trustee."

fusa, deputy district attorney with Multnomah County, who spoke on behalf of Oregon District Attorneys Association.

Several other states, including Minnesota, New Jersey, Maine and Texas, have similar laws or legislation, Ujifusa said.

The bill would provide the same information to the defense as they receive now,

"We don't have a clue of what goes on in a grand jury except by the name of the witnesses that appear on the indictment," Meyer said. "That is our only clue. The clue is a big one for us because it can tell us how broad and how narrow of a focus the government is making out of the allegations."

Meyer and several private investigators gave examples of sex crime cases in which the name of the accuser helped investigators to find information that exonerated the defendant.

"By enshrining the details of an indictment from public view in other cases, severely impacts the ability of the defense to marshal and get going on other facts as they might be disclosed," Meyer said.

The bill is sponsored by state Sen. Kathleen Taylor, D-Portland, and Rep. John Huffman, R-The Dalles, and came out of a work group on victim safety.

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

'The fear of victims testifying against their traffickers cannot be over exaggerated.'

Nita Belles

executive director of In Our Backyard

Allow pseudonyms

The legislation would allow prosecutors to use pseudonyms for sex crime victims and witnesses during grand jury indictment proceedings. Once a suspect was arraigned, the defendant's attorney would receive the names of the victims and witnesses, but those names would still be sealed from public records.

"All this bill would do is protect victims' names from public record, associates and family members in case after case that I see where family members and associates intimidate victims and try to prevent them from coming to court, knowing that their testimony is key, especially in sexual assault crimes," said Jr Ujifusa.

but that information would come several days later at the time of arraignment, he said.

The Oregon legislation is unique in that it shields the names of witnesses and not just victims, said Gail Meyer of the Oregon Criminal Defense Lawyers Association.

"I don't know of any other state law — I haven't seen one — that would allow for secrecy in respect to the witnesses who testify before the grand jury," Meyer testified.

Shrouded in secrecy

Grand jury proceedings already are shrouded in secrecy. Testimony is not required to be recorded, though SB 248 in the Senate Judiciary Committee would change that.

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