

## Merrill: Has pleaded not guilty to all charges

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letter to the court, a Fresh Start representative said Merrill would be carefully supervised while in treatment, and escorted by staff to all court appearances.

His attorney also promised Merrill would return for court dates, but that did not happen. Instead, Merrill disappeared, forfeiting his bond. McClain's office subsequently issued a warrant for his arrest and Commissioner Faubion increased his bail to \$500,000.

While Merrill was on the loose, Pacific County sheriff's deputies established his involvement in an Ocean Park burglary and the later sale of guns from that burglary. That led to a second, separate criminal case, in which he was charged with gun, burglary and possession of stolen property charges. A new \$1 million arrest warrant was issued.

### Bail fight

During the Monday afternoon hearing, Faubion reviewed the charges and release conditions for both cases. Merrill has pleaded not guilty to all charges.

Generally, Washington state law says people can only be held without bail in capital punishment cases, but McClain tried to argue that there was a legal precedent for holding a known flight risk like Merrill without bail.

"He fled the country, he fled Washington and California," McClain said. "... Somehow he was able to do this while not having his passport." Furthermore, McClain said, Merrill allegedly indicated in a recorded jail phone call that he still has an independent income, possibly from the recent sale of the family's downtown businesses. That increases the chances of Merrill fleeing again, McClain said.

Merrill's attorney, David Mistachkin of the Aberdeen law firm Ingram, Zelasko & Goodwin, pushed back, calling the request for a no-bail hold "baseless."

"These charges are non-violent drug offenses and property crimes," Mistachkin said. Faubion agreed, saying Merrill still had the legal right to a reasonable

bail amount. However, he agreed that the bail should still be steep. When Mistachkin called the original bail set by the court "excessive," Faubion replied, "It can't be excessive if it wasn't sufficient to keep him here."

### 'Zero' money

McClain then asked for \$1 million bail in the drugs case.

"It's clearly excessive. It's clearly a punishment for Mr. Merrill fleeing the jurisdiction," Mistachkin said. He claimed his client doesn't have the independent means to get himself out of jail.

"Mr. Merrill has absolutely no money. Zero, and the state can't prove otherwise," Mistachkin added.

Faubion set bail at \$400,000, then turned to the newer guns and burglary case. In that case, he lowered the original bail of \$1 million to \$400,000.

With a total amount of \$800,000, Merrill's family would have to pay about \$80,000 to get him out of jail. If he were to be released, he would be required to live with his parents, abstain from drugs and alcohol, regularly check in with the court, and stay away from all other parties in his criminal cases.

However, Mistachkin claimed that this time, his client is likely to stay in lockup until his trial.

"His parents are not going to bail him out again," he said.

### More charges could follow

In a Friday press release, McClain praised Pacific County Detective Ryan Tully for his diligence, saying Tully "continued to work every lead to its conclusion and fed the information to the marshals in order to locate Mr. Merrill."

He, too, had little information about how exactly the marshals caught Merrill, but said local and federal efforts to "follow the money" were key to cracking the case.

Investigators suspect one or more people in the U.S. may have helped Merrill escape, or supported him during his south-of-the-border sojourn. If so, charges could follow for those individuals, McClain said.



Colin Murphey/The Daily Astorian

A cadet with the Tongue Point Seamanship Academy working on the Tourist No. 2 ferry can be seen through the window of the workshop on deck.

## Ferry: 'I love this community project'

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former cannery on a pier in the Columbia below the Astoria Bridge into the Cannery Pier Hotel & Spa.

All the projects faced hurdles he chipped away at, some with big price tags, Jacob said.

"I was taught not to stare at that elephant in that kitchen, 'cause you can't eat it," Jacob said in an analogy to the ferry. "But if somebody takes it out to the table and hands you a chunk of ear, you can eat a chunk of ear."

For labor, Jacob enlisted the help of Tongue Point Job Corps Center's seamanship program. The students have been tearing out carpet and plywood flooring to expose the original deck, before putting on a fresh coat of paint. Joseph White, a seamanship student for the past 19 months at Tongue Point, said trainees are used to maintaining the center's steel-hulled training vessel Ironwood, but are learning some valuable skills for working on older, wooden-hulled boats.

Job Corps students have also been helping fix the Salvage Chief, a regionally famed former marine towing vessel under restoration by another nonprofit.

"I love this vessel," White said of the ferry. "I love this community project. To bring back almost 100 years of history is really bringing a big thing in my heart."

Lucien Swerdloff, an instructor with Clatsop Community College's historian preservation program and a ferry board member, said his students will also use the ferry as a floating classroom for workshops.

Overseeing the Job Corps students is Lint, who has been traveling from the Olympic Peninsula weekly with other boat restoration partners. The cosmetic restoration of the ferry pales in comparison to the structural issues he faced in the recent restoration of a 137-foot, 1893 sailing yacht, he said.

"Everything is good about the boat except for the cosmetics," Lint said.

The Astoria Ferry Group previously estimated \$500,000 was needed for Coast Guard

certification, a necessary step before taking out large groups on the vessel. Lint has disputed the figure, saying the boat is close to the condition needed for certification, and that much of the work can be done at Tongue Point for a lesser cost than at other commercial shipyards.

### Location, location

After the face-lift, the ferry heads back down the Columbia to Floyd Holcom's waterfront commercial complex at Pier 39, where the ferry group hopes to hold tours and build public interest while continuing to upgrade the vessel's safety, electrical and other systems in preparation for certification by the Coast Guard.

"By putting it at Pier 39, it will be more in the sight of people," Taylor said.

Meanwhile, a new influx of volunteers has expressed interest in joining the ferry group, Taylor said. She, Price and

other volunteers have been continually working on grants for the boat. Taylor and Price claimed the operation of the boat would cost upward of \$500,000 annually but could be covered by operational revenue with tours, weddings, conferences and other events on board.

Donna Quinn, Cannery Pier's director of marketing and sales, said the group is in the beginning stages of developing a marketing plan. A board member on the Oregon Coast Visitors Association, she has reached out to the state's tourism agency Travel Oregon and said the group has shown interest in supporting the development of the ferry as a sustainable tourist attraction.

"One of the challenges that local people and even visitors in this area have is the ability to get on the Columbia River," Quinn said. "And that really defines us. We're a river town."

## Oregon: Rosenblum is prepared to file at least two potential lawsuits that are specific to the state

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The first came when Oregon joined two lawsuits challenging Trump's January executive order temporarily banning visitors, students, workers and refugees from seven Muslim-majority nations. Federal courts have since stayed multiple versions of the travel ban.

Most recently, Oregon joined 18 other states to challenge Trump's order to end federal subsidies that help low-income Americans pay their health insurance premiums under the Affordable Care Act, also known as Obamacare.

In addition, Oregon has challenged 20 out of 52 environmental regulations the Trump administration has moved to eliminate or roll back, Rosenblum said.

The series of actions coming out of the Trump administration is "dizzying," she said.

In the first nine months of the Obama administration, Oregon joined no lawsuits against the federal government, according to the state Department of Justice.

Just five days before Obama took office, Oregon and five other states sued to block a Bush administration regulation designed to enhance protections for health care workers who refuse to perform abortions for moral reasons. The regulation enabled the federal government to withhold funding from state and local governments and others who discriminated against those health care workers.

The Obama administration moved to rescind the regulation just one month later.

Rosenblum is prepared to file at least two potential lawsuits against the Trump administration that are specific to Oregon.

She said she plans to challenge any Trump administration move to decrease the acreage of southwest Oregon's Cascade Siskiyou National Monument, which Obama expanded in 2016. While the 1906 Antiquities Act authorizes a president to designate a national monument, a legal question remains whether that includes the power to shrink or eliminate the designation.

The state also would go to court if the Trump administration ends federal funding for Planned Parenthood, which provides reproductive health services for women, Rosenblum said. U.S. law already prohibits use of federal funds for abortion, a service some Planned Parenthood clinics provide using money from other sources.

Obama experienced similar challenges to his policies by Republican attorneys general during his two terms. Led by then-Oklahoma Attorney General Scott Pruitt — now director of the Environmental Protection Agency — those states attempted to overturn environmental rules by the EPA, and challenged actions by other federal agencies.

Here are the other Trump administration policies Oregon and other states have challenged either in court, in letters of intent to sue or formal opposition to regulation changes:

- A repeal, announced Oct. 10, of Obama's 2015 executive

order requiring power plants to cut greenhouse gas emissions;

- The Oct. 6 rollback of Affordable Care Act requirements for employers to provide insurance coverage for birth control;

- A Sept. 22 rescission of a 2011 Obama administration directive on how schools should investigate reports of sexual assault;

- A Sept. 5 decision to end Obama's DACA, which allowed undocumented immigrants brought here as children to legally work and attend school;

The state last week also sued federal agencies for failing to produce public records on immigrant deportations and detentions.

- The discontinuation, announced in June, of an Obama administration program to forgive the loans of student borrowers who were defrauded by their schools;

- A June 14 delay of Clean Air Act rules designed to prevent chemical accidents;

- A May 18 suspension of new requirements for greenhouse gas emissions reporting and tracking on highways. The Trump administration announced in September it would allow the tracking to move forward.

- A March delay of new energy-efficiency standards for ceiling fans. The Trump administration in May reversed course and allowed the standards to take effect.

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Amrita Desai, MD  
Medical Oncologist



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