

State appeals ruling that blocked sentencing reform

Case could go straight to Supreme Court

By **PARIS ACHEN**
Capital Bureau

SALEM — The state’s appeal of a Clackamas County Circuit Court decision to block sentencing reforms passed in 2017 could soon be headed to the Oregon Supreme Court.

Clackamas County District Attorney John Foote and two crime victims from Oregon City and Sandy sued the state in November to stop enforcement of House Bill 3078.

The law reduced sentences for identity theft and first-degree theft and was intended to help reduce the number of women sent to prison and avoid the expense of opening a second women’s prison.

A panel of Clackamas Circuit Court judges ruled in February that the legislation is unconstitutional because it was passed with only a simple majority vote.

The mandatory sentences for those crimes were approved by voters in 2008 via Measure 57. The Oregon Constitution requires at least a two-thirds majority vote by each chamber of the Legislature to change the voter-approved sentences, the court ruled.

The Oregon Department of Justice filed a notice of its intent to appeal the ruling March 15.

During the 2018 legislative session, lawmakers passed another bill, Senate Bill 1543, that was intended to hasten the case to the Oregon Supreme Court.

Lawmakers said they wanted a quick ruling on the case so they could ensure sentencing uniformity between counties and to prepare for any increase or decrease in the prison population as a result of the court’s decision.

Foote and the other plaintiffs filed March 16 in the Court of Appeals to certify the case to the Oregon Supreme Court.

“(T)he judgment is of concern to a great many people — not just people charged with identity theft and theft I, but also their lawyers and prosecutors, and the judges hearing their cases,” wrote Thomas Christ, the plaintiffs’ attorney. “Taxpayers, too, are concerned, because the sentencing reductions in (House Bill) 3078 were intended to reduce incarcerations and thus save the state from the cost of building a new women’s prison.”

The Department of Justice “does not object to that request because the challenges to the constitutionality of (House Bill) 3078 have created a situation where criminal sentences may be different from county to county,” said Department of Justice spokesman Kristina Edmunson.

A defendant in Clackamas County and other counties may receive a longer sentence than they likely would in counties that have not found the legislation to be unconstitutional, Edmunson said.

“This creates a system of justice where the duration of a criminal sentence will depend not on the severity of the criminal conduct but on the judge’s perception of the constitutionality of the underlying statute,” she said. “This exceptional situation warrants immediate review by our highest court to avoid the unfairness of any uncertainty around the appropriate sentence.”

Senate Bill 1543 provides that the Supreme Court has jurisdiction to decide in any civil appeal filed between Jan. 1 and April 1 whether the sentencing reforms in House Bill 3078 violate any provision of the Oregon Constitution. The court “shall, to the extent practicable, expedite its disposition of” such appeals.

“This case meets that description. In fact, it’s the only one that does, and probably ever will,” Christ wrote.

That bill still needs Gov. Kate Brown’s signature to become law.

ation where criminal sentences may be different from county to county,” said Department of Justice spokesman Kristina Edmunson.

A defendant in Clackamas County and other counties may receive a longer sentence than they likely would in counties that have not found the legislation to be unconstitutional, Edmunson said.

“This creates a system of justice where the duration of a criminal sentence will depend not on the severity of the criminal conduct but on the judge’s perception of the constitutionality of the underlying statute,” she said. “This exceptional situation warrants immediate review by our highest court to avoid the unfairness of any uncertainty around the appropriate sentence.”

Senate Bill 1543 provides that the Supreme Court has jurisdiction to decide in any civil appeal filed between Jan. 1 and April 1 whether the sentencing reforms in House Bill 3078 violate any provision of the Oregon Constitution. The court “shall, to the extent practicable, expedite its disposition of” such appeals.

“This case meets that description. In fact, it’s the only one that does, and probably ever will,” Christ wrote.

That bill still needs Gov. Kate Brown’s signature to become law.

ation where criminal sentences may be different from county to county,” said Department of Justice spokesman Kristina Edmunson.

A defendant in Clackamas County and other counties may receive a longer sentence than they likely would in counties that have not found the legislation to be unconstitutional, Edmunson said.

“This creates a system of justice where the duration of a criminal sentence will depend not on the severity of the criminal conduct but on the judge’s perception of the constitutionality of the underlying statute,” she said. “This exceptional situation warrants immediate review by our highest court to avoid the unfairness of any uncertainty around the appropriate sentence.”

Senate Bill 1543 provides that the Supreme Court has jurisdiction to decide in any civil appeal filed between Jan. 1 and April 1 whether the sentencing reforms in House Bill 3078 violate any provision of the Oregon Constitution. The court “shall, to the extent practicable, expedite its disposition of” such appeals.

“This case meets that description. In fact, it’s the only one that does, and probably ever will,” Christ wrote.

That bill still needs Gov. Kate Brown’s signature to become law.

OBITUARIES

Frederick Richard Parhaniemi

Astoria

Oct. 16, 1930 — March 13, 2018

Born Frederick Richard Parhaniemi on Oct. 16, 1930 in Astoria, Oregon, known to his family and close friends as “Dick,” he passed away peacefully on March 13, 2018.

Fred grew up in Astoria, Oregon, with his two younger brothers, Rudy and Bob, the sons of Fred and Silvia Parhaniemi. After graduating from Astoria High School, Fred went to work in a local machine shop. In November of 1950 he was drafted into the Army and was stationed at Fort Lewis in Washington state. During his time at Fort Lewis, he was introduced by a friend to Betty Johnson of Renton, at a dance in Seattle. The two quickly fell in love and they were married on Dec. 22, 1951. After they were married, Fred continued his service in the Army and was stationed for a time in Garmisch, Germany, where he made some lifelong friends.

Fred was honorably discharged from the Army in October of 1952. He returned to Renton and built a home in May Valley on the Johnson Homestead, where he and Betty started a family. Their first child, Richard (Rick), was born on May 9, 1954. Stephen

(Steve) was not far behind, born on June 3, 1955. Finally, Mark was born on Dec. 29, 1960.

In the early 1960s, Fred built a small shop behind his home where he and his two brothers started Reliable Machine and Manufacturing Co. Their business grew until it was necessary to move to a larger facility in Kent. Fred passed his expertise onto his sons, who all spent time working at Reliable Machine until the business was sold in 1983. His sons continue to work in the trade to this day.

Fred liked spending time outdoors with his family, hiking to alpine lakes in Washington’s Cascade Mountains, fishing streams and lakes all over the state, and razor clam digging on the beaches of the Pacific Northwest. He also enjoyed playing the guitar.

Fred lost his beloved Betty in May of 2012. He continued to live in the home he built for her until December of 2017.

He is survived by his son, Richard (Jan), and children, Ryan and Melissa; his son, Stephen; his son, Mark (Lois), and child, Daniel. In lieu of flowers, the family would like



Frederick Richard Parhaniemi

Florence M. Flues

Forest Grove

May 28, 1932 — March 12, 2018

Florence “Flossie” M. Flues of Knappa, Oregon, died March 12, 2018 at the age of 85, in Forest Grove, Oregon, after an extended illness.

Flossie was born on May 28, 1932 in Skamokawa, Washington, to parents Axel and Helen Anderson. She graduated in 1950 from Wahkiakum High School in Cathlamet, Washington. She married John “Cal” Hoikka in 1951 and they soon settled in Knappa, Oregon. After Cal’s passing in 1987, she married Wayne Flues Jr., who preceded her in death in 2005.

Flossie enjoyed gardening, cooking, knitting, crocheting, crafts, clam digging, the Seattle Seahawks, holidays, family get-togethers, friends at the Wickiup Senior Center, and spending time with her best friend, Betty Bagley. Besides being a homemaker, Flossie worked at Knappa’s Hilda Lahti Elementary School as a recess aide, leaving there to care for and adopt her granddaughter, Lisa.

She volunteered many years to the Westport Boat Club as secretary, and then retired from Nygaard Logging as a weighmaster.

Flossie is also preceded in death by her brother, Sidney “Billy” Anderson, and infant daughter, Lisa Hoikka.

She is survived by sons, Duane (Pam) Hoikka of Summerville, Oregon; Kevin (Jinnie) Hoikka, of Ankeny, Iowa; and Michael (Barbara) Hoikka of Hood River, Oregon, who died on March 17.

Her grandchildren are Lisa Hoikka-Johnson, Bethany Heath, Kristyn McCain and Bradley Hoikka. Her great-grandchildren are Kaylee Wilson, Nathan Hoikka, Carter McCain and Penelope Heath. Here great-great grandchildren are Roman and Rian Montgomery.

At Flossie’s request, no formal funeral will be held. However, at a later date there will be a Celebration of Life for family and friends. Flossie will be greatly missed by all who knew her.



Florence M. Flues

FIVE-DAY FORECAST FOR ASTORIA

TONIGHT
42
A little evening rain; otherwise, cloudy

WEDNESDAY
52 / 40
Low clouds

THURSDAY
53 / 41
Low clouds

FRIDAY
52 / 38
Remaining cloudy with a shower

SATURDAY
54 / 36
Times of sun and clouds

ALMANAC

Astoria through Monday.

Temperatures
High/low 49°/41°
Normal high/low 55°/40°
Record high 72° in 1994
Record low 29° in 1996

Precipitation
Monday 0.61"
Month to date 3.72"
Normal month to date 6.35"
Year to date 22.33"
Normal year to date 23.74"

REGIONAL WEATHER

Shown is tomorrow's weather. Temperatures are tonight's lows and tomorrow's highs.

Forecasts and graphics provided by **AccuWeather, Inc.** ©2018

UNDER THE SKY

Tonight's Sky: Waxing gibbous moon near Beehive cluster (M44).

Source: Jim Todd, OMSI

TOMORROW'S TIDES

Astoria / Port Docks

Time	High	Time	Low
11:37 a.m.	8.6 ft.	5:42 a.m.	2.1 ft.
none		6:26 p.m.	-0.3 ft.

NATIONAL CITIES

City	Today	Hi	Lo	W	Hi	Lo	W
Atlanta	58	51	c	77	58	pc	
Boston	45	34	s	47	40	c	
Chicago	55	38	r	57	40	pc	
Denver	51	30	c	53	28	c	
Des Moines	47	30	c	61	34	s	
Detroit	57	40	r	56	41	pc	
El Paso	68	43	pc	70	46	s	
Fairbanks	30	10	c	31	17	pc	
Honolulu	81	65	s	82	67	s	
Indianapolis	57	47	r	60	46	c	
Kansas City	49	35	c	57	38	pc	
Las Vegas	68	54	s	76	58	s	
Los Angeles	79	54	s	78	54	s	
Memphis	75	64	c	67	59	r	
Miami	77	67	pc	78	69	pc	
Nashville	67	60	c	68	58	r	
New Orleans	81	69	c	83	68	pc	
New York	49	39	pc	50	44	c	
Oklahoma City	52	41	r	56	40	sh	
Philadelphia	47	39	pc	53	47	c	
St. Louis	58	43	r	58	46	c	
Salt Lake City	52	40	s	59	41	c	
San Francisco	68	49	s	71	51	s	
Seattle	53	42	r	53	42	c	
Washington, DC	49	44	pc	64	55	c	

Weather (W): s-sunny, pc-partly cloudy, c-cloudy, sh-showers, t-thunderstorms, r-rain, sf-snow flurries, sn-snow, i-ice.

DEATH

March 26, 2018

WILEMAN, Frederick Lee, 70, of Astoria, died in Astoria. Ocean View Funeral & Cremation Service of Astoria is in charge of the arrangements.

ON THE RECORD

Robbery

• At 7:46 a.m. Monday, Dusten Lunsford, 34, of Oregon City, was arrested by Seaside police on the 1210 block of Franklin Street and charged with third-degree robbery, fourth-degree assault, unlawful entry into a motor vehicle, felon in possession of a restricted weapon and inter-

fering with a police officer. Lunsford allegedly broke into a car and looted it. When the owner showed up, Lunsford allegedly assaulted him and fled.

DUII

• At 1:04 a.m. Saturday, Robert Heess, 66, of Warrenton, was arrested by Astoria police near the New Youngs

Bay Bridge and charged with driving under the influence of intoxicants. His blood alcohol content was 0.11 percent.

• At 11:52 p.m. Saturday, Hiram Miller Johnson, 63, of Hammond, was arrested by Warrenton police on Main and Fifth streets and charged with DUII. His blood alcohol content was 0.13 percent.

PUBLIC MEETINGS

TUESDAY

Clatsop County Human Services Advisory Council, 4 to 5:30 p.m., 800 Exchange St., Room 430.
Seaside Airport Advisory Committee, 6 p.m., City Hall, 989 Broadway.
Astoria Planning Commission, 6:30 p.m., City

Hall, 1095 Duane St.

WEDNESDAY

Astoria Parks and Recreation Advisory Board, 6:45 a.m., City Hall, 1095 Duane St.
Clatsop County Board of Commissioners, 6 p.m., Judge Guy Boyington Building, 857 Commercial St.

LOTTERIES

OREGON

Monday's Pick 4:
1 p.m.: 2-2-3-7
4 p.m.: 3-3-8-1
7 p.m.: 2-6-3-8
10 p.m.: 5-5-9-8
Monday's Lucky Lines: 04-06-09-16-FREE-17-23-26-31
Estimated jackpot: \$17,000

Monday's Megabucks: 03-04-13-20-38-47
Estimated jackpot: \$2.2 million

WASHINGTON

Monday's Daily Game: 5-3-8
Monday's Hit 5: 02-03-35-36-38
Estimated jackpot: \$100,000

Monday's Keno: 01-04-07-14-16-22-27-33-37-38-41-44-46-50-55-58-66-71-77-80
Monday's Lotto: 01-03-06-30-33-37
Estimated jackpot: \$3.4 million
Monday's Match 4: 01-05-09-23

APPLIANCE PACKAGE DEALS

APPLIANCE AND HOME FURNISHINGS

529 SE MARLIN, WARRENTON
503-861-0929

Over **30 YEARS** IN CLATSOP COUNTY

Mattresses, Furniture & More!

HOURS OPEN: MON-FRI 8-6 * SATURDAY * SUNDAY 10-4
We Service What We Sell

The Daily Astorian
Established July 1, 1873
(USPS 035-000)

Published daily, except Saturday and Sunday, by EO Media Group, 949 Exchange St., PO Box 210, Astoria, OR 97103 Telephone 503-325-3211, 800-781-3211 or Fax 503-325-6573. POSTMASTER: Send address changes to The Daily Astorian, PO Box 210, Astoria, OR 97103-0210

www.dailyastorian.com

MEMBER OF THE ASSOCIATED PRESS

The Associated Press is entitled exclusively to the use for republication of all the local news printed in this newspaper.

SUBSCRIBER TO THE NEW YORK TIMES NEWS SERVICE

MEMBER CERTIFIED AUDIT OF CIRCULATIONS, INC.

SUBSCRIPTION RATES
Effective July 1, 2015

HOME DELIVERY	MAIL
EZpay (per month).....\$11.25	EZpay (per month).....\$16.60
13 weeks in advance.....\$36.79	13 weeks in advance.....\$51.98
26 weeks in advance.....\$70.82	26 weeks in advance.....\$102.63
52 weeks in advance.....\$135.05	52 weeks in advance.....\$199.90

Circulation phone number: 503-325-3211
Periodicals postage paid at Astoria, OR

ADVERTISING OWNERSHIP

All advertising copy and illustrations prepared by The Daily Astorian become the property of The Daily Astorian and may not be reproduced for any use without explicit prior approval.

COPYRIGHT ©

Entire contents © Copyright, 2018 by The Daily Astorian. Printed on recycled paper

Follow us on Facebook!