

## IN BRIEF

## County records new virus cases

The Oregon Health Authority reported 11 new coronavirus cases on Wednesday and five new cases on Tuesday in Clatsop County.

Since the pandemic began, the county had recorded 2,583 virus cases and 34 deaths as of Wednesday.

## Miss Clatsop County winners to ring bells for charity at Fred Meyer

Miss Clatsop County Scholarship Program title holders will ring kettle bells to help raise funds for The Salvation Army at the Warrenton Fred Meyer on Saturday and Sunday.

The Salvation Army helps people overcome poverty, addiction and economic hardships through a range of social services. The program provides food, emergency relief services for disasters and clothing and shelter for people in need.

To donate online, go to [cascade.salvationarmy.org](https://cascade.salvationarmy.org)

## State holds free fishing day this weekend

It is free to fish, crab or clam in Oregon on Saturday.

The state will not require fishing licenses or tags.

Other regulations still apply, including closures and bag limits.

## Astoria duplex damaged in fire

A duplex on Niagara Avenue in Astoria caught fire on Tuesday afternoon, displacing residents.

Firefighters responded to smoking materials in a garage that ignited a mattress, causing flames to burn the duplex. It took about 10 minutes for crews to extinguish the fire.

Officials said all occupants — including four adults, six children and five pets — were not injured.

The renters had insurance and the home is also insured, the Astoria Fire Department said.

The fire caused about \$5,000 in damage to the families' belongings. The dwelling suffered about \$100,000 in damage.

The American Red Cross is helping the families.

## County unemployment rate declined

Clatsop County's unemployment rate was 5.1% in October.

The seasonally adjusted rate was down from 5.5% in September and down from 7.3% from October 2020.

The state's unemployment rate was 4.4% in October, the Oregon Employment Department reported, compared to 4.6% nationwide.

## Coast Guard to study port access

Astoria is one of several coastal towns where the U.S. Coast Guard will study port access route measures to enhance maritime safety.

The study will examine the value of routing measures — such as traffic separation schemes — and explore new measures that might be better in terms of dealing with coastal weather, vessel traffic or other conditions that affect navigation, the Coast Guard said.

People have a chance to take part by submitting feedback to the Federal Register. Visit <http://www.regulations.gov>, and in the search field, enter docket No. USCG-2021-0345. Then click on "Comment."

The submission deadline is Jan. 25.

— *The Astorian*

## State Supreme Court dismisses challenges to new legislative districts

Oregon's new legislative districts that Democratic lawmakers passed earlier this fall are here to stay, after the state Supreme Court on Monday dismissed two challenges filed by Republicans.

Majority Democrats passed the districts in a September special session without a single Republican vote. Still, the 90 new House and Senate districts will protect many Republican incumbents as well as Democrats. And Republican legislators did not object as strenuously to these maps as they did to Democrats' congressional map, which would likely add another Oregon Democrat to Congress.

— *The Oregonian*

## DEATHS

Nov. 24, 2021

LAUGHMAN, Jon Vincent, 64, of Astoria, died in Astoria. Caldwell's Luce-Layton Mortuary of Astoria is in charge of the arrangements.

Nov. 23, 2021

FALETTI, Nancy A., 73, of Warrenton, died in McMinnville. Ocean View Funeral & Cre-

mation Service of Astoria is in charge of the arrangements.

Nov. 13, 2021

KENT, Rayetta I., 72, of Knappa, died in Woodland, Washington. All County Cremation & Burial Services of Vancouver, Washington, is in charge of the arrangements.

## PUBLIC MEETINGS

MONDAY

Seaside City Council and Planning Commission, 6 p.m., joint work session on vacation rentals, City Hall, 989 Broadway.

TUESDAY

Gearhart City Council, 6:30 p.m., work session on council goals, (electronic meeting).



Lydia Ely/The Astorian

A rainbow is seen near ships on the Columbia River on Tuesday.

## New trial: 'We're back at square one'

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A trial date has not yet been set. Sturgell — now represented by Lane Borg, the former executive director of the state Office of Public Defense Services — is trying to get his bail reduced.

"We're back at square one," Deputy District Attorney Dawn Buzzard said.

Buzzard prosecuted the case with attorney Daniel Wendel from the Oregon Department of Justice. Because of local law enforcement's personal ties to the victim, Wendel led the prosecution.

Sturgell's alleged crimes took place in August 2015. After drinking with a young woman at a Warrenton bar and buying shots for her, Sturgell, over the course of the night, gave her cocaine and had sex with her at his Naselle, Washington, property and in an Astoria hotel. The jury found that the victim was too intoxicated to consent.

Two other individuals — an Astoria man and another Hammond fisherman — were given probation in connection with the case. The Astoria man joined Sturgell in the hotel room and engaged in sexual activity with the victim. The other fisherman set up a meeting between Sturgell and the victim's father, at which Sturgell allegedly offered \$5,000 in exchange for dropping the

case and threatened to damage the victim's reputation.

The reason for Sturgell's retrial is that his attorney, Jason Thompson, of Salem, did not object when the state introduced Sturgell's security release agreement from November 2017 as a trial exhibit.

The state entered the document into evidence because it named his alleged victim as someone Sturgell should not have contact with, proving that Sturgell thought the woman might be called as a witness against him. This in turn could prove that when Sturgell offered the victim's father \$5,000, he knew he was interfering with a potential witness.

Thompson allowed the release agreement because it revealed that Sturgell had put up \$50,000 for bail, bolstering Thompson's argument that if Sturgell had really wanted to bribe a witness, he had a lot more money on hand.

But the document also contained information that could have prejudiced the jury against Sturgell, according to Judge Burton.

The release agreement listed a handful of sex abuse charges that had already been dismissed. "The jury was not informed that these charges had been dismissed or cautioned not to consider them," Burton wrote in her ruling.

The document said Sturgell agreed to "appear in

Clatsop Circuit Court for all hearings/appearances in this and all of my other cases." "The jury was not informed that (Sturgell) had no other cases," Burton wrote.

The release agreement also said Sturgell "will not possess firearms, weapons, or ammunition," that he would be monitored at an intensive level — the highest — and that his bail was set at \$500,000.

"Thus, the jury was given a document that made it appear as if (Sturgell) had other charges and/or other cases pending against him, and that suggested, by the intensive monitoring, the weapons restrictions, and the high bail amount, that he was a dangerous individual," Burton wrote.

The information from the release agreement that both the state and Thompson wanted before the jury could have been introduced by some other means, she wrote.

In not objecting to the state's use of the release agreement, Thompson did his client a disservice, according to Burton. She wrote that, had Thompson objected, she "cannot imagine a trial judge allowing a jury to see a document" that contains so many elements liable to bias them.

On the sex offense charges, which were based solely on the testimony of the victim, the jury rendered nonunanimous verdicts.

The U.S. Supreme Court

ruled in 2020 that nonunanimous verdicts are unconstitutional violations of the Sixth Amendment right to trial by impartial jury. But the court held this year that its ruling was not retroactive. State lawmakers are considering whether to allow people convicted by nonunanimous verdicts in Oregon before the court ruling to seek relief.

"I find that there is a small but not inconsequential possibility that the information in the release agreement could have been the factor that tipped a couple of jurors over to believing that (Sturgell) was a dangerous criminal, and therefore that (the victim's) testimony was true," Burton wrote. "Which is to say, I find that admission of the release agreement had a tendency to affect the result."

Burton argues that the same may have been true of the jury's unanimous verdicts convicting Sturgell of bribing and tampering with a witness — charges based solely on the word of the victim's father — "especially if the release agreement had already led some jurors to believe" the victim, Burton wrote.

"Again, I find that there was a tendency to affect the result," Burton wrote.

Sturgell made other claims about the ineffectiveness of counsel, and several additional claims for post-conviction relief, that Burton dismissed.



Lydia Ely/The Astorian

The distillery is housed in a historic building on the waterfront and includes a mural and other art featuring the city's history in fishing and seafood.

## Distillery: Mural pays homage to city's extensive history in fishing, seafood

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Fick hopes the combination of the fishery and distillery will also be an effective way to educate people about seafood and the sustainability of fisheries.

"I think it's going to create a lot of opportunities for education and making people aware of the importance of seafood in their life ... and we can promote our natural resources a little better," he said.

As for the bottles, labels and overall brand identity, Fick spent a consider-

able amount of time crafting them to fit the distinctive aspects of Astoria.

Inside, Pacifick Distillers has a mural and several artistic attributes paying homage to the city's extensive history in fishing and seafood.

"We want to identify the past, the present and the future aspects of what Astoria is about, particularly in the seafood industry," Fick said. "... We hope to get a few people walking through there, enjoying the seafood, and understanding the distilling process and our community and what we're about."

## the Astorian

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## Hotel: Number of items still need to be reviewed by city staff

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With Emmons and Sonpatki's proposed building, the rules hit a snag.

Emmons and Sonpatki want to keep the historical character of the former Paragon building intact. They also want to build a profitable hotel.

The addition they've proposed is wider than the existing building. Under the Bridge Vista overlay codes, new construction needs to hit a certain maximum setback

from the road. This setback requirement brings buildings close to the road to create a streetscape consistent with how other commercial buildings are placed in Uniontown.

To comply, Emmons would have had to consider a design that brought those wider wings of the new addition up to Marine Drive, on either side of the building. Or he could reduce the size of the addition. The first option would negate the effort to preserve the Paragon build-

ing. The second option, he argued, would make for a much smaller, potentially less viable hotel.

Hotels are allowed in this area, planning commissioners noted, and they commended Sonpatki and Emmons' desire to preserve the Paragon building.

Commissioner Pat Corcoran said he felt, in this case, more harm would be done by meeting the letter of the law. It seemed, he and other commissioners agreed, that the hotel developers

were trying to meet the intent of the law.

Daryl Moore, the commission's president, noted that the Bridge Vista overlay is challenging to develop under, but the hotel project seemed to be considerate to the needs of that zone.

"There are times when the intent of the law is more important than the letter of the law," he said.

The hotel has other hurdles to clear, including a number of items that still need to be reviewed by city staff.