

IN BRIEF

Open houses planned for workforce housing project at Heritage Square

Astoria and Edlen & Co. will host two open houses in March to collect public feedback on the proposed housing development at Heritage Square.

The open houses will be held from 4:30 p.m. to 7:30 p.m. on March 14 and March 24 at the Astoria Armory.

City councilors voted 3 to 2 last week to enter into an exclusive negotiating agreement with Edlen & Co., which will allow the city and the Portland-based developer to negotiate and refine the housing concept.

So far, in response to community feedback, the developer has created a new option that would incorporate all the housing units into one building instead of two. The building would sit on the eastern portion of the block, and the parking lot on the southwest corner would remain.

Nordic park receives grant from Oregon Cultural Trust

The Oregon Cultural Trust has awarded a \$8,729 grant to the Astoria Scandinavian Heritage Association.

The funding will help with the construction of the arrival plaza at Astoria Nordic Heritage Park, which is expected to open downtown off of Marine Drive this summer.

The park was one of 90 projects in the state supported by cultural development grants for the 2022 fiscal year.

Spring whale watching season on tap

The spring whale migration begins this month, with around 25,000 gray whales swimming past the Oregon Coast from late March until June.

The Oregon Parks and Recreation Department lists the best locations for spotting whales on its website, including Ecola State Park, Fort Stevens and Cape Disappointment.

Spring Whale Week has been canceled this year, meaning trained volunteers will not be on-site. The Whale Watch Center in Depoe Bay also remains closed until late spring.

The Oregon State Parks YouTube channel will be bringing back its whale watching livestream from 10 a.m. to 2 p.m. from March 21 to March 25.

State reports five new virus cases for county

The Oregon Health Authority reported five new coronavirus cases for Clatsop County on Tuesday.

Since the pandemic began, the county had recorded 4,520 virus cases as of Tuesday.

— The Astorian

Ocean Beach School District seeks \$96.2 million bond measure

LONG BEACH, Wash. — The Ocean Beach School District Board has cleared the way for voters to decide the fate of a \$96.2 million bond measure in April.

The bond will appear on the April 26 special election ballot, where it will need to receive at least 60% of the vote — a supermajority — in order to pass. Ballots are expected to be mailed to voters beginning April 8.

— Chinook Observer

DEATH

Feb. 28, 2022

McGAULEY, Harold William, 73, of Astoria, died in Portland. Caldwell's Luce-Layton Mortuary of Astoria is in charge of the arrangements.

MEMORIAL

Friday, March 4

PEARSALL, Rodney — Graveside service at 2 p.m., 33395 Beerman Creek Road in Seaside. A memorial will take place on March 12; details will be announced soon. Pearsall, 65, of Seaside, died Tuesday, Feb. 22, 2022, in Seaside. Hughes-Ransom Mortuary in Seaside is in charge of the arrangements.

ON THE RECORD

Theft

Jacob Michael Rivers, 35, of Oyster-ville, Washington, was arraigned on Tuesday for first-degree theft, two counts of second-degree theft and fleeing a police officer. The

crimes are alleged to have occurred in Clatsop County in January.

Gregory Lee Daw, 25, of Astoria, was indicted on Tuesday for first-degree theft and first-degree forgery. The crimes are alleged to have occurred in August.

PUBLIC MEETINGS

MONDAY

Clatsop County Board of Commissioners, 10:30 a.m., work session, (electronic meeting).
Astoria City Council, 7 p.m., City Hall, 1095 Duane St.

Judge halts parole board hearings for juvenile offenders commuted by governor

Astoria killer was on Gov. Brown's list

By NOELLE CROMBIE
The Oregonian

A state judge on Tuesday directed the Oregon parole board not to hold hearings for a group of juvenile offenders whose sentences were commuted last year by Gov. Kate Brown.

Marion County Circuit Court Judge David Leith's ruling came amid a legal challenge to the governor's commutation authority.

The decision underscores Brown's broad clemency power but concluded that the Board of Parole and Post-Prison Supervision does not have the statutory authority to take up the cases.

In a controversial move, Brown commuted the sentences of 72 offenders who were convicted as juveniles, effectively making them eligible to seek release through the parole board. Patrick Lee Harned — who in 1999, at age 16, kidnapped, sexually abused and strangled his neighbor, 7-year-old Ashley Ann Carlson in Astoria — was on the list. Harned has changed his name to Jessie Davin Payne-Rana.

Brown sought to apply a landmark juvenile justice reform law approved in 2019 to those individuals. That law applies only to cases going forward and aims to keep teens accused of the most serious crimes in the juvenile system, which places an emphasis on rehabilitation.

The ruling represents a significant roadblock to Brown's commutation push.

Her office first floated the idea of juvenile commutations early last year and kept those discussions largely under wraps until fall.

The Oregon Department of Justice is deciding whether to appeal.

Linn County District Attorney Doug Marteeny called the ruling "a victory in the right direction."

"I think this is a victory for crime victims and a victory for transparency in government and truth in sentencing," he said.

Leith's opinion came in a lawsuit filed by Marteeny, Lane County District Attorney Patricia Perlow and relatives of three homicide victims.

judge concluded in his letter opinion that the governor has the "unlimited prerogative to choose who gets clemency."

Merah said Brown "continues to believe that executive clemency is an important tool that can be used to address systemic failures in our criminal justice system while we work to make lasting change, and she will continue to exercise her clemency authority in, for example, cases of extraordinary transformation to give people the opportunity to become positive, contributing members of their communities."

The ruling was mixed for the plaintiffs. Leith-

Clark Law School professor who leads a clemency clinic and has helped shape Brown's thinking on the topic, said Leith's decision shows that the governor's authority "is intact."

"The judge is clear that the governor's power is enormous and plenary," Kaplan said.

The problem, as he saw it, was the parole board's lack of authority to hold hearings for the youths whose sentences were commuted, Kaplan said.

Brown has been among the busiest governors in modern Oregon history and among sitting governors to use her clemency authority.

Clemency includes commutations, which is a reduction in a person's sentence, and pardons, which forgives a person for the crime they committed.

The governor has granted clemency to about 1,200 people, including 912 for the pandemic and 41 for incarcerated people who fought wildfires.

In another group, she commuted the sentences of 72 juveniles offenders, including convicted killers, making them eligible to pursue parole after they served at least 15 years.

Some in the group were already on track for release and are out. Others have not yet served long enough to be eligible. According to the parole board, 26 are eligible for a hearing. Fifteen were scheduled for hearings between March 16 and Sept. 22.

"As of right now, we are stopping," said Dylan Arthur, the executive director of the parole board.

THE GOVERNOR HAS GRANTED CLEMENCY TO ABOUT 1,200 PEOPLE, INCLUDING 912 FOR THE PANDEMIC AND 41 FOR INCARCERATED PEOPLE WHO FOUGHT WILDFIRES.

The suit alleged Brown claimed she delegated her clemency power to the parole board, which would decide the fate of dozens of juvenile offenders.

Brown's spokesperson said the governor is pleased that the judge "affirmed that her use of clemency powers was within her authority and upheld every single commutation granted to date, impacting almost 1,200 individuals."

"In fact," Liz Merah said in an emailed statement to The Oregonian, "the

missed most of their claims, including their challenge to the governor's authority to initiate clemency actions as she did when she released hundreds of prisoners in response to the pandemic and dozens more as a reward for fighting historic wildfires in 2020.

He ruled that in situations where the governor initiates a clemency action, the requirements that victims be notified and given an opportunity to provide input do not apply.

Aliza Kaplan, a Lewis &

Man sentenced to prison for role in Oregon State Capitol protest

By ZANE SPARLING
The Oregonian

A right-wing demonstrator who prosecutors say acted as the ringleader of an "attempted occupation" of the Oregon State Capitol was sentenced Friday to 13 months in state prison.

Chandler Pappas, now 28, sent a plume of bear spray into the eyes of six Salem police officers while trying to breach the Capitol during a Dec. 21, 2020, rally opposing COVID-19 rules that had closed the statehouse to visitors, prosecutors said during a sentencing hearing in Marion County Circuit Court.

The clash happened after former state Rep. Mike Nearman opened a secure side door to the Capitol as part of a predetermined plan. Nearman later pleaded guilty to official misconduct and was expelled from the Legislature.

Caught off guard by the intruders, Salem police officers were not wearing full protective gear when they were sprayed by Pappas, who was clad in body armor, Deputy District Attorney Keir Boettcher said in court.

After police eventually secured the door using a pair of handcuffs, Pappas kicked the glass several times and later carried a "purported" rifle near the door, Boettcher said.

"This is a dangerous man that came to create a dangerous situation," Boettcher said. "This was very much premeditated."

Boettcher entered a number of statements Pappas made on Twitter into evidence, including a tweet in which Pappas invited his followers to join him in a firearms training course. Pappas posted the tweet after agreeing not to possess firearms while out on bail.

Boettcher told the court that authorities never determined whether Pappas actually had a gun but said the tweet showed Pappas felt "no remorse."

Facing a nine-count indict-



Zane Sparling/The Oregonian

A Marion County Circuit Court judge sentenced Chandler Pappas, 28, to 13 months in state prison on Friday.

'THE CASE THE STATE IS MAKING AGAINST ME SEEMS TO BE MORE ABOUT WHO I AM RATHER THAN WHAT I'VE DONE.'

Chandler Pappas

ment filed last January, Pappas agreed earlier this week to plead guilty to three counts of first-degree use of mace, for which the presumptive sentence is probation. Prosecutors said the circumstances of the Capitol incident warranted a sentence of 18 months.

Pappas' court-appointed attorney, David Kuhns, said none of the five other men who were also charged in the clash were ultimately sentenced to prison, including Pappas' father, Alexander Pappas, who was convicted of spraying an officer with chemical spray.

Chandler Pappas, who has moved to Arizona, told the court he was "not in a good place mentally" during the Capitol incident after witnessing the fatal shooting of his

friend Aaron "Jay" Danielson during a downtown Portland protest in August 2020.

"The case the state is making against me seems to be more about who I am rather than what I've done," Pappas said, adding that "what happened that day was not the way to affect positive change."

In his ruling, Marion County Circuit Judge Courtland Geyer said that while the six officers recovered from the bear spray, the situation could have turned deadly if protesters had grabbed the officers' guns while the officers were blinded. Geyer said videos submitted into evidence showed Pappas moving his hand in order to spray all six officers.

"You tried to get as many of them as you could," Geyer

told Pappas.

Geyer sentenced Pappas to 13 months in state prison on one of the three counts, plus 36 months of probation beginning while he is incarcerated and 24 months of post-prison supervision for the other two counts.

Two of the officers hit by the chemical agent, Anthony Burke and Jeffrey Lucenti, sat in the audience during the hearing but declined to address the court.

Pappas was taken into custody immediately after sentencing.

In February, Ryan Ernie Lyles, 43, of Svensen, pleaded guilty in Marion County Circuit Court to three counts of unlawful use of a chemical irritant and to being a felon in possession of body armor for his role in the protest.

Lyles, who acknowledged using bear spray, was sentenced to three years of probation, will have to perform 120 hours of community service, pay a \$2,000 fine and have no contact with the Capitol building or with other individuals charged in the protest.

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