

From behind the wall



by Larry Baker #35021
O.S.P. Correspondent

Billy and the Judge

On January 5, 1977, a 25-year-old man, named Billy Whitmire stood before Deschutes County Circuit Court Judge Walt Edmond, and entered a plea of guilt to Attempted Murder and Robbery.

Only 97 days earlier, Billy had shot and wounded the Chief of Police of Lakeview, Oregon during an attempt to elude the police after robbing a local tavern of approximately \$100.

Judge Edmond ordered a pre-sentencing investigation on Billy and set the date for sentencing to February 16, 1977.

The most extraordinary event of the case was not in the shooting of a Chief of Police (who later fully recovered from his wounds) nor the robbery, itself, but that Billy Whitmire, while in jail waiting for trial, had found another "Power" which would judge him. That "Power" came from a little book called "The Bible".

Billy, also met a man by the name of Don Claus, who spent many Sunday mornings speaking to prisoners in that small community about the Bible. Claus and Billy became friends and during that time of his pre-sentencing investigation period, Claus presented the court with an alternate sentence that would find Billy a new and more positive life. That alternative was helping Billy obtain a full scholarship to a Bible College in Texas, if Billy was granted probation.

This reporter believes it would be very interesting to Observer readers to read the actual proceedings of that sentencing of Billy Whitmire on that cloudy Wednesday morning of February 16, 1977.

Allison E. Smith, District Attorney; James C. Lynch, Billy's attorney.

PROCEEDINGS:

THE COURT: Mr. Whitmire, do you have anything you'd like to say to me, sir?

THE DEFENDANT: No.

THE COURT: All right. Why don't you be seated for a minute because there are some things I want to express to you and they are rather lengthy in nature.

There are two things that I want you to know from this proceeding. And the first is that I care about you and what happens to you the rest of your life. The second thing is that I chose to believe that you have been born again.

Now, those feelings give me three alternatives as I see them: One, is to put you on probation and allow you to go to Texas to Bible School; two, is to sentence you to one year in the county jail and then place you on probation as we talked about in our earlier court hearing; and three, would be to sentence you to prison to give you time to grow in your faith, to allow you to demonstrate your changed life with hopefully the event of parole to the Bible School.

Galatians two, verse six tells us that after receiving Jesus Christ we must walk in him. In Chapter three, verse five, same book, says that we must kill in ourselves what is earthly. We must rid ourselves of all things such as anger and rage and malice, slander and blasphemy.

I know that you have prayed and

believe and that perhaps you believe you will be set free in accordance with God's promises. I, too, have prayed. I have prayed that I would do God's will in this matter. I know one thing and that is that God's promises are always true. There is one more thing to it, though, besides just believing and that is that you must abide in Christ, Jesus, and his word must abide in you, if your prayers are to be answered. John, fifteen, verse seven.

I believe by seeking God and not by believing harder, your prayers will be granted because your will becomes the will of God.

Ezekiel, thirty-three, verses thirteen through sixteen, talks about the responsibility that a person has once they receive Jesus Christ; and that responsibility is to make restitution.

I would suggest to you that at this point in your life your belief is in the tear, and I don't mean that being critical because I think we all grow in the faith; that we all start out as babies in the faith. If I were to put you on probation, you'd have to go to college. Apparently, you'd have to work and Mr. Claus would make up the rest of it.

There would be a lot of stresses. And I would suggest to you that in your past life you got into trouble with the law because you didn't handle those stresses in a law abiding way. But now you have the power to do that as long as you trust in the Lord. And the moment that you quit trusting, then you will fail. Paul talks about that in Romans: how hard he tries to obey the law and no matter how hard he tries he, by himself, is unable to. It's only through God's power that he becomes able to walk in the spirit.

You wouldn't receive any support from anyone down there as far as the local government was concerned. Their case-load for probationers is something like eight thousand for that county. So, I'm rejecting that alternative because I feel that it would be unfair to you. I'm not going to put you on probation.

I considered keeping you in the county jail until September and then placing you on probation. I have rejected that alternative. The reason is that I believe that we grow in our faith by testing. The county jail becomes a sterile environment with little or no testing of your faith.

If you were released directly to face the stress and temptation of attending college, you wouldn't have had the opportunity to grow and to know the peace that comes from overcoming temptations and turning stress over to God and defeating it. Again, I believe I would be doing you a disservice by ill preparing you to meet the challenges of the outside world.

The third alternative, I have some qualms about: First, I don't like to pass the buck. I like to face the responsibility, bite it off and do what it seems right to me regardless of what anybody else thinks. I suppose I take pride in having that kind of independence. It seems to me that I pass the buck to the parole board if I send you to the penitentiary. On the other hand, I guess, I have to set aside my pride and think about your best interests.

If you go to Salem, you're going to have the opportunity to grow in your faith as we discussed before, to meet stress, to meet temptation and to overcome them. You're also going to have the opportunity to minister to others.

You see, and that's part of your faith, too, is to not only become reformed and changed yourself, but to give yourself to others in fellowship.

I am in a terrible position to judge your growth. I'm not sure whether the parole board as it's now constituted is in any



BILLY WHITMIRE

better position, but I'm going to send you to prison. And I have to trust in God that if you continue to trust in him he's going to make it available for you to take advantage of that scholarship down in that Bible College or lead you to some other ministry.

As a parolee, you'll have the support of close supervision, contrary to the status of a probationer; and I believe that's of benefit to you although if you reviewed it from your former attitudes, you wouldn't think so, but a parole officer who's on your side can open a lot of doors for you. You see, I believe that you have ahead of you a wonderful ministry if you'll just remain steadfast in your commitment and continue to trust and to grow in your faith.

From a purely secular viewpoint, to keep you in jail for the rest of your life costs \$13,000 a year. And if you do not keep your commitment, if you do not keep trusting, then that's what will have to happen. You'll have to be separated from the society for the protection of society for the rest of your life. Obviously, society gets a better bargain by your rehabilitation.

Mr. Claus, I want to say some words to you: Every Christian needs the fellowship and love of other Christians. This man is going to face some challenges in the next few months or years; and more than anything, he's going to need your friendship. He's going to have to demonstrate to a hardened and cynical parole board his sincerity about changing his life.

I believe that he respects you. I believe he needs your support. I encourage you to maintain as close a contact with him and diligently remember him in prayer as he faces those temptations of returning to his old way of life.

Mr. Whitmire, is there anything that you have to say before I impose sentence in this matter?

THE DEFENDANT: No.

THE COURT: Would you stand, please?

Mr. Whitmire, as to case number 6230 which charges you with attempted murder, it will be the sentence of this court that you be placed in the custody of the Oregon Corrections Division for a period of time not to exceed fifteen years.

As to case number 6228 which charges you with the crime of robbery, it will be the sentence of that court - this court, excuse me, that you be placed in the custody of the Oregon Corrections Division for a period of time not to exceed fifteen years; that sentence to be served consecutive to the sentence in case number 6230, provided, however, that execution of that sentence will be suspended and you will be placed upon

probation upon the following terms.

What I have just given you is a total of thirty years. I have suspended the execution of the last fifteen and placed you on probation; however, the probation will be administered as follows: The probationary period will commence upon you being granted parole in case number 6230. That probation will continue for five years from that date. Within that time, as a condition of probation, you must make restitution as follows: Partial restitution involving the medical expenses, total medical expenses of Troy Riblett incurred to date.

Now, I anticipate Mr. Riblett may have additional medical expenses. I do not feel I legally can require you to become liable for those as part of the sentence. Civilly, you are liable, sir. So, the first order of restitution is the amount that Mr. Smith has read off into the record.

The second amount of restitution will be for the automobile that was destroyed and that amount is in the record.

The third condition of restitution will be to Lake County for payment of attorney's fees.

Finally, I will recommend - and it is a recommendation, only - that upon your demonstration to the officials in the parole board of Oregon State Penitentiary, that you be paroled and ordered to take advantage of the scholarship that awaits you.

I make no recommendation as to what period of time you should serve over there. I think that those people will have closer contact with you and will be better able to judge whether you have grown in your faith sufficient to take advantage of that opportunity. However, the record should indicate that it's my intention in the making of this sentence that if you do demonstrate your changed way of life, that that opportunity be made available to you sometime in the future.

You have the right to appeal this sentence by filing a notice in writing thirty days from the date of sentencing with the County Clerk of Jefferson County with a copy to go to the District Attorney of Lake County and a copy to go to the court reporter. If you cannot afford the transcript, one will be provided to you at county expense as well as a lawyer at county expense.

Mr. Lynch can advise you how to contact the public defender's office in the event you wish to effect an appeal. You may be seated, sir.

Mr. Smith, do you have any need for clarification as to the journal entry in this matter?

MR. SMITH: One item, Judge, and I think it's only - I think I have the sense of it, but the very last thing, the recommendation of the parole board; be allowed to take advantage of the - tuition? - I didn't catch that. I wasn't quick enough.

THE COURT: It's the intention of this sentence that if the defendant demonstrates his changed life, that he be allowed to take advantage of the scholarship that he's received to this bible school.

Any other question?
MR. SMITH: I have none, Your Honor.
THE COURT: Mr. Lynch?
MR. LYNCH: No, Your Honor.
THE COURT: Well, Mr. Whitmire, my prayers go with you.



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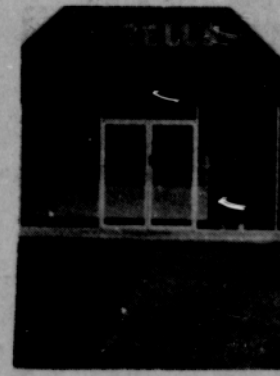
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McCoy, Hartzog discuss citizen participation

Portland State University's Educational Center at 4815 N.E. 7th is conducting a series of public forums on issues of interest to the minority community of Portland.

The first forum, at 6:00 p.m. on October 13th, will focus on education. Panelists are Gladys McCoy, Portland Public School Board member; Ernest Hartzog, assistant superintendent for the Portland Public School System; and Lewis Merriek, coordinator of programs for special students for the State System of Higher Education.

"Increasingly, the minority community of Portland is feeling less a part of the

process of decision making that vitally affects their daily life," says Lucious Hicks, director of the Educational Center. "This forum will address the need for increased citizen participation by providing an objective arena in which individuals can become more broadly informed. This should enable citizens to become better equipped to create, determine, and implement policy decisions."

Topics of coming discussions will include community and political development (November 3rd), strategies for affirmative action (December 1st), and community values (January 5th).

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