



# Police News/Vancouver

## Death Row Man's Release Appealed

The state attorney general's office will ask the Oregon Supreme Court to reconsider a decision to throw out the conviction of man on death row for the murder of a 2-year-old.

The request will keep Scott Dean Harberts behind bars until the justices make a decision.

David Groom, director of the state public defender's office is the attorney who helped defend Harberts after his death sentence was automatically appealed to the Oregon Supreme Court.

"I quite honestly don't see them changing their mind," Groom said. The high court recently ruled that prosecutors and the state attorney

general's office violated a state constitutional guarantee of a speedy trial for Harberts by making unreasonable delays that harmed his ability to mount a defense.

The attorney general's office has conceded that the chances of persuading the court to reconsider such a strong decision were slim, especially because only one justice disagreed with the majority ruling.

But the charges against Harberts are so serious that the attorney general's office must exhaust every option, said Peter Cogswell, a spokesman for the office.

Harberts was arrested in 1989 for the aggravated murder of 2-year-



Scott Dean Harberts

old Kristina Lynn Hornyh of Oregon City. But he was held in jail while prosecutors repeatedly appealed a trial court judge's ruling

suppressing incriminating statements Harberts made to police.

Meantime, Clackamas County District Attorney Terry Gustafson said a grand jury will consider filing separate rape or sodomy charges against Harberts. A woman came forward who said she was attacked by Harberts when she was 10 years old.

The woman says she didn't tell authorities about the crime previously because Harberts was facing the death penalty and she felt there was no reason to prosecute him further.

Police began investigating the new allegations against Harberts the day after the court set aside his 1994 conviction.

## Police Bust Deer Island Meth Lab

Police busted a working drug lab on Deer Island, several miles west of Portland last week, arresting three people. Several agencies worked together in

the investigation including Portland and St. Helens police. Officers said they also found stolen items, and an old drug lab in the building.

## Man Accused of Boy's Kidnap and Assault Pleads Not Guilty

The man accused of kidnapping a 10-year-old boy from a Salem-area park and cutting his throat said he's innocent.

Frank Milligan entered his plea in a Marion County courtroom Wednesday.

Milligan is currently serving time in the Oregon State Penitentiary for another sex-related crime that happened in Clatsop County.

Milligan was out on bail when the kidnapping occurred in a Dallas park. His attorney resigned so

another lawyer will be assigned to the case.

"Anytime you have a multitude of police agencies involved and hundreds and hundreds of police reports and discovery and tips, etc. it's a complex case,"

said Milligan's former attorney Monty Vandermay.

Jeff Jones will take over as Milligan's new attorney.

Milligan also had blood drawn for DNA tests. He will be back in court October 12.

## Crime Briefs

### Sex Offender Warning

The Portland Police Bureau is notifying the community of a Registered Sex Offender living in the 6800 Block of N. Columbia Blvd.

The sex offender has been convicted of a sex offense that requires he register with a law enforcement agency in Oregon. His criminal history places him in a category that indicates he may reoffend. This subject is not wanted by the police at this time.

This offender has served his sentence and is no longer being supervised by the Oregon Department of Corrections. The purpose of this community notification is to reduce the chances of further victimization by this offender, as well as to promote community awareness and child safety. Intimidating, harassing, or threatening of this registered offender will not be tolerated and may be a crime.

The subject is Paul Corbett Dudley. He is a white male, 35-year-old, 5'8", and 165lbs. black hair, and brown eyes.

Dudley was convicted of Sex Abuse in the First Degree in 1994 for molesting 9 to 12 year-old females while they were attending Sunday school. In 1998, Dudley plead guilty to Endangering the Welfare of a Minor after he was caught by staff at Lane Middle School, fondling himself beneath his clothing in front of students and staff.

### Arrest Made in Fatal Crash

On Sunday, Sept. 10, Portland Police Traffic Division officers responded to a fatal traffic collision at NE 26th Avenue and Fremont Street.

The investigation revealed that 23 year-old Lance Matthew Westfall, Portland, was proceeding Northbound on NE 26th Avenue when he failed to stop at the stop sign at NE Fremont Street.

Westfall collided with another vehicle whose driver died en route to the hospital. He is charged with manslaughter.

### Candidate Death Threat

Whitney Smith, candidate of the Pacific Green Party in Senate District #8 in north and northeast Portland, received a phoned-in death threat, after appearing on a cable access TV show.

When Smith returned from appearing on the TV show during the evening of Sept. 14, he checked his phone answering machine messages and heard a threatening voice say, "You run, you die!" Smith then dialed \*69 to return the call. The person who answered sounded like the voice on the message tape.

"This is Whitney Smith" Smith said, "You left a voice mail for me and I'm returning the call."

The person on the other end was dumbfounded for a couple of seconds before saying he had been trying to call a relative.

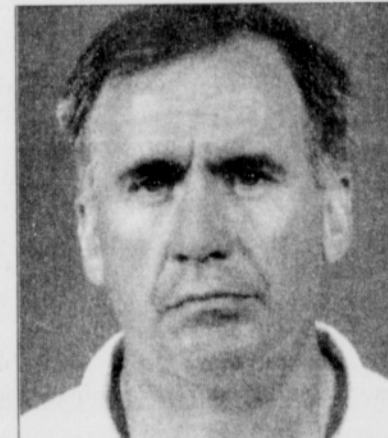
"It sounded like a message for me," Smith responded. "I recognize your voice from the tape. Who is this?"

The person again said he had been trying to call someone else, and he hung up.

Smith then called Portland Police, who listened to the tape. Smith does not know what action the Portland Police will be taking.

"This is not fun," said Smith. Fortunately, I got the guy's phone number".

## Arrest Ends Murder for Hire Plot



Vynn C. Berg

Portland Police Homicide Detectives received information recently, which lead to the arrest of 55 year-old Vynn C. Berg of Beaverton.

Berg allegedly conspired to murder a business associate, 37 year-old Gregory M. Berke, who operates Greg's Car Corner at 707 S.E. 82nd Avenue.

Berg faces one count of Solicitation to Commit Murder, one count of Attempted Aggravated Murder, and one count of Conspiracy to Commit Murder.

The investigation is continuing.

## Clark County Fills Vacancy

The Board of Clark County commissioners has appointed Sandra Towne, a resident of Battle Ground, to fill the current vacancy on the Clark County Planning Commission. Towne's appointment takes effect immediately.

Towne is employed as a zoning specialist for LCC International Telecommunications and has worked as a local realtor. Before moving to Clark County, she worked professionally on growth management issues, including policies dealing with rural and resource lands.

The Clark County Planning Commission is a seven-member group that makes recommendations to the county commissioners on land-use planning, zoning and development issues. Topics include roads, facilities plans for parks and schools, and development regulations.

## Candidates' Statements Online

The 21 Freeholder candidates elected to write a county charter in Clark County will have their statements and photographs posted on Clark County's website ([www.co.clark.wa.us](http://www.co.clark.wa.us)).

This is part of the county's ongoing effort to use technology to save tax dollars.

The candidates will not appear in the printed primary's voter's pamphlet because of the expense inherent in the printing of such a large number of candidates' statements, county officials said.



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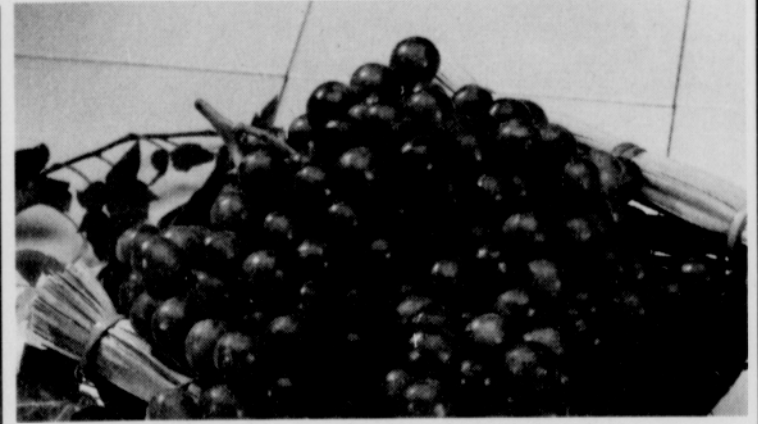
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