



POLICE / VANCOUVER

Stoudamire Defense Wants Evidence Thrown Out

Warrantless search of Blazer player's home called illegal by his attorney

The attorney for northeast Portland native Damon Stoudamire has filed a motion claiming that any evidence found in the warrantless police search of the Portland Trail Blazer guard's home should be tossed out.

Police went to Stoudamire's former Lake Oswego home Feb. 23 after what turned out to be a false burglar alarm. Officers went inside and found roughly a pound of marijuana in a crawl space.

Stoudamire had left the house earlier to prepare for a home game against the Denver Nuggets. No one was home when the alarm sounded.

"The real question presented in this case is not whether (Stoudamire) violated the law relating to controlled substances," Stephen A. Houze wrote in his motion filed last week. "Rather, it is whether police are to be given carte blanche to invade our homes

under the rubric of 'community caretaking.'"

Stoudamire, 28, pleaded not guilty in May to one count of possessing 150 or more grams of marijuana, and is out on \$5,000 bail.

Houze's motion cites a recent Oregon Court of Appeals decision on a case that prohibited evidence gathered from a warrantless search of a Washington County man's home in 1997 to be used against him.

If the judge grants Houze's motion to throw out the evidence, it's likely the case would be dismissed. If prosecutors successfully argue that the evidence should be admitted, the case could go to trial.

Houze and prosecutors will argue whether the search was illegal at a hearing Aug. 5 before Clackamas County Judge John Lowe.

In the motion, Houze contends



Damon Stoudamire

police overstepped their authority when they entered the house and searched it because it was clear no one was in danger; the alarm system was not fully activated at the time; and a neighbor who called 9-1-1 told emergency personnel that the door might have accidentally been left open, causing the alarm to sound.

Houze also contends that, overall, the search violated Stoudamire's state and federal constitutional rights.

The Lake Oswego officers in the case say they were searching the home for a burglar when they found the marijuana.

The motion states that from June 29, 2001, to July 10, 2002, Lake Oswego police responded to about 2,000 activated alarms. Of those, "not a single one was triggered by an unauthorized intrusion or by any other circumstances requiring police action."



Abdirahman Said

Witnesses Sought in Rape Case

(AP) — Police are searching for as many as 10 men they believe may have witnessed the rape of a 12-year-old girl Monday in a northeast Portland park.

Police arrested 25-year-old Abdirahman A. Said July 22 on charges of rape, kidnapping and sex abuse, but believe another 10 men were there when the rape happened.

Officers responded to a 9-1-1 call from the girl, who was in Rose City Park around 4 a.m. the same day, said Sgt. Brian Schmutz, spokesman for the Portland Police Bureau.

When the police arrived, the girl told investigators Said took her aside, punched her and then raped her, Schmutz said. Police found and arrested Said shortly thereafter, he said.

Reward Offered in Theft, Fraud Case

Portland Police Bureau Fraud Detectives, in cooperation with Crime Stoppers, are asking for your help in locating and apprehending Matthew Marland Smiley. A felony arrest warrant charges Smiley with unauthorized use of a motor vehicle. In addition, investigators want to question him in connection with a number of frauds and identity thefts.

Smiley is a 26-year-old



Matthew Marland Smiley

white male with a date of birth Jan. 13, 1976. He is 5 feet, 8 inches tall and weighs 140 pounds, with brown hair and blue eyes.

Crime Stoppers is offering a cash reward of up to \$1,000 for information, reported to Crime Stoppers, which leads to an arrest in this case, or any unsolved felony crime, and you need not give your name. Call Crime Stoppers at 503-823-HELP (4357).

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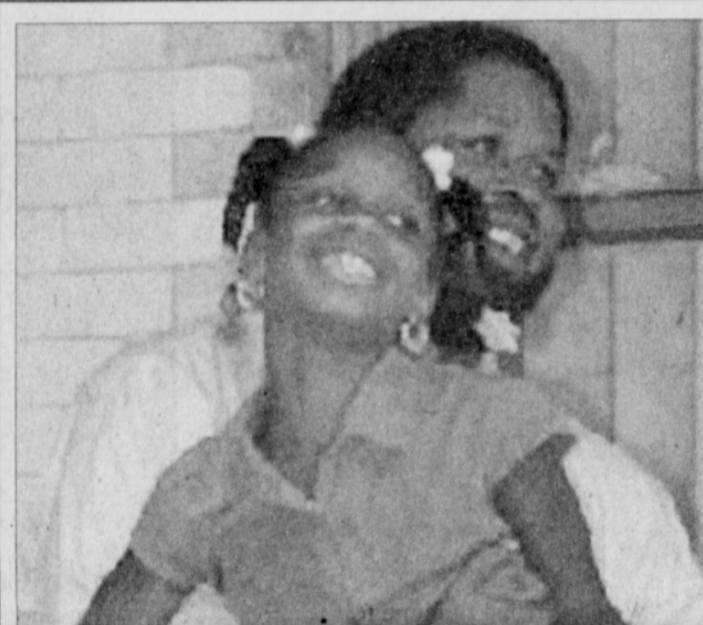
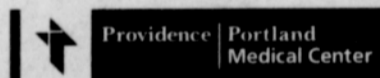
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Erica Pratt and her uncle Joseph Moore Jr. outside their Philadelphia home. (AP Photo)

Arrests Made in Little Girl's Abduction

(AP) — Two men sought in the kidnapping of a 7-year-old girl who escaped from her captors were arrested early Thursday, police said.

Erica Pratt had escaped July 23 after she gnawed her way through the duct tape that bound her, authorities had said.

Officers had said the suspects lived near some members of Erica's family and were known to the family.

Police have said the girl's grandmother and primary caregiver, Barbara Pratt, received at least six calls from a man who threatened to kill the

girl unless he received a \$150,000 ransom.

Neighbors said there had been a rumor in the neighborhood that her family had recently come into a lot of money.

Whatever the motive, the plot was foiled with the girl's escape. Police said the "brave little girl" chewed through tape binding her hands, and broke out of the locked basement in an abandoned home where she had been held for almost 24 hours. The girl was back at home last Wednesday, appearing no worse for the wear.

Prisoner Charged in 1999 Murder

(AP) — A man who cited the movie "Fatal Attraction" to describe his relationship with a woman has been charged with beating her to death after she overdrew her checking account to bail him out of jail.

Robert W. Cassell, 49, currently serving a 1½-year prison term for robbery, was charged Thursday in Vancouver with first-degree murder.

Cassell had long been under scrutiny in the death of Kathleen A. McCullough, 51, whose body was found east of the Vancouver suburb of Orchards in May 1999.

He is accused of smashing her head with blows from a "tire-iron type object" and using her credit cards to stay in a fancy hotel in Vancouver.

At the request of a mutual friend, McCullough drove to Vancouver from her home in Klamath Falls in mid-March 1999 to bail Cassell out of jail, investigators wrote. Late that month, the last time she was seen alive, she talked of staying with Cassell and arguing with him, a witness told investigators.

Portland police found McCullough's car a month later, and it was found to contain traces of her blood and a fern identical to those used to conceal her body.

When Cassell was interrogated in jail in Portland, where he was being held on another robbery charge, he told detectives his relationship with McCullough was "like the movie 'Fatal Attraction.'"

Repeat Car Thefts

Southeast Precinct Detectives are attempting to identify a suspect responsible for stealing three cars from three different Portland area car dealerships, in three days.

In each case, the suspect, described as a male black in his mid 30s to early 40s, 5 feet 6 inches tall, 145 pounds and using the name "Jay," walks into a car dealership and pretends to be interested in buying a vehicle. After the salesperson and suspect agree to a test drive and the suspect is given the keys, he enters the car and locks the door. In each case, the suspect smiled and waved at the salesperson as he drove off.

The stolen vehicles are described as a dark blue 2002 PT Cruiser, a patriot blue 2002 Jeep Grand Cherokee, and a white 1994 Lexus GS300.

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