

High court won't make unanimous jury requirement retroactive

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Associated Press

WASHINGTON — The Supreme Court ruled Monday, May 17, that prisoners who were convicted by non-unanimous juries before the high court barred the practice a year ago don't need to be retried.

The justices ruled 6-3 along conservative-liberal lines that prisoners whose cases had concluded before the justices' 2020 ruling shouldn't benefit from it. The decision affects prisoners who were convicted in Louisiana and Oregon, as well as the U.S. territory of

Puerto Rico, the few places that had allowed criminal convictions based on divided jury votes.

Justice Brett Kavanaugh wrote for the conservative majority that the court's "well-settled retroactivity doctrine" led to the conclusion that the decision doesn't apply retroactively. The decision "tracks the Court's many longstanding precedents on retroactivity," he wrote.

In a dissent joined by her two liberal colleagues, Justice Elena Kagan wrote that as a result of the ruling, "For the first time in many decades ... those convicted

under rules found not to produce fair and reliable verdicts will be left without recourse in federal courts."

During arguments in the case in December 2020, which were held by phone because of the coronavirus pandemic, the justices were told that ruling in favor of the prisoners could mean retrials for 1,000 to 1,600 people in Louisiana alone. States and the Trump administration had urged the court not to give more prisoners the benefit of the ruling, saying doing so would be "massively disruptive" in both Louisiana and Oregon and might

mean "the release of violent offenders who cannot practically be retried."

As a result of the high court's 2020 ruling, juries everywhere must vote unanimously to convict. But that decision affected only future cases and cases in which the defendants were still appealing their convictions when the high court ruled. The question the high court was answering in the current case was whether the decision should be made retroactive to cases that were final before the ruling.

During arguments, several justices noted the very high bar past cases

have set to making similar new rules retroactive.

The case the justices ruled in involves Louisiana prisoner Thedrick Edwards. A jury convicted Edwards of rape and multiple counts of armed robbery and kidnapping. The jury divided 10-2 on most of the robbery charges and 11-1 on the remaining charges. Edwards, who had confessed to police, was sentenced to life in prison without the possibility of parole. Edwards, who is Black, has argued among other things that prosecutors intentionally kept Black jurors off the case; the lone

Black juror on the case voted to acquit him.

Advocates for people in Oregon convicted by non-unanimous juries also said they would pursue possible relief through state courts.

"My office remains committed to reviewing every case presented to us that involves a request for a new trial," Oregon Attorney General Ellen Rosenblum, a Democrat, said in a statement, adding that her office is reviewing the May 17 decision and "will be working expeditiously on a plan for addressing these cases going forward."

Shortage: Midco raised Hermiston wages to \$16.50 per hour

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is doing to solve it.

In an interview, Pendleton Superintendent Chris Fritsch said the driver shortage has led to service interruptions throughout the school year.

While driver shortages have been an on-and-off problem for the company for years, Midco manager Thyra Lepak told the school board at its May 10 meeting that the business' latest shortage has been exacerbated by the COVID-19 pandemic and federally boosted unemployment insurance, which Lepak said is leading many potential driver candidates to stay home rather than drive a bus.

Lepak said Midco's Pendleton routes are short 10 drivers, and the current pipeline isn't churning out enough drivers to meet demand.

According to Lepak, of the 17 recent applicants to work Pendleton routes, only three ended up as drivers or in the



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Bus driver Bill Settle checks fluid levels in his bus engine during a pre-trip inspection at the Mid Columbia Bus Co. bus barn outside of Pendleton on the morning of Wednesday, May 12, 2021.

company's training program. Midco pays drivers \$15 an hour in Pendleton, higher than

the state's rural county minimum wage, which will rise from \$11 to \$11.50 in July. But

in a tight labor market, Midco is finding success in raising its wages further.

Lepak said its Hermiston routes saw a significant increase in applicants after Midco raised driver wages in the district to \$16.50 an hour. Plans are now underway to raise Hermiston wages again, this time to \$17 per hour.

Chuck Moore, Midco's region vice president of Eastern Oregon and Idaho, said the goal isn't just recruitment, but also retention.

Lepak said Midco recently lost an experienced driver to another job with better pay, and there are some challenges beyond pay to recruiting candidates. Drivers only work about six-and-a-half hours per day and don't work during school holidays and vacations.

And if Midco wants to raise the wages of its drivers in Pendleton, it will need to work with the district to change the terms of its contract.

Fritsch told the board that both sides are meeting, but the district wants assurances

that whatever contract they agree to, it results in fully staffed, functional bus routes. Currently, the district pays more than \$2 million from its general fund for student transportation services.

"We would like to see some hard numbers," he said.

After the meeting, Fritsch said that if the district did agree to a revised contract with Midco, it would present the resulting document to the board for approval.

In the meantime, Lepak said Midco will attempt to fill its vacant slots by doing multiple recruiting events over the summer.

Headquartered in Pendleton while servicing districts in Oregon and Idaho, Midco has been providing school bus services since 1956. In 2015, Midco was purchased by Landmark Student Transportation Inc., a Canadian company that also owns bus companies in Missouri and Wisconsin.



Ben Lonergan/East Oregonian

Keegan Jones' Walkabout Mother Bin sits on display during a field day at Jones & Jones Ranch near Pendleton on Wednesday, May 12, 2021.

Grain: Mother bin shortened harvest by 3 days

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bigger and they're built to operate faster," Kopecky said. "Over time, as these combines have increased their capacity and their ability to combine faster, the only thing that hasn't changed is how we haul it away."

For Keegan Jones, of Jones & Jones Ranch, the mother bin did just that. Jones, who received a mother bin from Walkabout 10 days into his roughly 40-day harvest last year, saw the hefty piece of equipment cut nearly three days off of his harvest.

"We were about halfway through our harvest when we received the mother bin and we were able to just add it right into our system," he said. "It was like adding another combine. It really picked up the slack because of the extra surge capacity."

Jones said he estimates his two-combine harvest usually costs about \$10,000 a day, so the savings amounted to nearly \$30,000 in the first year alone.

"So you're basically spending \$10,000 a day to

keep your crew and everything going — combines and all that stuff rolling," he said. "So if you have some of that sitting or if you shave off some time, then you have some savings."

That time was saved by allowing combines to run almost constantly. Jones said the field-side storage solution allowed him to harvest later in the evening and have a supply of grain ready for trucks to transport first thing in the morning.

"It just kind of streamlined the whole operation," he said. "The main thing is to not shut down those combines."

FEI, Inc., which is based in Yakima, Washington, and is the regional distributor for Walkabout Mother Bins, has sold two of the bins to operations in the Pacific Northwest, one going to Jones and the other near Helix, according to Bill Nice, the Pacific Northwest territory manager for FEI, Inc.

"It's a fairly affordable thing when you think about how much more efficient it makes your combine," Jones said.



Ben Lonergan/East Oregonian

The interior of Keegan Jones' Walkabout Mother Bin on display during a field day at Jones & Jones Ranch near Pendleton on Wednesday, May 12, 2021.



Ben Lonergan/East Oregonian

Signs for Eternal Hotels' Holiday Inn Express and Best Western Inn are visible above a lot near the corner of Southeast Nye Avenue and Southeast Third Drive in Pendleton on Monday, May 17, 2021. The lot is one of several proposed locations for the group's new Pendleton hotel.

Hotel:

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leasing the property, but they will vacate the land before construction starts. The company is also looking at another vacant location by Super 8.

The final location under consideration is a spot somewhere in downtown Pendleton, although Singh declined to identify a specific address while the property is under negotiation.

Regardless of its place,

Singh said he will begin hiring new positions as soon as the new hotel is completed. He said he's grown close to his employees since he's arrived in Pendleton and there's opportunities for growth and advancement at his hotels.

Once the new Holiday Inn is complete, Singh said the building with the current Holiday Inn designation will remain but will rebrand to a Choice Hotels International affiliate. As a part of the shuffling, Eternal will also renovate all of its current hotel properties.

Lifeguard:

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lap pool is already filled and being used by the Hermiston High School swim team for practices, made possible by a limited number of volunteer lifeguards. The city plans to open rest of the center's pools and slides when school gets out, but again, availability depends on staffing, Artz said.

He said going through the Red Cross lifeguard certification process usually costs between \$200 to \$300 for someone to pursue on their own, but the aquatic center will provide that for free. Artz said often getting certified not only provides high school students with their first job, but allows them to work at their university's indoor pool during the school year when they go off to college, and then come home to Herm-

iston to work at the HFAC during summers.

While students are often a good choice for lifeguards because they're available to work full time during summers, Artz said they also hire adults of all ages, including teachers looking for some extra money over the summer.

For the students, the managers work with them on professionalism and job skills that will translate into future employment. But Artz said they also have a good time together.

"A lot of other jobs, you don't get to have as much fun as us," he said.

There are two lifeguard training sessions scheduled for the remainder of May. Those interested can fill out an interest form on the Hermiston Parks and Recreation Facebook page to be contacted, or stop by the Hermiston Community Center during business hours.