

Oregon high court changes course on vehicle searches

By PETER WONG
Oregon Capital Bureau

SALEM — The Oregon Supreme Court has dropped its 35-year blanket exception for motor vehicles in requiring court-issued warrants before police can conduct most searches for criminal evidence.

The court ruling, which makes it harder for police to search vehicles without a warrant, came on the final business day of 2021. The 51-page opinion, penned by Justice Rebecca Duncan, said the 1986 exception carved out by the court was meant to be temporary.

“Notably, the court did not intend the automobile exception to be permanent,” Duncan wrote. “The exception was based on the length of time it generally took to get warrants, which the court expected would be reduced in the ‘near future’ because of advances in technology.”

The decision still allows police to conduct warrantless searches if there are “exigent circumstances,” defined by the court as those “that require the police to act swiftly to prevent danger to life or serious damage to property, or to forestall a suspect’s escape or the destruction of evidence.”

The decision was made by six justices plus senior judge Jack Landau, who retired from the court at the end of 2017. Justice Thomas Balmer, a former No. 2 official at the Oregon Department of Justice, did not participate.

The Oregon Constitution bars



Oregon State Police troopers in July 2016 take the driver of a black Mitsubishi Eclipse into custody after he led police on a chase though Pendleton. The Oregon Supreme Court on Dec. 31, 2021, issued a ruling that makes it harder for police to search vehicles without a warrant.

East Oregonian, File

“unreasonable” searches and seizures, and court warrants for police to conduct them must be based on “probable cause” and specify the place to be searched and the person or thing to be seized. But like its federal counterpart in the Fourth Amendment, the state guarantee has been the subject of numerous interpretations.

The court upheld a 2017 ruling by

Judge Lindsay Partridge in Marion County Circuit Court to exclude the seizure by Salem police of evidence from a lawfully parked and unoccupied truck about a mile east of the Marion County Courthouse.

A warrantless search on Nov. 28, 2016, uncovered heroin, a scale and drug paraphernalia — and led to charges of possession and deliv-

ery of heroin against Charles Steven McCarthy, who had been the subject of an earlier police investigation.

A detective testified in circuit court that police based the search on the “automobile exception,” which the Oregon Supreme Court decided on a split vote in 1986 was not subject to the usual requirement for warrants under two conditions: “The car was

mobile at the time it was stopped by the police, and the police had probable cause to believe that the car contained contraband or crime evidence.”

Two justices, Hans Linde and Berkeley “Bud” Lent, dissented in the 1986 decision written by Justice Robert E. Jones.

The Salem detective said police did not choose to obtain a warrant because they believed the truck was “mobile,” and that it was not the practice of police in Marion County to seek warrants by telephone.

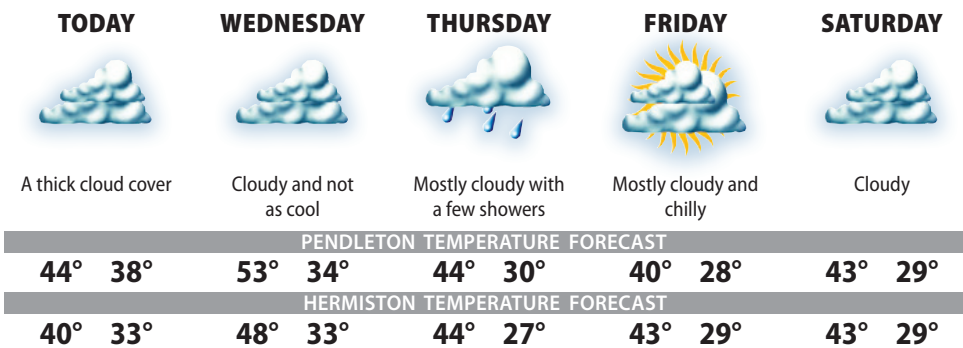
But Partridge wrote: “The state fails to address why one of the officers could not avail themselves of an existing process under Oregon law, make a call on a cellphone to the courthouse, lay out the facts under oath to a judicial officer and have the judicial officer determine if probable cause existed. The answer seems to be that ‘we just don’t do it that way.’”

The judge noted the incident occurred on a Monday afternoon, when the court was conducting normal business.

The Court of Appeals reversed Partridge. It ruled in 2020 the truck was presumed to be mobile and police had probable cause to stop it, regardless of whether there was an “actual exigency” that did not allow time for police to obtain a warrant.

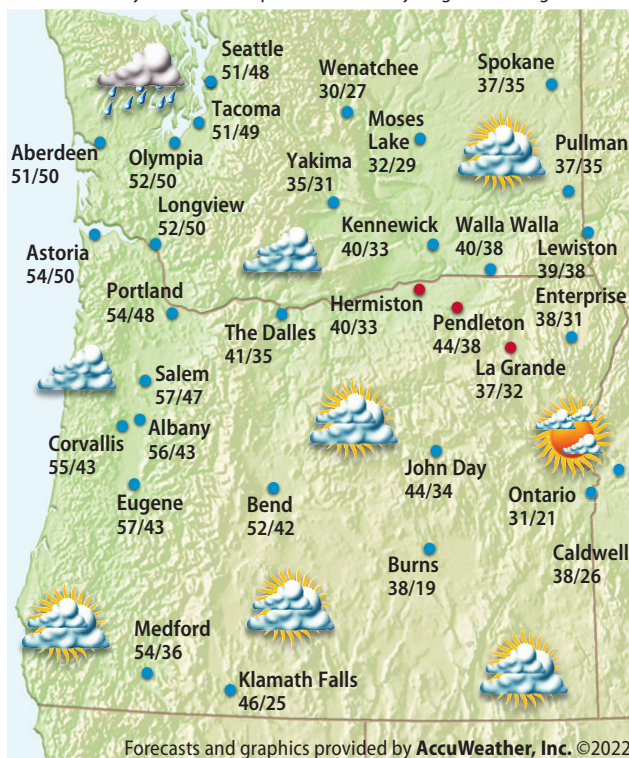
But the Supreme Court decided otherwise last month and dropped its own blanket exception it created for motor vehicles from warrant searches.

Forecast for Pendleton Area



OREGON FORECAST

Shown is today's weather. Temperatures are today's highs and tonight's lows.



ALMANAC

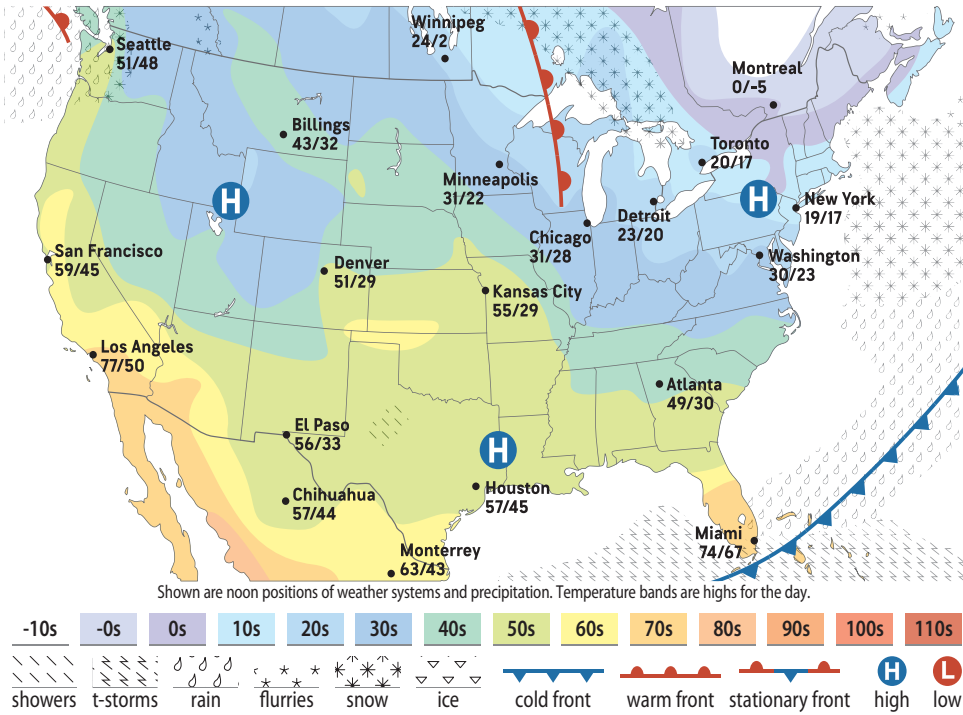
PENDLETON through 3 p.m. yest.		
TEMP.	HIGH	LOW
Yesterday	37°	24°
Normals	42°	28°
Records	59° (2006)	-21° (1909)
PRECIPITATION	24 hours ending 3 p.m.	
	Month to date	1.33"
	Normal month to date	0.53"
	Year to date	1.33"
	Last year to date	0.37"
	Normal year to date	0.53"
HERMISTON through 3 p.m. yest.		
TEMP.	HIGH	LOW
Yesterday	38°	23°
Normals	43°	29°
Records	69° (1959)	-24° (1909)
PRECIPITATION	24 hours ending 3 p.m.	
	Month to date	0.77"
	Normal month to date	0.39"
	Year to date	0.77"
	Last year to date	0.31"
	Normal year to date	0.39"
WINDS (in mph)	Today	Wed.
Boardman	SSE 4-8	N 4-8
Pendleton	SSE 6-12	SE 6-12
SUN AND MOON		
Sunrise today	7:34 a.m.	
Sunset tonight	4:32 p.m.	
Moonrise today	12:18 p.m.	
Moonset today	1:57 a.m.	
	Full	Jan 17
	Last	Jan 25
	New	Jan 31
	First	Feb 8

NATIONAL EXTREMES

Yesterday's National Extremes: (for the 48 contiguous states)

High 85° in Key West, Fla. Low -34° in Badoura, Minn.

NATIONAL WEATHER TODAY



Easterday sentencing pushed to June

By DON JENKINS
Capital Press

YAKIMA — An Eastern Washington federal judge Thursday, Jan. 6, postponed sentencing Cody Easterday to June 13, giving the ex-cattlemaster six more months of freedom to settle his contentious bankruptcy case.

U.S. District Judge Stanley Bastian described the ongoing dispute between Easterday, his creditors and his fraud victim, Tyson Fresh Meats, as a “mess.”

“I can’t find a better word,” he said.

Easterday, 50, pleaded guilty March 31 to defrauding Tyson out of \$233 million. Easterday supplied Tyson with cattle from his feedlot near Pasco. Over several years, he billed Tyson for about 200,000 head of cattle that didn’t exist.

Easterday faces up to 20 years in prison for wire fraud and must make restitution. His

sentencing already had been postponed twice to give him time to sell farms and equipment through bankruptcy court.

Over the objection of the Justice Department, Bastian granted the motion by Easterday’s attorney, Carl Oreskovich, for a third delay, pushing sentencing back from Jan. 24.

Bastian cited ongoing litigation in bankruptcy court. A trial to allocate more than \$200 million from the liquidation of Easterday Farms and Easterday Ranches will begin April 18.

Tyson and other creditors are seeking the entire pot. Easterday and his wife, Debby, and mother, Karen, claim they are entitled to a share.

The trial will sort out ownership of more than 80 parcels of land acquired over three decades by Cody Easterday and his late father, Gale. Only Cody Easterday has

the knowledge to help family attorneys prepare, Oreskovich argued. “It’s a monumental amount of work that is necessary,” he said.

Bastian agreed to delay sentencing until after the trial. “Mr. Easterday is doing what he promised to do when he pled guilty in this courtroom to try to help clean this mess up,” the judge said.

Bastian said he also wanted to sentence Easterday in person, not by video conference, and it’s unlikely courtroom hearings will resume this month because of COVID-19 restrictions.

He also noted if Easterday had insisted on a trial, the trial would not have started yet because of normal delays. The case is still ahead of most criminal cases, he said.

“And that’s because Mr. Easterday pled guilty and has taken the initial steps to accept responsibility for the mess that he created,” Bastian said.

Along with the Justice Department, Tyson opposed postponing sentencing.



Easterday

Oregon man who defrauded COVID-19 relief programs gets 4 years in prison

By ZANE SPARLING
The Oregonian

PORTLAND — An Oregon man who created several hundred employees out of thin air and then fraudulently obtained \$3.4 million in COVID-19 relief funds has been sentenced to four years in prison.

Andrew Aaron Lloyd invested his ill-gotten gains and won big — eventually purchasing more than 15,000 shares of Tesla stock and 25 rental properties in Oregon and California, valued at a combined \$18 million.

Lloyd, a 51-year-old Lebanon resident, has been ordered to pay \$4 million in restitution, give up the real estate assets and forfeit his stock in the electric car manufacturer.

His sentencing marks Oregon’s largest closed case

of COVID-19 relief fraud, according to a U.S. Attorney’s Office spokesperson. West Linn dentist Salwan W. Adjaj was charged with bilking nearly \$8 million in December, per court records, and remains in custody on a pretrial release violation.

In a sentencing memo calling for a harsher 65-month sentence, federal prosecutors called Lloyd an “opportunistic fraudster” who got lucky as a day trader.

“The seriousness of the offense is not diminished by sheer dumb luck,” Assistant U.S. Attorney Gavin W. Bruce wrote. “Lloyd did not return these funds voluntarily; law enforcement recovered the funds before he could spend them or lose them.”

Court records show Lloyd transferred a \$1.8 million slice of his Paycheck

Protection Program funds to a brokerage account, which grew to \$13 million as Tesla stock soared. Lloyd also obtained a fraudulent \$160,000 Economic Injury Disaster loan from the U.S. Small Business Administration.

Over 60 days, Lloyd submitted more than a dozen phony applications for home care, shopping and construction businesses, often duplicating the same list of 56 “fictitious” employees while claiming millions of dollars in phony payroll expenses, court documents say.

He closely tracked the various rounds of Paycheck Protection Program funding, at one point assuring an accomplice that the ruse would work because Congress would add “another [\$]300 billion very soon,” the documents say.

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