

# Garrett sentenced on animal abuse, other charges

By Steve Tool

Wallowa County Chieftain

Christopher Craig Garrett, 32, Joseph, was convicted of animal abuse in the second degree in Wallowa County Circuit Court Oct. 26. One count of animal abuse was dismissed for lack of evidence. Garrett was also sentenced for a July 21 conviction on three domestic violence counts: menacing, assault in the fourth degree and unlawful use of a weapon.

Deputy district Attorney Rebecca Frolander prosecuted the case for the state. Court-appointed attorney Jeffrey Wallace defended Garrett. Judge Russell B. West presided.

The animal abuse charge stemmed from incidents in June 2016. The victim of the July 21 incident testified that the defendant had shot the

## COURTBEAT

family dog multiple times while testing an air soft gun and also tortured the animal with an electric cattle prod, including putting the device in the dog's mouth and shocking it multiple times.

She testified that Garrett had begun physically abusing the animal by punching, kicking and slamming the dog to the ground. When the dog would run away, she testified that Garrett used the cattle prod to reach the dog as it hid under a table and chairs.

She wept as she described the dog being "cornered" and trying to bite at the prod to defend itself as Garrett repeatedly shocked the animal until it was too weak to retaliate.

On cross examination Wallace contended that the air soft gun didn't have the velocity to seriously wound the dog

and questioned whether Garrett deliberately shocked the dog in the mouth or the shocks resulted from the dog biting at the cattle prod.

Wallowa County Sheriff's Deputy Kevin McQuead testified and examined the cattle prod, which was confiscated as a result of the domestic violence incidents and admitted as evidence. He noted the bite marks on the end the prod as well as dog hair and saliva.

Christopher Garrett took the stand in his own defense and testified the dog was always aggressive and got more aggressive with age. He said he tried to buy a shock collar to control the dog but bought a cattle prod because he couldn't find a collar to fit the dog.

West dismissed the charges on the air soft gun due to a lack of evidence but found Garrett guilty of the cattle prod incidents.

The sentencing phase for the domestic violence convictions included Frolander asking for a five-year sentence, the state minimum sentence for felony crimes involving the use of a firearm.

She noted that while she respected Garrett's military record, a pre-sentencing investigation concluded Garrett had anger issues before entering the service, and his service did not excuse his crimes.

She also asked that if West decided to reduce the five-year sentence, he would sentence the victim to 13-14 months with Department of Corrections.

The victim also read a statement describing her abuse and asking the court for a punitive sentence.

"If you let him go without consequences now, I fear that this behavior will never change," she said.

Wallace argued that Garrett deserved leniency because

of his meritorious service in Iraq and Afghanistan, which included a Bronze Star and his post traumatic stress disorder. The defendant performed volunteer work and underwent counseling.

In his response, West thanked Garrett for his service. With some pointed remarks, West also noted his own father's WWII service, which included the battles for both Iwo Jima and Okinawa in the Pacific Theater.

"He saw 7,000 of his buddies get killed on Iwo Jima, and I respect his memory," he said. "Like you, he was in combat. He came back and lived a normal life; he raised his family. He never laid a hand on my mother."

West said his service did not give him a pass to abuse his wife.

"The problem I have here is that I did not hear a single word of remorse," he said.

"You admitted you grabbed her by the jaw — you never even said, 'well that was wrong.'"

The judge also said the case demanded justice and sentenced Garrett to 60 days in jail with credit for time served on the assault conviction and three years probation and to enroll in the batterers intervention program. He reduced the fine to \$100.

He sentenced Garrett to 60 concurrent days for the menacing conviction and 30 days jail consecutive for the animal abuse conviction.

The unlawful use of a weapon conviction netted Garrett 13 months in state custody.

West cited Garrett's service as a reason for the downward departure from the state minimum.

"You went through hell," West said. "For that I'm giving you consideration, but it doesn't give you a pass."

## FODDER

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harder on people."

Newly sworn in council member Kathy Bingham noted that the council spent a large amount of time at the last meeting discussing the sidewalk and planter damage the city will have to pay to repair, and she didn't understand the blowback from Rushton. She said the city can enforce the prohibition by first sending a cease and desist letter to the offender followed by a fine if it were ignored.

Sajonia said that the ordinance would probably lessen ATV use, but enforcement was not possible. She added that she could guarantee some business owners would refuse to take care of the planters in front of their businesses if the ordinance were enforced.

The removal of a damaged tree from near the Outlaw Restaurant, owned by the Rushtons, because of city liability provided more controversy. During an inspection of the city's trees, the state

forester noted that the tree in question had an 18-inch split at the crotch and recommended its removal for safety reasons. Two other arborists the city called to assess the tree agreed.

Sands said the city had received suggestions of putting screws in the split, topping the tree or banding it. The city contacted the forester again, who reiterated her previous conclusion.

The city has received two bids to remove the tree in the coming spring. Sands said the forester recommended several tree species to replace the split tree and planned to discuss those options with the Rushtons.

Rushton said she wouldn't have been so upset if the city hadn't let inexperienced pruners trim the trees.

Sands disagreed. He said the past pruning was not that bad of a job. He said the latest science recommends very little tree pruning.

Rushton replied it seemed the council made up rules as it went along. Sands pointed out that Rushton wouldn't let the crew touch her tree anyway.

"They'd already done it before that, Dennis," Rushton said. "Don't say that."

Clevenger said that if the tree were deemed a liability to the city, it needed to be removed without further discussion. Rushton asked for a signed statement from the city with the date of the tree's removal before castigating Sands on other issues.

"I've asked several things of you, Dennis, but nothing has happened," she said, adding that she'd waited all summer for Sands to act.

Sands disagreed. She started to complain about the potholes by her restaurant not being filled when Clevenger called for a point of order as the subject was unrelated to the matter.

Sands said the city would give Rushton a definitive date for the tree's replacement. Rushton replied that she wanted a definitive deadline. Sands said she would get the statement within a week and the tree replacement would happen by June 1.

Bingham said she was confused by the discussion as the tree was owned by the city.

## WATER

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The council also discussed an ordinance that would require property owners to continue to pay water usage bills even if they had the water shut off for an extended period. Sands explained that the city still made payments on the sewer and water system and that payments had to be made whether the property owner used the system or not.

He added that a large percentage of everyone's bill went into debt service, and with operating bills added, it cost \$53 per month per

household to maintain the system. Patterson said that at any one time, 35-40 households have their water shut off for various reasons, which costs the city about \$15,000 per year.

Clevenger said the city needed the funds, and Sajonia added that city auditors have told the council for years that the water rates are too low.

She added that the system would soon need repairs and maintenance, and the city had no money saved for the project.

After hearing that most of the "snowbirds" had already departed for warmer climes, the council tabled the issue until the spring.



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