

Failure to register nets jury trial

By Steve Tool

Wallowa County Chieftain

In a case reminiscent of the recent Ricky Tippett attempt to sue the state and county for more than a billion dollars, Keith McFarland, 56, Enterprise, is getting a six-person jury trial to prove he doesn't have to register his motor vehicle or carry liability insurance. That's because he says he is not subject to state law.

Judge Thomas Powers made the decision to go to trial during McFarland's court appearance on Jan. 3 at Wallowa County Circuit Court.

The case stems from incidents Oct. 18 and 19, 2017, when McFarland was cited for failure to carry a license and driving with a suspended or revoked license. McFarland has 13 such previous citations in Wallowa County, dating to 2010. He also spent time in jail in 2015 for contempt of court.

After McFarland was cited last year, he returned it to the court saying he refused service on the grounds of fraud. He has filed notice to the court a number of times, saying it has no jurisdiction over him.

The 2017 chapter of the case began when McFarland appeared for arraignment Nov. 1 before Judge Russell B. West, the same judge who remanded him to jail for contempt. The appearance was combative.

COURT BEAT

The defendant refused to stand when West entered the court. He also appeared to try to antagonize West by responding slowly to questions and unnecessary talking.

"McFarland, stand up," West said. The defendant slowly got to his feet. He started to say he was only appearing under threat of duress before West cut him off and told him to sit. The judge also warned McFarland not to talk over or interrupt him and said he could remand the defendant into custody.

West read the defendant his rights and when West asked if he understood them, McFarland replied he didn't understand the nature or cause of the citation or proceedings.

"The question is: Do you understand your rights?" West said.

"No, do you?" McFarland asked.

In response to further questions, McFarland stated he didn't want an attorney. West said that the notices McFarland gave to the county had no basis in law or fact. The judge also ordered McFarland to appear Jan. 3 for a plea hearing. The defendant tried to start another conversation about whether the state had evidence against

him, whereupon West ordered him to stop arguing.

McFarland wasn't through yet. He initially refused to hand the bailiff several papers, and she responded by snatching them out of his hand. She also advised him to appear at the Justice Center for a fingerprint order from Judge West on Nov. 6. McFarland said he would not comply.

"Then I'll probably be at your door on Tuesday to arrest you," she said. McFarland complied with the fingerprint order.

Fast-forward to Jan. 3, 2018.

An apparently more contrite McFarland appeared in front of Powers. McFarland seemed to try to sidetrack Powers by asking him questions. Powers told him it was a plea hearing and he needed to plead guilty or not guilty.

"Before I can make a plea, I need you to determine whether there's been an actual crime committed in this case," McFarland said.

Powers said he saw the citation, and he also saw probable cause and noted the defendant had been arraigned.

McFarland said he had seen charges but hadn't seen any actual evidence of a crime. Powers replied it wasn't an evidentiary hearing, and if McFarland thought no crime had been committed, the court

would be happy to take a not guilty plea. McFarland asked the judge if he had authorization to take a plea when no crime had been committed.

The judge explained that if McFarland wanted to enter a guilty plea, they could proceed with sentencing. If not, a six-person jury would weigh the evidence. McFarland refused to enter a plea.

"I can't plead to anything if there's no facts on the record," he said.

Powers said the defendant was offering a circular argument. McFarland replied he wasn't trying to argue.

"You are arguing, and I'm just asking you if you would like to enter a plea of guilty or not guilty," Powers said. "Those are the two options."

"I can only plead guilty to the facts," the defendant said.

"I will infer a not guilty plea," the judge replied. "We'll set a trial date in regular course."

McFarland appeared to be surprised.

The judge also said the court would schedule a pre-trial conference. As of press deadline, nothing was scheduled for McFarland.

Pipe bomb found near Wallowa

The device was safely detonated by bomb squad

By Kathleen Ellyn

Wallowa County Chieftain

Wallowa County Sheriff's Office handled a bomb scare in Wallowa on Sunday afternoon.

At 3:06 p.m., a pedestrian walking along Lower Diamond Lane in Wallowa dialed 911 after seeing what appeared to be a pipe bomb near Lower Diamond Bridge not far from the Wallowa Rod and Gun Club.

Sheriff's Deputy Paul Pagano arrived to observe a pipe about 12-14 inches long and an inch to an inch-and-a-quarter in diameter.

"When you look at these things, you're not dead posi-

tive they are live bombs, but you see a few and you get experience," said Wallowa County Sheriff Steve Rogers. "The potential is there, so deputies don't mess with them."

Following procedure, the Pendleton Bomb Squad was called in and the case was turned over to Oregon State Police.

Members of the bomb squad exploded the device in place when they arrived a few hours later.

"The deputies reported that if you were hanging on to it, the explosion could have removed a limb and it would have resulted in serious injuries to those standing within 15 feet," Rogers said.

There are no leads in the case and the public is asked to step forward if anyone has information pertinent to the case.

"We'll go have a chat with them," Rogers said.

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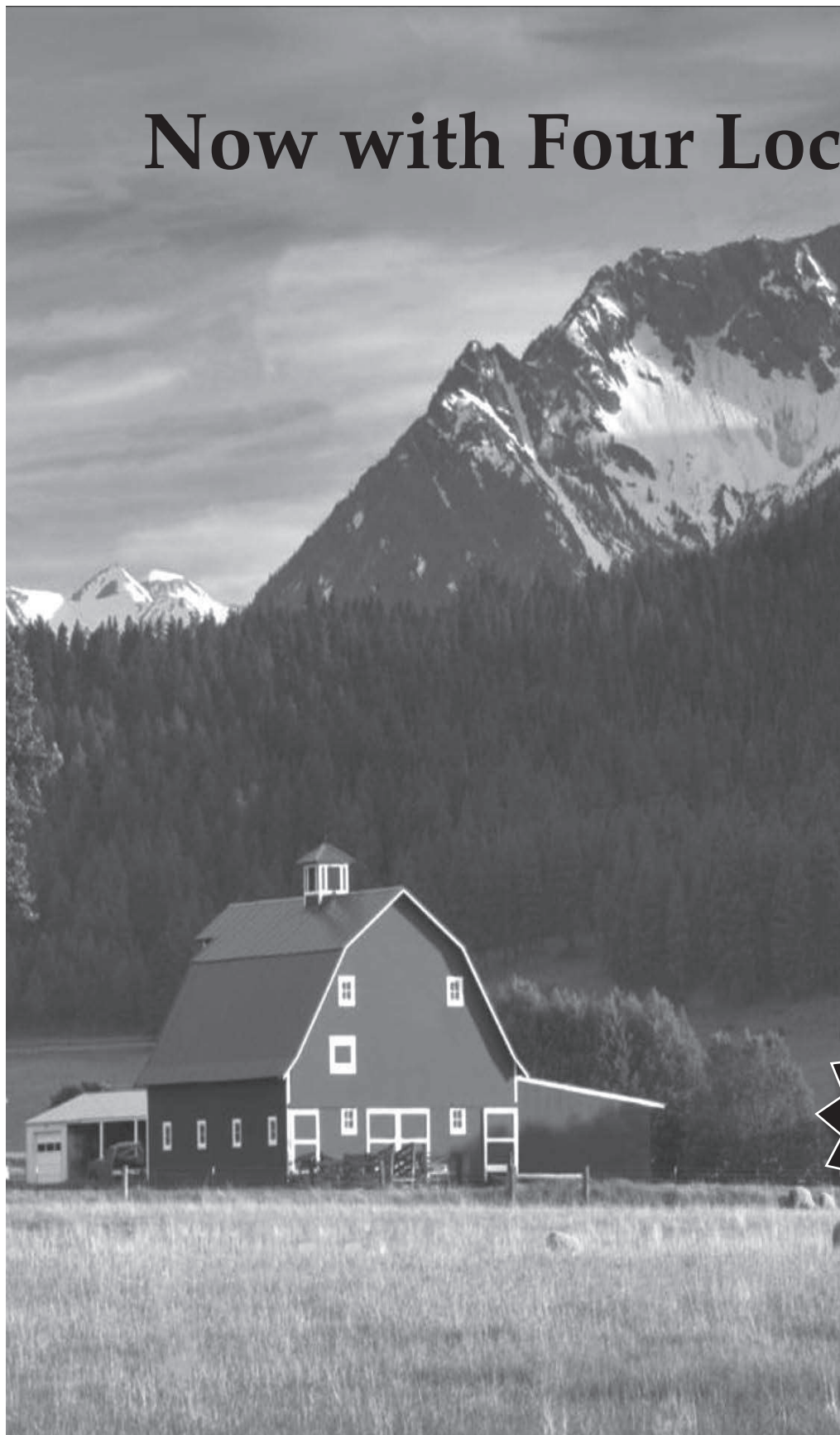


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