

FORMER BAKER CITY MAN ACCUSED OF KILLING 2 AFTER RELEASE FROM MENTAL HOSPITAL

# Two families sue state over Montwheeler case

By Aimee Green  
The Oregonian

Two families filed separate wrongful death lawsuits against the state of Oregon this week, faulting it for releasing a man with severe mental illness from the Oregon State Hospital despite warnings from a psychologist that he still posed a grave danger.

Within a month, newly freed patient Anthony Montwheeler stabbed to death his ex-wife, Annita Harmon, at an Ontario gas station and then intentionally drove his pickup head-on into the SUV of a stranger, David Bates, and killed him, the lawsuits and prosecutors say.

Harmon, a 40-year-old western Idaho resident who had divorced Montwheeler 1½ years earlier, died Jan. 9, 2017. Her family filed a \$3.75 million suit Friday.

Bates, 38, a father of five who lived in Vale, died later that same day. His widow, Jessica Bates, filed a \$400,000 lawsuit Dec. 19 over the fatal crash. Jessica Bates was seriously injured in the collision.

Authorities say 51-year-old Montwheeler fled Ontario police with Harmon's dead body in the passenger seat.

Both lawsuits accuse the state's Psychiatric Security Review Board and the Oregon State Hospital of negligence for allegedly disregarding many warning signs.

Montwheeler's disturbing past goes back more than 20 years and includes a history

of hearing and seeing demons that ordered him to harm others and an armed standoff with police in which he threatened to flush his child down the toilet, according to the Harmon lawsuit.

Montwheeler, a former Baker City resident, pleaded guilty except for insanity in an April 1996 Baker County case that involved his holding a hostage and engaging in a standoff with police. He was convicted on Sept. 3, 1997, in Baker County Circuit Court on two counts of first-degree kidnapping with intent to terrorize, three counts of unlawful use of a firearm, and three counts of unlawful use of a weapon with a firearm.

Instead of going to prison, he was ordered to be under the jurisdiction of the Psychiatric Security Review Board for 70 years and was confined to the state-run psychiatric hospital.

According to the lawsuits, the board in December 2016 ordered Montwheeler freed from the Oregon State Hospital — after Montwheeler convinced members that he'd been faking insanity in order to avoid prison.

Psychiatrist Mukesh Mittal supported the theory that Montwheeler wasn't mentally ill, stating that Montwheeler hadn't been taking his medications for the previous year and wasn't showing signs of bipolar disorder, the suit says. Mittal concluded that a patient who hadn't taken his medications for that length of time and

wasn't exhibiting symptoms doesn't have that disease, the Bates lawsuit says.

But the Psychiatric Security Review Board had conflicting evidence before it: Brian Hartman, a psychologist who had seen Montwheeler for the previous two years, warned the board that Montwheeler was still dangerous, the Bates lawsuit states.

Hartman said that "if in the community without supervision, (Montwheeler's) risk of violence would be high" and Montwheeler would most likely target an intimate partner or other family members, according to the Bates lawsuit.

Those concerns were echoed by the board's acting chairwoman, Kate Lieber, who told Montwheeler at the hearing that "my hope is you will do the right thing. I'm sincerely worried that you won't," according to the Bates lawsuit.

Three weeks after Montwheeler walked free, Harmon and David Bates were dead.

The Harmon lawsuit lists the Psychiatric Security Review Board and Oregon State Hospital as defendants. In addition to those agencies, the Bates lawsuit lists the Oregon Health Authority and Mittal, the state-employed psychiatrist, as defendants.

Rebeka Gipson-King, a spokeswoman for the state hospital, and Alison Bort, executive director of the Psychiatric Security Review Board, declined comment about the lawsuits.

Montwheeler's case was the subject of a March 2017 investigation by the Malheur Enterprise that raised troubling questions about the state's ability to assess criminally insane defendants and protect the greater public from them. The Oregonian published the investigatory piece in cooperation with the Vale newspaper.

After the deaths of Harmon and David Bates, Montwheeler was charged with two counts of aggravated murder for their deaths. But the criminal court proceedings in Malheur County Circuit Court have been at a standstill after the state hospital determined Montwheeler's mental illness was too severe for him to be tried for the crimes, according to his defense attorney.

On Thursday, prosecutors said in a memo to the court that the state hospital has determined Montwheeler is now mentally fit to be prosecuted and that the criminal justice system should move forward with a trial.

The Harmon family's lawsuit was filed in Multnomah County Circuit Court — where the Psychiatric Security Review Board is based — by Portland attorney David Paul. The Bates family's lawsuit was filed in Malheur County Circuit Court — in the county in which Harmon and David Bates died — by Bruce Skaug, an attorney in Nampa, Idaho.

## DAVIS

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Davis said that after talking with someone he knew who worked as an administrator in the medical field, "the stars aligned."

Davis, whose parents are Patrick and Diane Davis of Baker City, never thought he'd be able to work in Northeastern Oregon, so he's delighted to again call this neck of the woods home.

"I'm very humbled to be back here," he said, noting that his decision to transfer to GRH was "personal — it's not just professional."

Davis said this is his dream job, helping the community and region where the choices he makes in his position as CEO will affect his family and friends.

"I wouldn't want for another job," he said. "I'm going to retire here."

Davis just finished up his first month in the position and will be closing on his new home this week, he said. His wife and four children are still living in Evanston, Wyoming, where he was the CEO at Evanston Regional Hospital.

Davis has nothing but positives to say about Grande Ronde Hospital and the community.

"I'm getting to understand the culture (at GRH). I'm learning what's working well and what needs some improving," he said. "Grande Ronde Hospital has a rich tradition of success. And I plan to keep that going."

That tradition partly rests on the quality of its physicians, and Davis is aware of the problem of recruiting physicians — and sometimes more specifically their families — to move to a rural area. Davis said he believes his story of being born and raised in Northeastern Oregon and then returning to his roots will help him sell the hospital.

"I left and came back and I'll be staying here," he said. "There's a credibility to that. There's been consistent leadership at this hospital."

Among his long-term goals is to fill physician vacancies. Davis said GRH is in an excellent position to draw medical personnel to La Grande. He noted that the hospital has some of the best medical machines in the country. GRH is expanding, and it is an integral part of this community.

In his previous position in Evanston, which is just over an hour away from Salt Lake City, Utah, Davis was no stranger to focusing on customer service to retain patients. With nearly 20 hospitals within Salt Lake City, Davis knew the patients had many choices in their physicians. He will draw on his experience there to continually improve the services GRH offers.

He said he'd like to see the hospital remain independent while also providing a complement of services to meet the needs of the community.

"I want us to do it, and do it well," he said.

# Trump administration misstated benefits of better train brakes

By Matthew Brown  
Associated Press

BILLINGS, Mont. — President Donald Trump's administration miscalculated the potential benefits of putting better brakes on trains that haul explosive fuels when it scrapped an Obama-era rule over cost concerns, The Associated Press has found.

A government analysis used to justify the cancellation omitted up to \$117 million in estimated future damages from train derailments that could be avoided by using electronic brakes. Revelation of the error stoked renewed criticism Thursday from the rule's supporters, who called the analysis biased.

Department of Transportation officials acknowledged the mistake after it was discovered by the AP during a review of federal documents. They said a correction will be published to the federal register.

But transportation spokesman Bobby Fraser said the decision not to require the brakes would stand under a Congressional act that said

the costs couldn't exceed the rule's benefits.

"This was an unintentional error," Fraser. "With the correction, in all scenarios costs still outweigh benefits."

Safety advocates, transportation union leaders and Democratic lawmakers oppose the administration's decision to kill the brake rule, which was included in a package of rail safety measures enacted in 2015 under President Barack Obama following dozens of accidents by trains hauling oil and ethanol in the U.S. and Canada.

The deadliest happened in Canada in 2013, when an unattended train carrying crude oil rolled down an incline, came off the tracks in the town of Lac-Mégantic and exploded into a massive ball of fire, killing 47 people and obliterating much of the Quebec community's downtown.

There have been other fiery crashes and fuel spills in Alabama, Oregon, Montana, Virginia, West Virginia, North Dakota, Illinois and elsewhere.

Oregon Sen. Jeff Merkley said the administration

should reconsider the brake rule in light of its miscalculation.

"The omission of \$117 million from the rule's anticipated benefits is further proof that the Trump administration is willing to cut corners to put industry profits ahead of the American people's safety," said Merkley, a Democrat. He called for "a new cost-benefit analysis that is full and transparent."

After the brake rule was enacted, lobbyists for the railroad and oil industries pushed to cancel it, citing the high cost of installing so-called electronic pneumatic brakes and questioning their effectiveness.

But supporters of the brakes said the issue should be reconsidered given the miscalculation and concerns about other benefits that may have been ignored, including reducing the frequency of runaway trains and severity of train-on-train collisions, said Robert Duff, a senior adviser to Washington Gov. Jay Inslee, a Democrat.

"This is not theoretical risk. We've actually seen these

derailments," Duff said.

Unlike other systems where brakes are applied sequentially along the length of a train, electronic pneumatic brakes, or ECP, work on all cars simultaneously. That can reduce the distance and time a train needs to stop and cause fewer cars to derail.

"These ECP brakes are very important for oil trains," said Steven Ditmeyer, a rail safety expert and former senior official at the Federal Railroad Administration. "It makes a great deal of sense: All the brakes get applied immediately, and there would be fewer cars in the pileup."

Under Obama, the Transportation Department determined the brakes would cost up to \$664 million over 20 years and save between \$470 million and \$1.1 billion from accidents that would be avoided.

The Trump administration reduced the range of benefits to between \$131 million and \$374 million.

Transportation Department economists said in their analysis that the change was prompted in part by a

reduction in oil train traffic in recent years. Even as ethanol shipments on U.S. railroads have continued to grow, reaching about 500,000 carloads annually, crude shipments peaked in 2014 and fell to about 200,000 carloads last year.

But in making their cost-benefit calculations, government economists left out the most common type of derailments in which spilled and burning fuel causes property damage but no mass casualties, the AP found. Equipping fuel trains with electronic brakes would reduce damages from those derailments by an estimated \$48 million to \$117 million, according to Department of Transportation estimates that were left out of the administration's final tally.

Including the omitted benefits reduces the net cost of the requirement to as low as \$63 million under one scenario laid out by the agency. Other scenarios put the net cost at more than \$200 million.

Transportation spokesman Fraser said that would not have changed September's de-

cision to cancel the electronic brake requirement because of the cost.

The Association of American Railroads declined comment on the agency's cost benefit calculations.

Spokeswoman Jessica Kahanek said the move to rescind the Obama rule was in line with the requirements set forth by Congress, which passed a 2015 measure saying the Department of Transportation must repeal the braking requirement if expected costs exceed benefits.

The biggest share of oil now moved by rail goes from the Bakken oil patch of North Dakota and Montana to the West Coast, where fears of an accident were realized two years ago when 16 tank cars carrying Bakken oil derailed, igniting a fire that burned for 14 hours along the banks of the Columbia River near Mosier, Oregon.

The accident was caused by track problems. An investigation by the Federal Railroad Administration concluded electronic brakes would have made it less severe.

**ELTRYM THEATER**  
MOVIE TIMES DECEMBER 21-27

**AQUAMAN** PG-13  
Jason Momoa. Arthur Curry learns that he is the heir to the underwater kingdom of Atlantis.  
FRI - THURS: (3:30) 6:30, 9:30

**MARY POPPINS RETURNS** PG  
Decades after her original visit, the magical nanny returns to help the Banks siblings and Michael's children through a difficult time in their lives.  
FRI - THURS: (3:45) 6:45, 9:35

**SPIDER-MAN: INTO THE SPIDER-VERSE** PG  
Miles Morales comes across the long-dead Peter Parker. With Parker's guidance, Miles will become Spider-Man, and through that he will become part of the ever-expanding 'Spider-Verse'  
FRI - THURS: (4:00) 7:00, 9:40

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**Baker County Veterans office will be closed from December 20th through the 27th. We will be open for business on Friday the 28th.**