

Man arrested last July near Baker City pleads guilty to ax murder

■ Colby Hedman, 24, faces 25-year sentence for murdering Kyle Martz in Walla Walla

By Emily Thornton
Walla Walla Union-Bulletin

WALLA WALLA — The suspect in last summer’s slaying of a Whitman College employee pleaded guilty Wednesday morning to first-degree murder, including pre-meditated intent, in Walla Walla County Superior Court.

Colby James Hedman, 24, who Pendleton police list as a transient from the Heppner area, faces a 25-year sentence in exchange for his admission of guilt in the murder of Kyle Martz, 35.

His confession came in front of about 25 people, including attorneys and sobbing family members in the Department 1 courtroom. Everyone was required to wear masks due to COVID-19. About 15 people listened from an adjacent courtroom, and a small group listened via Zoom teleconference call.

In pleading, prosecutors agreed to dismiss Hedman’s second count, vehicle theft, and recommend he receive 25 years in

prison. He’ll also serve 36 months in community custody, and pay applicable restitution and fees. However, the judge doesn’t need to go along with the recommendation.

Sentencing will take place after a pre-sentence investigation is completed.

Hedman’s bail was set at \$1 million in September 2019, after he was extradited from Baker County on charges of first-degree murder and vehicle theft in connection with the July 8 murder.

Hedman admitted to police he struck Martz with an ax multiple times before stealing his car and fleeing to Oregon, where he was arrested on July 9 near Baker City after trying to elude police the same day. Police suspected the two didn’t know each other, according to reports.

He also allegedly broke into a home on Taggart Lane in Oregon and moved items from Martz’s pickup truck into the homeowners’ truck. Hedman then allegedly fled on foot after deputies confronted him. Later he returned to the home and took off in a Jeep he ultimately totaled after leading police on a chase, reports stated.

Hedman was in the Baker County Jail until early September.

Judge John Lohrmann noted, after the hearing’s delay from technical difficulties, Hedman had undergone competency restoration treatment and pleaded not guilty in January. He also said the charge was “a most serious offense” and counted as a “strike.”

“This is probably the most horrific set of facts for anyone to encounter,” Lohrmann said of police affidavits. He said he couldn’t imagine what the Martz family is going through except “incredible sorrow.”

In the end, Lohrmann said Hedman’s psychological evaluation showed he could plead “not guilty by reason of insanity,” which was a “viable defense,” should the matter be taken to trial. It could mean Hedman might be released from a mental hospital after a short time and be monitored monthly. Since he was unsure what a jury would find should the case go to trial, the judge accepted the deal.

“It’s difficult for the court to disturb (the plea bargain),” Lohrmann said.

But the deal wasn’t enough for the family and friends of Martz.

After the hearing, Martz’s sister, McKenzie Hall, fled from the courtroom in tears.

“It’s a miscarriage of justice,” her husband, Caleb Hall, said

after the hearing. “He’s an ax murderer.”

Hall said he asked Walla Walla County Prosecutor Jim Nagle if Hedman had committed aggravated murder, to which Nagle affirmed. He also said family members knew about the plea bargain for only a week beforehand and had received information about the case from newspapers.

“He has a duty” to serve justice, he said of Nagle.

Martz’s childhood friend Casey Holland said after the hearing Hedman had committed “one of the most heinous crimes.”

“He’s going to get out when he’s 42,” Holland said. He also wondered: “How’s he going to feel coming back into the community?”

Hedman had multiple run-ins with police and was released from Umatilla County Jail on June 25, 2019, days before killing Martz. He also missed a court hearing, the same day he murdered Martz, in Umatilla County for second-degree trespassing, interfering with police, third-degree escape, second-degree disorderly conduct, controlled-substance possession and four warrant charges from a June 5 arrest, Pendleton Police Chief Stuart Roberts said in an earlier interview.

CLEANUP

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Hamlin noted that grants are awarded through a very competitive application process.

The BTI grant was among 155 awarded nationwide in 151 communities totalling more than \$65.6 million in EPA brownfields funding through the Assessment, Revolving Loan Fund and Cleanup Grant Programs.

Terri Griffith, a Brownfield Project manager for EPA’s Region 10, said the community involvement aspect of the Central Building cleanup project helped BTI’s grant application do well in the competitive process.

“It’s great redevelopment for the community and the level of community engagement is quite strong,” Griffith said.

That the building already has been through preliminary assessment and will soon be ready to go forward with the cleanup process also gained the application favor from reviewers.

“The engagement with students is a strong component as well, and the tie-in with economic development,” Griffith said. “Overall it really measured up well with the grant criteria.”

Dalton expressed appreciation to Business Oregon, which provided grant funding for the earlier assessment of the Central Building. Karen Homolac, brownfields specialist for Business Oregon, also attended Thursday’s meeting telephonically.

Dalton said he expects the actual cleanup of the historic building to begin in the fall of 2021.

“When you use students it does change things a little bit,” Dalton said.

Last spring, Baker School Superintendent Mark Witty appointed a six-member community group to help support the cleanup and restoration effort.

“We view this grant as being the pivotal piece that gets this project going for real,” Dalton said.

LAWSUIT

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That order would prevent the governor from imposing terms of the executive order, including the prohibition on larger gatherings if participants can’t maintain social distancing.

Although the order doesn’t specifically mention church services, the plaintiffs contend that the order’s restrictions on “non-essential social and recreational gatherings” would encompass church services.

Hacke said the plaintiffs contend that executive order 20-12, which Brown issued on March 23, violates their constitutional rights to assemble and worship.

According to the lawsuit, the plaintiffs — “including and especially Baker County’s own EBC (Elkhorn Baptist Church) — have thus far complied” with the executive order because the churches don’t want to expose themselves to criminal liability, or expose their congregations to possible 30-day day jail sentences or

\$1,250 fines.

The lawsuit also states that “at the outset of the coronavirus pandemic, many, if not all, churches shared defendant governor’s concerns about having too many people too close together indoors, thereby increasing the risk of spreading the coronavirus, especially to the persons most vulnerable to it, such as the elderly.”

However, Hacke said that because there have been relatively few confirmed cases of the virus in many Oregon counties — Baker County’s first, and so far only, confirmed case was announced Wednesday — the risk is not sufficient to justify the continued prohibition on gatherings.

Although religious freedom is an aspect of the lawsuit, Hacke said the chief legal issue is the governor’s authority under the Oregon Constitution.

In the lawsuit he cites the section of the Constitution — Article X-A — that authorizes the governor to declare a state of emergency due to a public health crisis.

Hacke said the plaintiffs don’t dispute that Brown has such authority due to the pandemic. The governor declared the state of emergency on March 8.

But Hacke points to a section in Article X-A which states that the governor’s emergency powers can extend for no more than 30 days unless the Legislature, on at least a three-fifths vote of both the House and the Senate, agrees to extend the governor’s emergency powers.

Brown has not convened the Legislature since declaring the emergency.

“Because governor failed to avail herself of the constitutionally prescribed procedure, her initial executive order declaring the public health emergency, issued on March 8, 2020, terminated by operation of law on April 7, 2020, and all subsequent executive orders implementing or extending the original order are legally null and void,” the lawsuit states.

“She’s giving herself powers to infringe on constitutional

liberties in perpetuity,” Hacke said. “And she can’t do that.”

He also contends that because Brown’s initial executive order was for 60 days, rather than the 30 days specified in the Constitution, it was unconstitutional from its inception.

Oregon voters added Article X-A to the state Constitution in 2012 when they passed Measure 77 in the November election. Almost 59% of voters approved the measure. Prior to that, the governor had statutory authority to declare emergencies, but not constitutional authority.

Baker County voters bucked the statewide result with Measure 77, with 4,309 voters (55%) opposing the measure and 3,561 voters supporting it.

Hacke said he filed the lawsuit in Baker County Circuit Court in part because the Elkhorn Baptist Church is a plaintiff, and in part for what he called a “symbolic” reason — that Baker County has had only one confirmed case of the coronavirus.

“One of our questions is why is this lockdown applying to everyone,” he said.

Brad Dacus, president of the Pacific Justice Institute, said the organization is supporting the lawsuit because Brown’s “executive orders are way too extreme and infringe on religious liberty far more than is necessary to preserve public health and safety.”

Emails and a phone message to the governor’s office for a response had not been returned as of press time Friday afternoon.

Plaintiffs:
• Elkhorn Baptist Church, Baker City
• Calvary Chapel, Newberg
• Calvary Chapel, Lincoln City
• Calvary Chapel Southeast Portland
• New Horizon Christian Fellowship, Klamath Falls
• Camas Valley Christian Fellowship
• Peoples Church, Salem
• PrepareThe Way, Bend
• Bend Community Church
• Covenant Grace Church, Roseburg

• Members of Trinity Presbyterian Church in Medford: Jedidiah McCampbell, Ronald Ochs, Brian Nicholson
• James B. Thwing, pastor, Lake Bible Church in Lake Oswego
• Mark Russell, member of the leadership team at Calvary Chapel Lebanon
• Ronald Rust, pastor, Camas Valley Christian Fellowship
• Travis Hunt, pastor, Camas Valley Christian Fellowship
Several plaintiffs are listed as congregants of a local church:
• Mason Goodnight, Roseburg
• Mark Mayberry, Riddle
• Lori Mayberry, Riddle
• Benjamin Steers, Grants

Pass
• Michael Carroll, West Linn
• Kevin J. Smith, Portland
• Polly Johnson, Pendleton
• Benjamin Boyd, Enterprise
• Annette Lathrop, Joseph
• Andrew Atanasoff, Oregon City
• Sherry L. Atanasoff, Oregon City
• Micah Agnew, Enterprise
• Angela Eckhardt, Burns

LOANS

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Nelson gave a “thumbs up” to the banks and their loan officers for working with local businesses.

Nelson said unemployment benefits are also beginning to flow more freely, which is vital since a total of 674 county residents have filed for initial jobless benefits since March 15.

“Hopefully this won’t last too much longer,” Nelson said.

He said that in addition to the two main federal programs — the PPP and the Economic Injury Disaster Loan Emergency

Advance — Baker County is looking to apply for a \$150,000 Community Development Block Grant. County officials estimate that at least 15 businesses or individuals, all with low or moderate incomes, could receive money if the county gets the grant.

Nelson also said he hopes the state will distribute some of the \$2.45 billion it received from the federal CARES Act through the Northeast Oregon Economic Development District to help businesses that didn’t receive other assistance.

“At least that would be my recommendation,” Nelson said.

FURLOUGH

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The Coronavirus Aid, Relief, and Economic Security (CARES) Act will pay furloughed employees \$600 per week during the work time reduction. The funding will expire on June 11 for teachers and others whose contracts end with the school year, Witty said. Others who work on longer schedules will continue to receive the \$600 per week checks through July.

Those whose hours have been reduced will receive an unemployment benefit based on their wages, plus the CARES money.

“It is part of the Trump

Administration’s stimulus package,” Witty said. “It definitely is a way for us to protect programming for the future while maintaining our staff,” he said.

It will also benefit the community as school employees spend money to support the local economy, he said.

If the District’s 106 classified employees accept the proposal when they vote on Tuesday, the savings is estimated at about \$300,000, Witty said.

The plan will allow the District to continue providing food to all children 18 and younger Monday through Friday, child care for emergency service workers and distance learning programing

four days a week until the end of the school year.

Some employees will earn more money under the reduced work schedule, Witty said Thursday.

“The rationale is that I want to do everything we can to protect programming as long as possible and I want our employees to be kept healthy financially,” he said.

Witty said the action was taken partly in response to Gov. Kate Brown’s preliminary funding forecast calling for a “significantly reduced” budget allocation for K-12 schools in 2020-21 because of the statewide recession that has resulted during the coronavirus pandemic.

The Baker School District

could see funding cut by up to 17% next school year, the superintendent said.

But thanks to the savings expected through the furloughing of staff, the District will be able to put the anticipated \$300,000 savings aside for next year’s budget, Witty said.

“My hope is that this recession will be short lived, but it is difficult to predict when economic restraints in place to protect community health will be lifted.

“This furlough provides us a way to hedge against the real cuts in the K-12 revenue package for 2020-21 as well as potential future budgets,” he stated in a press release issued Friday.

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