

Masks to be required at outdoor events

■ Gov. Kate Brown cites surge in COVID-19 cases

By GARY WARNER

Oregon Capital Bureau

Gov. Kate Brown has expanded a mandatory mask order to include large outdoor gatherings as well as indoor gatherings.

The new rule will go into effect Friday, Aug. 27 and includes everyone aged 5 and over regardless of whether or not they are vaccinated. Masks will be required in outdoor public situations. Brown also is recommending outdoor masks for private gatherings, though they are not mandatory.

“The delta variant is spreading fast and wide, throwing our state into a level of crisis we have not yet seen in the pandemic,” Brown said in a Tuesday afternoon announcement. “Cases and hospitalizations are at a record high.”

The immediate impact will be on those going to outdoor sports events, fairs and large gatherings. The new rule will be in effect for the Oregon State Fair in Salem that begins Aug. 27 and for the Pendleton Round-Up Sept. 11. Masks will be required for any college football game as well.

Oregon’s hospitals continue to head toward unknown medical territory as the number of hospitalized COVID-19 patients hit 937 in a report Monday, 37 more than Sunday. There are 253 COVID-19 patients in intensive care unit beds, up 22 from the day before.

The Oregon Health Authority said Monday that 4,701 new cases were reported in the state between Friday and Sunday. The Oregon Health & Science University forecast last week that the highly contagious delta variant would lead to skyrocketing case rates that won’t peak until early next month.

Epidemiologists around the nation have noted an increase in infections that cannot be



Dave Killen/The Oregonian, File

Oregon Gov. Kate Brown in September 2020.

traced to an indoor spread.

“We are starting to see instances where cases are clustering around events, like outdoor music festivals, that happen outdoors,” said Dr. Dean Sidelinger, the state epidemiologist in the statement.

A sharp spike in COVID-19 infections driven by the highly contagious delta variant has swept Oregon since July, with

increased infection and hospitalization rates. Unvaccinated Oregonians have become sicker longer when infected.

The Oregon Health Authority reported just 7% of adult staffed hospital beds and 8% of adult staffed Intensive Care Unit beds in the state were available on Monday. OHA has forecast it will be 500 beds short at the peak of

the spike, when daily cases rates could top 5,000 under some scenarios.

Deaths have also been rising, with 159 so far this month, putting it on pace to be the fourth or fifth worst level of fatalities since the pandemic hit Oregon in February 2020. Because early vaccination efforts centered on older and medically fragile people, OHA has said the state will not see the 603 deaths reported in December. But the spread of the delta variant is increasing the overall population of those infected, which will lead to an upturn in deaths.

Monday’s totals brought the state to 257,644 cases. The death total stands at 3,036.

The extension of the rules to outdoors mirrors many of the exceptions of the existing indoor mandate.

People do not need to wear masks while drinking, eating or sleeping. Masks are not required for those singing, speaking or otherwise performing in a public setting, during sports games or train-

ing. It also has an exception for the homeless.

The order comes as the state is hammered by the highly contagious delta variant that has driven infection levels above those of last winter. Hospitalizations have overwhelmed medical centers across the state and forecast are for at least 10 more days before the infection wave peaks.

Because of the speed of the spread of the delta variant, health officials say it is too late for the two-shot Moderna or Pfizer vaccinations to have full effect before the current spike spreads throughout communities.

The only way to partially blunt the expected peak of infections and hospitalizations is by expanded masking at least until the spike levels out and drops dramatically.

“Masks are a quick and simple tool we can immediately deploy to protect ourselves and our families, and quickly help stop further spread of COVID-19,” Brown said.

CHARGES

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Jail on several days, were accessed on Regan’s computer at the Baker City Police Department, according to a forensic investigation.

Suppressing evidence collected after that date, Baxter argued in court Tuesday, would be sufficient “to secure (Greenwood’s) constitutional rights.”

“Dismissal is a last resort type of remedy,” Baxter said.

He also has argued, both in court on Tuesday and in motions, that were the judge to invalidate all evidence that Regan had handled, from the beginning of the case, that would be tantamount to dismissing the charges since Regan was involved in every aspect of the investigation and Baxter could hardly expect to convict Greenwood without any of that evidence.

Baker City Police Chief Ty Duby said in an Aug. 19 interview with the Baker City Herald that he put Regan on paid administrative leave after receiving a report from the forensic investigation conducted by Special Agent Mark Williamson of the Oregon Department of Justice earlier in August. Williamson examined three police department computers, including Regan’s, for evidence that they were used to access and play the recorded phone calls.

“We’re cooperating with the investigation,” Duby said.

He declined to comment further.

Baxter said during Tuesday’s hearing that Regan is being investigated for possible criminal charges of official misconduct.

The Herald left a message with Regan’s attorney, Dan Thenell of Portland, but had not received a response by press time Wednesday afternoon.

At the end of Tuesday’s hearing, Shirtcliff said he would take the matter “under advisement” and issue a written opinion “so my decision is as clear as possible, as soon as I can.”

Shirtcliff noted that while his ruling on Schaeffer’s dismissal motion is pending, the first-degree murder case against Greenwood, 50, is slated to go to trial in early September.

Shirtcliff has scheduled a hearing for Aug. 30 at 8:30 a.m. at the Courthouse to consider other motions not related to Schaeffer’s motion to dismiss the charges or suppress evidence.

The phone calls

Although police can legally access and listen to calls that jail inmates make to friends or family, conversations with attorneys are protected by attorney-client privilege.

The five calls that prompted Schaeffer’s motion to dismiss the charges against Greenwood were made to a cellphone number that, according to Schaeffer’s motion, was not on the list of numbers that belonged to attorneys and thus were privileged.

A different cellphone for Schaeffer, and his office number, were on that list, according to his motion.

According to testimony during Tuesday’s hearing and written motions filed by both Schaeffer and Baxter, the issue of police possibly listening to privileged phone calls between Greenwood and Schaeffer arose in November 2020.

That was about 10 months after Greenwood was arrested and accused of fatally shooting his former girlfriend, Angela Michelle Parrish, 30, of Vale, on Jan. 13, 2020. Police found Parrish’s body in a building just north of H Street in Baker City, on property that previously was owned by the New Tribes Mission, south of the Powder River Correctional Facility.

In an Aug. 17, 2021, motion, Baxter wrote that Schaeffer and his legal assistant contacted the Baker County Jail staff in November 2020 because Greenwood was concerned about police listening to his privileged phone calls.

Sheriff Travis Ash, the first of eight witnesses whom Baxter called during Tuesday’s

hearing, testified that after he learned about the allegation, he had Cpl. Dennis Lefever of the Sheriff’s Office make two copies of the five phone calls in question.

Ash said he gave one computer disc with the recorded calls to Schaeffer’s investigator, and that he intended to give the second disc to Baxter.

Ash said he never did give the second disc to Baxter, and that the disc was on his desk in the Sheriff’s Office for the next several months, until after Schaeffer filed his motion to dismiss charges on June 25 of this year.

In response to Baxter’s questions, Ash said he has never listened to the phone calls, nor has he ever talked with Regan about the content of the calls.

In cross-examination, Schaeffer asked Ash if his office is always locked when he’s not there.

Ash answered that it’s not always locked. He said he has no reason to believe that the disc containing recordings of the five phone calls between Greenwood and Schaeffer was ever moved from his desk, but that he couldn’t say for certain that it had not.

Following Ash’s testimony, Baxter called as witnesses Dennis Lefever and two other Sheriff’s Office officials, Cpl. Maya Lefever and Lt. Ben Wray.

All three told Baxter that they had neither listened to the phone calls, nor spoken with Regan about them.

Baker City Police officers testify

Baxter then called as witnesses three current or former officials from the Baker City Police Department — Duby, former Chief Ray Duman, who retired June 30, 2021, and Detective Chris Sells, who worked with Regan to investigate Parrish’s murder.

All three told Baxter that they had not listened to the phone calls between Greenwood and Schaeffer.

They also said they had not talked with Regan about those calls.

Sells did tell Baxter that he recalled a conversation with

Regan — he didn’t remember when it happened — in which she mentioned hearing part of a phone call involving an attorney, and that when she realized an attorney was involved she went on to a different call.

Sells testified that he didn’t remember whether Regan had mentioned the attorney’s name, or the suspect or the case.

“I assumed it was accidental,” Sells said.

Sells, in response to Schaeffer’s questions, said he has listened to phone conversations that Greenwood had from jail with people other than Schaeffer.

Sells, who said he worked closely with Regan in investigating Parrish’s murder, told Schaeffer that “I believe Detective Regan made a mistake, and I don’t think she would jeopardize the evidence in this case.”

Forensic investigation in Baker City Police computers

Baxter’s eighth and final witness was Williamson, the forensic examiner from the Oregon Department of Justice.

Duman, the retired Baker City Police chief, testified earlier that after learning about the allegations that a city officer had listened to Greenwood’s privileged phone calls, he had copies made of the hard drives from the computers of the three officers who had access to phone calls from the jail — Regan, Sells and Duby.

Williamson told Baxter that he examined the three hard drives and that only the one that Regan used contained digital “artifacts” showing that her computer was used to access and to play the five recorded phone calls.

Williamson testified that he found evidence that in one case Regan’s computer “auto-filled” the cellphone number for Schaeffer that Greenwood used for each of the five calls.

Williamson said that means someone had previously typed in the full cellphone number on that computer, and that the auto-fill function operated in a subsequent search for that number.

Attorneys’ arguments

Following testimony from witnesses, Shirtcliff asked first Schaeffer, as the hearing was prompted by his motion, and then Baxter to make arguments.

Schaeffer contended that because Regan was the lead investigator, and thus involved with all aspects of assembling the case against Greenwood, it’s not possible to separate her alleged misconduct from the case itself.

“This is purposeful misconduct by the lead detective,” Schaeffer said. “She’s a member of the prosecution team.”

He conceded that dismissing criminal charges is a “last resort remedy,” and that the legal standard for justifying a dismissal is, and should be, a high one.

But Schaeffer argued that based on Regan’s “outrageous conduct,” and her integral role in the prosecution, that standard has been met.

Schaeffer contends that Baxter’s statement that he has neither listened to the phone calls nor is aware of their content, and the testimony from the county and city officers that they too haven’t listened to the calls, doesn’t override the significance of Regan’s involvement.

Schaeffer also argued that Baxter can’t prove conclusively that no one besides Regan listened to the calls or knows what Greenwood and Schaeffer talked about.

Schaeffer contends that the prosecution can’t prove that nobody took the disc with the recorded calls from Ash’s desk over the several months the sheriff said it was there.

“The appropriate remedy — how can it not be dismissal of charges, your honor,” Schaeffer said to Shirtcliff.

However, should the judge decide not to dismiss charges, Schaeffer argued that Shirtcliff should instead suppress all evidence that Regan was involved in collecting, both before and after Sept. 14, 2020, the day the phone calls were accessed from and played on her computer.

In his argument, Baxter conceded, as he did in his Aug. 17 motion, that the evidence shows not only that Regan alone listened to the phone calls, but that based on the length of time her computer played the calls compared with the actual duration of those calls, that she acted intentionally rather than inadvertently.

But Baxter argued that there is no evidence that anyone besides Regan listened to the calls or knows their content.

He cited the testimony from the county and city officers, all of whom said that Regan never mentioned the phone calls to them.

In his Aug. 17 motion, Baxter addressed the same issue, writing: “This is important, because it shows that Detective Regan, perhaps fearful of what consequences she could face, never discussed anything related to the five phone calls with any other member of the prosecution team.”

“There is not a conspiracy going on,” Baxter wrote in the motion. “The information obtained out of those phone calls has not been conveyed to anyone else on the prosecution team.”

Once the allegations arose that Regan had illegally listened to the privileged conversations, Baxter said “we put up a wall between Shannon Regan and everybody else involved in this case.”

Baxter wrote in the motion that he would not use Regan as a witness should Greenwood go to trial.

Shirtcliff asked Baxter during Tuesday’s hearing how he would be able to introduce evidence at trial if Regan wasn’t a witness.

Baxter said that during the first few months of the investigation, in the winter and spring of 2020, Sells gathered evidence, including listening to non-privileged phone conversations between Greenwood and others.

Baxter said Sells, not Regan, testified about those conversations in court, and that he should be allowed to testify as well in trial.

RESULTS

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Teen Division

Janie Bingham: 1 reserve champion, 2 blue, 1 red
Avery Collier: 1 red
Zoey Justus: 1 champion, 1 reserve champion, 4 blue, 1 red
Paige Marlia: 2 blue

Adult Division

Caleb Colton: 1 best of

show, 1 overall champion, 1 champion, 4 blue

Sarah Owen: 1 reserve champion, 2 blue

Emery Owen: 1 champion, 3 blue, 1 red

Jacquelyn Sanders: 1 overall champion, 1 reserve champion, 3 blue, 1 red

Heather Goshorn: 1 red

Jill Myatt: 1 reserve champion, 4 blue, 5 red

Nick Myatt: 1 reserve champion, 2 blue, 1 red

Jessica Wilson: 1 reserve

champion, 5 blue, 2 red

Kristy Herman: 2 blue, 1 red

Blake Herman: 2 blue

Elizabeth Ellis: 1 champion, 11 blue, 1 red

Sierra Koehler: 1 blue

Blake Marlia: 1 reserve best of show, 1 overall champion, 1 champion, 1 blue

Bibiana Giff: 1 blue

Lindsey Huyett: 1 overall champion, 1 blue

Crystal Brockman: 1 red

Senior Division

David Colton: 1 blue

Gary Tritt: 1 blue, 1 red

Jarri McClarin: 1 overall champion, 2 reserve champion, 6 blue, 2 red

Cindy Birko: 1 blue, 1 red

Shirley Owen: 1 reserve champion, 1 blue, 2 red

Alana Clark: 1 blue

Brenda Goshorn: 1 champion, 1 reserve champion, 3 blue, 2 red

Deanna Davis: 3 blue, 2 red

Heidi Justus: 1 champion, 1 reserve champion, 2 blue

Professional Division

Gina Perkins: 1 blue

Debbie King: 1 blue

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