

Opinion

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EDITORIAL

An ending that fails to satisfy

The resolution of the criminal case against Shawn Quentin Greenwood in the January 2020 shooting death of Angela Parrish in Baker City might have failed to satisfy anyone, regardless of their interest, personal or otherwise, in the matter.

There will be no trial.

A jury of Greenwood's peers will not have a chance to review evidence and hear witnesses testify and then determine whether the prosecution had proved beyond a reasonable doubt that Greenwood was guilty of first-degree murder.

Greenwood will not put on a defense.

The question of his legal culpability in Parrish's death is not without an answer, to be sure.

On Sept. 3 Greenwood pleaded no contest to three charges — criminally negligent homicide, first-degree burglary and attempting to elude law enforcement. Though this isn't equivalent to a guilty plea, it does have the same legal effect. Judge Matt Shirtcliff sentenced Greenwood to a total of 90 months in prison on the three charges, although Greenwood, who has been in the Baker County Jail since January 2020, probably will be released in about 5½ years due to credit for the time he has served.

As disappointing as this outcome might be to those who believe Greenwood is guilty of murder and deserves to spend the rest of his life in prison, Baker County District Attorney Greg Baxter was in an unenviable position. A significant part of his case against Greenwood was either banned from trial, or potentially limited in its use. Baxter could hardly be expected to go to trial with such a weakened case and thus risk having Greenwood be acquitted. Especially when he negotiated a plea deal in which Greenwood, by pleading no contest, didn't explicitly admit his guilt but also accepted a conviction and the resulting penalties.

Greenwood, meanwhile, faced his own choice: go to trial against a weakened prosecution but also the possibility of being convicted of first-degree murder and a mandatory minimum sentence of 25 years, or take the plea deal and a much shorter prison term.

This unusual situation arose because of the alleged actions of Baker City Police Detective Shannon Regan, the lead investigator in Parrish's death. Baxter concedes, both in court and in written motions, that a forensic investigation conducted by the Oregon Department of Justice found evidence that Regan's police department computer alone was used to access and to play recordings of five privileged phone calls between Greenwood and his attorney, Jim Schaeffer of La Grande.

Schaeffer filed a motion seeking to dismiss all charges against Greenwood. Shirtcliff denied that part of the motion, but the judge did rule as inadmissible a significant amount of evidence that Regan collected and was involved with. Baxter argued that he should be allowed to call as witnesses other officers who could testify about the evidence they saw or helped to collect. But there was no guarantee that Shirtcliff would have allowed those witnesses to testify to that effect at trial. And even if they were allowed, Baxter would have been forced to present his case to a jury, about a fatal shooting, without being able to show jurors bullets and other potentially vital evidence.

Baker City Police Chief Ty DUBY put Regan on paid administrative leave. She is the subject of a criminal investigation related to the privileged phone calls.

This situation highlights the American criminal justice system's commitment to protecting the constitutional rights of defendants.

It also offers a dramatic reminder of how vital it is that everyone involved in that system — including police officers who investigate crimes — be scrupulous in preserving those rights.

— Jayson Jacoby, Baker City Herald



Your views

Quieting trains in Baker a matter of common sense

This letter is in rebuttal to the letter that was published in the Aug. 28 edition of the Baker City Herald. It started out to be a very interesting read. After the first few paragraphs it kind of went south. I'm not from "New Joisey" or "New Yaak," but I have been in Baker, not Baker City, for the better part of my 74 years. I lived 1/2 block from the railroad tracks when I was in junior high and high school. At that time there were three or maybe four trains in a 24-hour period. Sometimes at night they wouldn't even use the air horn. Now it is just basically a solid blast all the way through town, and there are somewhere between 24 and 30 trains in a 24-hour period.

The prevailing wind comes from the north. If you live on the south side of the tracks, including the golf course, Hillcrest and many office buildings, including the Baker City shops and yard, it is difficult to have meetings because they have to pause their meetings since they can't talk or hear over the train whistles.

About the "nut cases from other places," maybe you should take a look around you. There are nut cases in Oregon also; maybe even a few right here in Baker. As for listening to the Sons of the Pioneers, I grew up with that music. I don't remember if they did the song "Hear that lonesome whistle blow," but I do remember that song and it is no problem hearing the whistle blow now, if it just weren't so often and so loud! If this plan didn't have benefits, why would La Grande and Pendleton already have it done? Safety for school kids, better property value, etc. It just takes a little common sense.

"Change happens, live with it."

You can follow this plan on Facebook at facebook.com/shhtrain or sign a petition at bit.ly/qzbakere

Larry Smith
Baker City

Don't like mandates? What would you do instead?

Don't like Governor Brown's handling the pandemic by mandate? Think it curtails your freedom?

Have you considered these facts?

- Baker County's vaccination rates are among the lowest in the nation.
- Asking people to "please" get vaccinated is obviously not working.
- Over 95% of persons admitted to hospitals lately are unvaccinated, which proves that the Moderna vaccine is safe and effective, even against the surging delta variant.
- Oregon's ICU's are so full of unvaccinated patients, Governor Brown has mobilized Oregon National Guard units to help hospitals deal with the COVID crisis, including St. Alphonsus

EDITORIAL

Brown rains on students' parade

Oregon Gov. Kate Brown welcomed students back to their schools Tuesday, Sept. 7 with the equivalent of scrawling F's on their report cards and sending them straight to the principal's office.

"It is with mixed emotions that we are welcoming our kids back to school at this time," Brown said during a phone call with the media.

The governor used the pronoun "we." She ought not be so presumptuous.

There is no doubt that for quite a lot of students, parents, teachers and other school staff, the resumption of in-person classes was nothing like the ambivalent occasion that Brown portrays.

It was joyful. Period.

Which it should be.

The delta variant is more contagious than previous strains. Vaccination rates, including in Baker County, are far too low to prevent widespread infections. Hundreds of Oregonians are being treated in hospitals for severe COVID-19 cases. Dozens have died over the past

month. These facts are beyond dispute.

But schools are different.

They aren't immune to this virus, of course.

But there is ample reason to believe that, given reasonable precautions of the sort the Baker School District has employed, and continues to follow, including masking indoors, health screenings and frequent sanitation, students can continue to attend school safely and without contributing much, if at all, to the virus' spread.

But rather than celebrate this, Brown and officials at the Oregon Department of Education ushered in the new school year by urging districts to cancel or curtail extracurricular activities through at least Oct. 1.

This, the first of what's likely to be a series of "School Health Advisories" from the state, was announced under the specter of closing schools and having students return to the inaptly titled "comprehensive distance learning,"

which is distant but hardly comprehensive.

Colt Gill, director of the Department of Education, offered a thinly disguised warning that if schools fail to heed the advisory, kids might soon end up sitting in front of computers rather than at their desks.

This isn't entirely implausible, to be sure.

Those who underestimate this virus do so at their peril.

Yet it is not too much to expect that Brown and other state officials, even while acknowledging the legitimate risks of in-person classes, and promoting valuable precautions such as vaccinations and masks, could be more enthusiastic about what is, for thousands of families, a milestone accomplishment.

What students heard instead is that they shouldn't be allowed to play sports and take part in other activities that are such a vital part of the experience.

— Jayson Jacoby, Baker City Herald editor

Hospital and Grande Ronde Hospital.

• While irresponsible unvaccinated patients are taking up ICU beds, other patients urgently needing hospitalization have to wait.

Given these circumstances, what would you do, if you were governor of Oregon?

I'd really like to hear from you via email tubingen@eoni.com or phone 541-523-6760.

Gary Dielman
Baker City

Complaints about rights misstating Constitution

Been pondering these "Constitutional" sheriffs' grandstanding letters to our governor about protecting the people's rights (Thank you Sheriff Ash for not getting caught up in this circus sideshow) along with the constant whining about "my God given Constitutional rights" and disbelief that state mandates aimed at ending a local and worldwide health emergency, via vaccines and masks, is somehow comparable to the Commies or Nazis! Craziness as disturbing, scary and dangerous as it is ridiculous. All this angry "minority" rhetoric had me picking up a copy of the Constitution to find out why "our" City Council would think it wise or necessary to challenge the governor's mandates: "there is no ambiguity in Oregon's vaccine or mask requirements or the legal authority of Oregon OSHA to enforce those requirements, districts must follow state law."

First thing I discovered, "God" is not mentioned in the Constitution. Therefore impossible that God had anything to do with your Constitutional rights. Amendment XIV: Section 1 offers a shadow of hope: "No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor deprive any person of life, liberty or property, without due process of law." These clauses are under constant debate, none of it is defined? The expert consensus defines it thus: Protection by the government of the enjoyment of life and liberty subject nevertheless to such restraints as the government may prescribe for the general good of the "whole." Imagine that! I didn't read about anyone's right to compromise my health and liberty by ignoring scientific based mandates protecting the "whole," my neighbors, our children, from a raging pandemic. I didn't find the right for a conspiracy driven mayor and a partisan City Council to pursue a lawsuit against its own state without a vote of the citizens? Another lawsuit might be considered?

Finally. Laying with my head on a saddle, hearing a distant steam locomotive's whistle is nostalgic. Having a diesel monster roar past your home or school blaring a horn at decibels that can impair you for life is insane ... get real.

Mike Meyer
Baker City