

Prosecutors accused by defense of withholding evidence in rape trial

BY STEVEN MITCHELL
Blue Mountain Eagle

A Circuit Court hearing on a motion to dismiss criminal charges against a former Grant County sheriff's deputy accused of assault, attempted rape and child neglect got underway on April 20, with defense attorneys claiming that prosecutors had been withholding crucial evidence that could clear their client of any wrongdoing.

The trial of Tyler Smith, slated to begin in late October, was abruptly put on hold to give defense attorneys time to sift through hundreds of pages of discovery materials filed just one day earlier by the prosecution.

Those materials consisted mostly of internal documents and reports from the Grant County Sheriff's Office, which fired Smith in December 2019, three months after his arrest on the charges in this case. There were also two recorded interviews with Smith's accuser, including one in which she acknowledged placing a tracking device on Smith's vehicle and keeping the Grant County Sheriff's Office informed of his whereabouts.

Andrew Coit, one of Smith's attorneys, said the prosecution had committed an egregious violation of the Brady Rule, which requires exculpatory evidence — information that could acquit a defendant in a criminal case — to be turned over to the defense by the government.

The Brady Rule is named after the 1963 U.S. Supreme Court case *Brady v. Maryland*.

In a motion to dismiss with prejudice filed with Grant County Circuit Court on April 29, Coit argued the prosecution had suppressed evidence favorable to the defense for nearly two and half years.

Jamie Kimberly, an assistant Oregon attorney general acting as a special prosecutor in the case, said prosecutors were unaware of the October dump of discovery materials until the last minute.



Steven Mitchell/Blue Mountain Eagle

Tyler Smith, a former Grant County sheriff's deputy accused of attempted rape and other crimes, appears in Grant County Circuit Court April 20, 2022. Smith's attorneys made a motion to dismiss the case after the prosecution submitted 300 pages of evidence late in the discovery process.

She said she had only become aware of the recordings after reviewing the defense's witness list. She said as soon as she found out about the taped interviews, she retrieved them from Grant County Sheriff's Sgt. Danny Komning the day before the trial was set to begin. All along, however, the prosecution has argued that Smith's personnel file and items related to it are not relevant to the case since the Oregon State Police, not the Grant County Sheriff's Office, investigated the criminal allegations.

How we got here

Smith was arrested on charges of attempted rape, fourth-degree assault and child neglect on Sept. 9, 2019, and then fired by the Grant County Sheriff's Office on

Dec. 17, 2019, several months before having an opportunity to enter a not guilty plea on April 30, 2020.

Smith maintains that the criminal charges against him were part of a plan by former Grant County Sheriff Glenn Palmer, Undersheriff Zach Mobley, Mobley's wife, Abigail, and Komning, her older brother, to have him removed from the Sheriff's Office and get him arrested.

That plan, Smith asserts, was in retaliation for allegations Smith made to the Oregon Department of Justice on July 31, 2019, that Abigail Mobley had used illegal drugs and had a sexual relationship with an inmate incarcerated for drug crimes while she was a jail deputy with the Grant County Sheriff's Office.

Smith also argues that his accuser was a close friend of the Mobleys and Komning.

After a 21-month investigation found that Abigail Mobley committed eight violations of the department's code of conduct, ranging from abuse of her position to conduct unbecoming an officer and neglect of duty, she resigned from the Sheriff's Office on Dec. 26, 2021, following a 30-day suspension.

Abigail Mobley, who was on paid leave throughout the investigation, was not found to have used illegal drugs.

Conflicting testimony

One of the recorded interviews with Smith's accuser was conducted by Komning on June 20, 2019. The date of the interview, according to Smith's other defense attorney, Andrea Coit (wife of Andrew), is important.

In Smith's federal lawsuit for wrongful termination and civil rights violations, he states that Palmer called him into his office that day and berated him, saying he knew that Smith planned to make allegations about Abigail Mobley in an upcoming interview with the Department of Justice, which was investigating her.

Komning testified that Zach Mobley had called him in on his day off to come into the Sheriff's Office and Palmer told him to interview Smith's accuser and the accuser's coworker.

According to Komning, Palmer told him Smith had been seen "spying" on the Mobleys. Additionally, Komning testified that Palmer was concerned about the safety of Smith's accuser and Smith's children.

In a court hearing last week, Palmer testified that he did not recall having a conversation with Komning about investigating Smith regarding safety concerns or the alleged spying on the Mobleys.

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Lisa Britton/Baker City Herald

Eugene Hawes, a presenter at this year's "Field to Fork" event at the Baker County fairgrounds, talks about how technology and modern equipment help farmers to grow and harvest food.

Soil

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The day was presented by the Baker County OSU Extension Service and Baker County Farm Bureau, and the Baker County Cattlewomen cooked lunch.

At Miller's station, titled "Soil: More than Just Dirt," students learned about different conservation practices, and which style was best at preventing erosion.

Then they got a tasty lesson in layers as Miller and her high school assistant Ryann Paulsen helped the kids build an edible soil sample.

The layers were:

- Bedrock: an Oreo cookie
- Parent material: crushed Oreos
- Subsoil: vanilla pudding (light in color because it lacks nutrients)
- Top soil: chocolate pudding
- Litter layer: sprinkles
- Decomposers: gummy worms and M&M beetles

At the station titled "Plants: Growing in a Glove," Jacob Putney helped students create a growing experiment.

Using a plastic glove, the kids planted grass seed in different environments to see which worked best.

One finger was covered with black tape for "no sunlight" while one had only a cotton ball soaked in water.

The "control" finger had water, seeds, soil and sunlight.

"That one has everything," Tehvee Johnson said, holding up his finished glove.

At the harvesting station, Eugene Hawes taught stu-

dents about harvesting with wheat stalks and barrels of soil hiding potatoes.

Then he talked about how a farm works, and how farmers use technology to be efficient and save money.

"They have sensors in the field that will let the farmer know if the soil needs water," he said.

At "Ag Commodities and Natural Resources" with Alli Key, the fifth graders tested their knowledge of cattle breeds and learned about the various byproducts, such as sports equipment, cosmetics, marshmallows and chewing gum.

Outside on the grassy area was the place to learn about water with Marcy Osborn, Baker County watermaster, and Holly Kerns, Baker County planning director.

Osborn asked the kids how they use water and answers came quick: shower, washing hands, brushing teeth, swimming, watering the garden.

"We use it to cook with, we use it to drink," she said.

She also covered the importance of water for crops and livestock, as well as the water cycle.

Then came a hands-on lesson in water contamination. Each small group had four bottles of clean water. Then they added contaminants — rocks, sand, Tang and vinegar — to discuss if they'd drink it or not.

Although it smelled good, Kerns told the kids to think about if orange water came straight out of the pipes.

"I'm a thumbs down if that came out of my tap," she said.

Lawsuit

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In court records, the school district "denies that Plaintiff Katrina Fast's volleyball placement had any connection to Plaintiff's reports about her coach made the prior school year."

Katrina and Roberta Fast complained about Wilson to multiple district officials in January 2019, after Katrina's sophomore volleyball season in the fall of 2018, according to the lawsuit.

In an April 2020 interview, not long after filing the lawsuit, Middleton, the Fast's lawyer, told the Herald that Katrina Fast "is an incredibly brave and strong young woman. She should have been listened to sooner. The school district needs to be held accountable for taking a brave, strong young woman and attempting to squash her dreams."

Katrina Fast also played for a club volleyball team. After graduating from Eagle Cap Innovative High School in Baker City in 2021, Fast enrolled at Iowa Lakes Community College in Estherville, Iowa, where she played setter and led her team, and was fifth in her conference, in assists.

In April 2022 Fast signed a letter of intent to transfer to Warner Pacific University in Portland, her parents' alma mater, to continue her college volleyball career this fall.

After the Fast's expressed concerns about Wilson to district officials, including superintendent Mark Witty, Witty fired Wilson as head volleyball coach and assistant baseball coach on Feb. 25, 2019. The firing was appealed to the Baker School Board, which upheld Wilson's termination on March 19, 2019.

During the meeting, Wilson's supporters criticized the way the issue was handled and extolled Wilson's character and coaching abilities. A member of the volleyball team urged the Board not to act based on comments from a few players who were dissatisfied with the coach and how much playing time they had been given.

The Fast's, in their lawsuit, contended that district officials,

"We thank former District student Katrina Fast for coming forward and sharing her concerns. The District acknowledges the contribution of Ms. Fast and her efforts to effect change to protect others. Katrina serves as an example of how one person's dedication can positively impact a community. We are committed to protecting all students in our District."

— Part of statement from Baker School District following the recent settlement of a lawsuit filed by Katrina Fast and her mother, Roberta, against the district in 2020

following their complaints about Wilson, "failed to maintain the confidentiality of Katrina Fast's reports."

The Fast's claim that other students harassed Katrina Fast, and that district officials didn't try to find out how students learned that Katrina had complained about Wilson.

Katrina Fast, according to the lawsuit, "suffered significant emotional distress from the harassment; the humiliation, embarrassment, and shame of not playing with her teammates; lost friendships; missed school time; the failure of her school to respond to her reports or to protect her; and reputational damage. Plaintiff Roberta Fast suffered the emotional distress of a parent watching her daughter suffer unfairly because of Defendant's unlawful acts."

Lawsuit was nearing a trial date

As recently as April 4, 2022, both Middleton and the school district's attorney, Kim Hoyt of Salem, jointly filed a pretrial order in which they agreed to certain facts.

On March 17, 2022, the attorneys filed a document in court stating that the parties had mediation sessions on March 23, 2020 — before the Fast's filed the lawsuit — and again on August 9, 2021, after the lawsuit was filed. Both were unsuccessful, according to the document.

"The parties have completed extensive paper discovery and depositions and are currently preparing for trial," the March 17 document reads. "After good faith settlement attempts, the parties have failed to settle their dispute and do not believe ADR (Alternative Dispute Resolution) will assist in the resolution of this case."

The trial had been set to start May 17.

in November 2017. The discipline was imposed after the School District investigated a complaint against Wilson for alleged "inappropriate teacher/student boundaries" in regard to his interaction with student athletes in his role as BHS girls JV basketball coach in 2015.

Wilson signed a stipulated agreement on Sept. 23, 2017, in which TSPC found that his actions constituted "gross neglect of duty," in violation of state law.

His teaching license was suspended for 60 days and he was placed on two years' probation.

James Thompson

September 29, 1945 - April 24, 2022

James Thompson, 76, of Baker City, OR died Sunday, April 24, 2022, at Ashley Manor. A celebration of his life and reception will be held on Sunday, May 15 at 1 p.m. at the Eagles Lodge, 2935 H St. in Baker City.

Jim was born September 29, 1945, in Malta, MT, where he was raised and educated. Prior to graduating high school, Jim enlisted into the Navy where he proudly served for 6 years specializing as an electronics technician.

After an honorable discharge, he lived in San Diego, CA and attended San Diego State University where he earned his degree. During this time, he worked as a professional bowler and was often featured on television competing in various bowling tournaments. Following college, he went to work for Xerox. Jim stayed in San Diego for 15 years. He then moved to Pendleton to be closer to his biological father, whose health was failing. Jim was later transferred by Xerox to Baker City.

Jim loved riding motorcycles and visiting with his friends at The Bearded Dog. He also enjoyed golfing, fishing, traveling and the outdoors. He was an active member of the Lions Club and the Eagles.

Jim was surely a stubborn man, but he had a heart for dogs, especially his beloved "Coke." Coke looked more like a brown bear than a chocolate lab, and was always at his side.

Jim and Coke's final resting spot will be in Lewistown, MT in the military section of the city cemetery, where Jim will receive full military honors.

Jim was preceded in death by his father, Lloyd Thompson; mother, Dorothy Perry and stepfather, Phil Perry; and his sister, Donna Jennings.

He is survived by his longtime partner of 18 years, Linda Lang; stepmother, Carroll Perry; sister, Kay Ward; and half-brothers, Dave Thompson, Rod and Dan Perry.

For those who would like to make a memorial donation in honor of Jim the family suggests Best Friends of Baker (animal shelter) through Tami's Pine Valley Funeral Home and Cremation Services, P.O. Box 543, Halfway, OR, 97834. Online condolences can be at www.tamispinevalleyfuneralhome.com.



George (Eldon) Deardorff

July 22, 1935 - April 23, 2022

George (Eldon) Deardorff, 86, of Richland, Oregon, passed away at home on Saturday April 23, 2022, in the care of his loving family. A celebration of Eldon's life will be held later for family and friends.

Eldon was born July 22, 1935, in Haines, Oregon. His parents were Charles Deardorff and Frieda (Russell) Deardorff. Eldon was raised in a ranching/farming environment and was the oldest of 3 children. He attended Baker High School.

On April 21, 1957, Eldon married Margaret Colton. In 1958, their first child, Tonya, was born. From 1961 to 1964 Eldon's job as a government hunter took them to Monument, Oregon; Fields, Oregon, and Frenchglen, Oregon. During this time their second child, Loleta, was born in 1962. In 1965 they moved back to Baker City and had another child, Shanna.

In 1968 they bought the farm on Eagle Creek, just outside of Richland, Oregon, where the extended family still lives today. In 1977 the family drove the Alcan Highway to Alaska for summer work and vacation.

In 1979 they bought Cornucopia Wilderness Pack Station. Eldon was an excellent horseman. He loved the outdoors and hunting/fishing was one of his greatest passions. The Pack Station was a way of life that allowed him to fulfill his love for the outdoors each day. With his wife Marge by his side, they guided many clients into the wilderness for an adventure of their lifetime. Many friendships were developed that still exist today. The letters are countless of people thanking them for introducing the wilderness and all its beauty to them.

Eldon was a marksman and has many trophies to prove it. He also was a talented gunsmith who built his own gun stocks and reloaded all his (and the family's) ammunition.

His love for hunting and fishing was a passion and skill he passed on to his three daughters and grandchildren.

Another one of Eldon's great pleasures was dancing with his wife, Marge. People would clear the dance floor to watch them gracefully float across the dance floor.

The family is comforted knowing Eldon and Marge are together once again.

Eldon is survived by his daughters, Tonya Deardorff and life partner Monica Martinez, Loleta Deardorff and wife Sherry Wiemann, Shanna Swan and husband Dan Swan; grandchildren: Ryan Swan and wife Lizzie, Tyler Swan and wife Kelsey, Tiffany (Wiemann) Tarter and husband AJ, Marlysa Martinez and Arnonn Martinez; great-grandchildren: Tristin Maw, Hunter Maw, Ashlynn Tarter and Trinity Tarter, and Dallie Swan; brothers Floyd "Babe" Deardorff, Larry Deardorff and wife Cindy; and numerous nieces and nephews.

He was preceded in death by his parents Charles and Frieda Deardorff; his wife, Margaret (Colton) Deardorff; and his granddaughter, Rachel (Wiemann) Maw.

Those who would like to make a memorial donation in memory of Eldon may do so to the Eagle Valley Ambulance EMT Training Fund through Tami's Pine Valley Funeral Home & Cremation Services, P.O. Box 543, Halfway, Oregon, 97834. Online condolences may be shared at www.tamispinevalleyfuneralhome.com.