

Herrera Beutler third GOP impeacher to fall in primary

SEATTLE (AP) — Rep. Jaime Herrera Beutler has become the third congressman who voted to impeach former President Donald Trump to be ousted in a primary.

Herrera Beutler fell to Trump-backed Joe Kent, a former Green Beret, in the 3rd Congressional District contest. The district is in southwest Washington state, across the border from Portland, Oregon. Kent will face Democrat Marie Gluesenkamp Perez in November. She had already advanced to the general election since she was the top vote getter after the Aug. 2 primary, with 31% of the vote.

Herrera Beutler, who was first elected to the U.S. House in 2010, led Kent by about 4,700 votes on election night but her lead shrunk throughout the first week of August, and updated returns the night of Aug. 10 put Kent — who was in the No. 2 spot since Monday night — ahead by 1,050 votes.

Kent finished with 22.8% of the vote, and Herrera Beutler was in third place with 22.3% of the vote.

Herrera Beutler conceded the race in an email Tuesday night, Aug. 9, saying that “since I was first elected to this seat I have done my very best to serve my home region and our country.”

In a statement Wednesday, Kent thanked the other Republican candidates, saying all of the “campaigns fought hard because we all care deeply about this district and this country.”

“Now is the time to unite as Republicans because the stakes have never been higher,” he wrote.

Gluesenkamp Perez said in a statement earlier this week that the 3rd Congressional District race “is going to be a national bellwether for the direction of the country, and for the future of our democracy.”

Under Washington’s primary system, the top two vote getters in each race Aug. 2 advance to the November election, regardless of party. Washington is a vote-by-mail state and ballots just need to be in by Election Day, it often takes days to learn final results in close races as ballots arrive at county election offices throughout the week.

Of the 10 House Republicans who voted for Trump’s impeachment, four opted not to run for reelection. Michigan Rep. Peter Meijer was defeated in a primary last week by Trump-endorsed John Gibbs and Rep. Tom Rice of South Carolina lost to a Trump-endorsed challenger in June. Rep. David Valadao of California — which has an open primary like Washington — survived a primary challenge. Rep. Liz Cheney of Wyoming is bracing for defeat in her Aug. 16 primary against a Trump-backed rival.

Washington Rep. Dan Newhouse advanced to the general election in his Washington state primary last week, fending off a Trump-endorsed rival, and will appear on the November ballot with Democratic opponent Doug White.

Judge throws out child neglect charges against former Grant County deputy

BY STEVEN MITCHELL

Blue Mountain Eagle

CANYON CITY — After more than a month of deliberating, a Circuit Court judge has tossed out misdemeanor charges against a former Grant County sheriff’s deputy but ruled that the trial can proceed on three felony counts.

In a written ruling issued July 18, Circuit Court Judge Dan Bunch stated he would dismiss four counts of child neglect but not charges of fourth-degree assault, attempted first-degree rape and attempted first-degree sex abuse against Tyler Smith.

The ruling comes in response to a motion by Smith’s attorneys to dismiss all the charges against him, which they alleged were part of a plot by former Grant County Sheriff Glenn Palmer, other sheriff’s office employees and Smith’s accuser to get him fired and prosecuted.

Smith was arrested 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’s trial was slated to begin in late October of 2021. However, it 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.

The evidence in question included documents and internal reports from the Grant County Sheriff’s Office.

Additionally, there were two recorded interviews with Smith’s accuser, includ-



Steven Mitchell/Blue Mountain Eagle, File

Tyler Smith appears in Grant County Circuit Court on April 20, 2022.

ing 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.

In his ruling, Bunch writes that Smith’s accuser created “proof problems” for the prosecution by not disclosing the alleged assault when she was asked by law enforcement whether there was reason to be concerned regarding Smith’s potential for violence.

However, the judge writes, it “simply strains logic” to believe that Smith’s accuser and the Grant County Sheriff’s Office colluded to make a false accusation of assault to further her goals and those of the sheriff’s office.

Bunch adds that he stopped short of concluding that law enforcement deliberately withheld evidence that could be used by the defense to exonerate Smith.

However, in the child neglect case, the questions become more complicated.

While the judge disagreed with the

defense that internal investigations were being conducted to develop evidence in the assault case, he was “convinced” that some of the efforts in the investigation were intended to prove that Smith left his children unaccompanied.

Bunch wrote that he was “particularly disturbed” that the sheriff’s office became aware that Smith’s accuser was tracking him and continued to receive information from her.

“While the court does not believe law enforcement encouraged (Smith’s accuser) to track the defendant,” Bunch wrote, “law enforcement became complicit once the knowledge was obtained.”

Finally, the document containing Smith’s “Garrity” warning, which Palmer used to conduct an administrative interview regarding the charges of child neglect, stated specifically that the interview would not be used as part of a criminal investigation. Palmer, during the evidentiary hearing on the motion to dismiss the charges against Smith, testified that he shared portions of that interview with Gretchen Ladd-Dobler, Wheeler County’s district attorney and one of the special prosecutors in Smith’s case.

“Sheriff Palmer’s informing the prosecutor of the defendant’s story regarding his absences is clearly violative of this provision and is disturbing,” Bunch wrote. “Consequently, the court orders that the child neglect charge be dismissed in the interest of justice.”

How we got here

Smith maintains that the crimi-

nal charges against him were part of a plan by former Grant County Sheriff Glenn Palmer, Undersheriff Zach Mobley, Mobley’s wife, Abigail, and Grant County Sheriff’s Sgt. Danny Komning, Abigail Mobley’s 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.

What’s next

Smith’s trial on the assault, attempted rape and attempted sex abuse charges is scheduled to begin on Oct. 24 in Grant County Circuit Court.

The 12-person jury trial is expected to last 14 days, according to court documents.

Idaho Supreme Court won’t block strict abortion bans

BY REBECCA BOONE

Associated Press

BOISE — Idaho’s strict abortion bans will be allowed to take effect while legal challenges over the laws play out in court, the Idaho Supreme Court ruled Friday, Aug. 12.

The ruling means potential relatives of an embryo or fetus can now sue abortion providers over procedures done after six weeks of gestation — before many people know they are pregnant. Another stricter ban criminalizing all abortions takes effect later this month.

A doctor and a regional Planned Parenthood affiliate sued the state earlier this year over three anti-abortion laws, most designed to take effect should the U.S. Supreme Court overturn Roe v. Wade, which it did in June.

In a split ruling, the majority of justices on the Idaho Supreme Court said the laws could take effect but sped up the timeline for the lawsuits to be decided. Two justices agreed with expediting the cases, but said they felt the laws shouldn’t be enforced until the legal wrangling is complete.

“Tonight, the people of Idaho saw their bodily autonomy and reproductive freedom taken away,” Planned Parenthood Federation of America president Alexis McGill Johnson said in a news release. “The court’s decision today is horrific and cruel. But this isn’t the end of the fight, and it isn’t our last day in court. No one should see their lives used as pawns by their elected officials or judicial system.”

The U.S. Department of Justice is also suing Idaho in federal court over a near-total abortion ban, and has asked that the law be put on hold. The federal judge has not yet ruled in that case.

Under the Idaho Supreme Court ruling, a near-total criminalizing of all abortions — but allowing doctors to defend themselves at trial by

claiming the abortion was done to save the pregnant person’s life — will take effect Aug. 25.

Another law that takes effect immediately allows potential relatives of an embryo or fetus to sue abortion providers for up to \$20,000 within four years of an abortion. Rapists cannot sue under the law, but a rapist’s family members would be able to sue.

Planned Parenthood has also sued over a third strict ban criminalizing abortions done after six weeks of gestation except in cases where it was needed to save a pregnant person’s life or done because of rape or incest. That law was written to take effect Aug. 19.

Dr. Caitlin Gustafson and Planned Parenthood Great Northwest, Hawaii, Alaska, Indiana, Kentucky filed three lawsuits over each of the laws. The Idaho Supreme Court consolidated those cases into one as part of Friday’s ruling.

Planned Parenthood and the doctor failed to show that allowing enforcement of the laws would cause “irreparable harm,” the Idaho Supreme Court found. The high court said the plaintiffs also didn’t have enough evidence that they had a “clear right” to a remedy, or that they were likely to win on the merits of the case.

“What Petitioners are asking this court to ultimately do is to declare a right to abortion under the Idaho Constitution when — on its face — there is none,” Justice Robin Brody wrote for the majority, joined by Chief Justice Richard Bevan and Justice Gregory Moeller.

The complexity of the arguments are likely to break new legal ground in the state, the majority found. The justices said that meant the issues shouldn’t be decided until the case plays out in full — a process that can take months or longer.

Court sides with Oregon governor over early releases of inmates

SALEM (AP) — The Oregon Court of Appeals ruled Wednesday, Aug. 10 that Gov. Kate Brown was within her authority to grant clemency during the coronavirus pandemic to nearly 1,000 people convicted of crimes.

Two district attorneys, Linn County’s Doug Marteeny and Lane County’s Patricia Perlow, along with family members of crime victims, sued the governor and other state officials earlier this year to stop the clemency actions.

The attorneys took particular issue with Brown’s decision to allow 73 people convicted of murder, assault, rape and manslaughter while they were younger than 18 to apply for early release.

The legal action alleged Brown granted clemency to people who had not sought early release through the standard legal process. Most of the people receiving clemency were either medically at risk during the early stages of the COVID-19 pandemic or had helped with wildfire fighting efforts during the historic Labor Day fires of 2020.

Marion County Circuit Court Judge David Leith rejected most of the challenger’s arguments but ordered the parole board to halt all release hearings for the 73 juvenile offenders. The governor then appealed the ruling.

While the attorneys and crime victims argued that Brown’s actions were an overreach of her authority, the Appeals Court said it was also clear there was emotion at stake because crime victims felt they were “denied justice.”

“The power to pardon, sitting within a singular executive — be they monarch, president, or governor — has always been controversial,” the opinion states.

Still, the Appeals Court judges said they were “not called here to judge the wisdom of the Governor’s clemency ... that is a political question.” Instead, the judges said their job was to nar-



Brown

rowly rule on whether the governor could legally take the action that she did, and on that front they found her actions

legally sound.

“Hurt — no matter how sympathetic — does not translate to authority to challenge and displace commutations that accord with the constitutional powers afforded the Governor,” the Appeals Court opinion states.

Perlow told Oregon Public Broadcasting after the ruling that the governor’s actions amounted to a “violation of victims’ rights,” and she hoped the incoming Oregon Legislature would enact limits on the governor’s clemency powers.

Marteeny, the other district attorney who brought the case, said he thought the public could take action if they disagree with the Appeals Court decision.

“This opinion explains that ‘ultimately, it is the voters ... who hold the power to limit clemency actions,’” he said. Oregon Attorney General Ellen Rosenblum, whose office represented the governor in the case, praised Wednesday’s decision.

“Today’s decision recognizes that the Governor had the authority to commute the sentences as she did,” Rosenblum said in a statement. “I am pleased that the Court of Appeals gave our appeal the attention it deserved and expedited their consideration of it.”

In a statement released after the ruling, a spokesperson for Brown emphasized that the Parole Board would independently decide “whether a person has been held accountable” and can be safely released, The Oregonian/O-

regonLive reported.

“We are a state and a nation of second chances — sentencing children to life sentences and near-life sentences without a second chance is not the kind of justice that most Oregonians believe in,” said the governor’s press secretary, Liz Merah.

The legal wrangling over juvenile offenders comes at a time when neuroscientists and lawmakers have started to change their views on criminal justice. For many years, Oregon allowed juveniles in some cases to receive sentences of life without parole.

Youth advocates have started to contest overly punitive approaches, arguing that research clearly shows human brains don’t fully develop decision-making skills until well into a person’s 20s. U.S. Supreme Court decisions have begun to accept that research in criminal cases involving young people.

In 2019, the Oregon Legislature passed a bill that made changes to the juvenile justice system by eliminating life sentences without parole for youth offenders. It also allowed them another hearing to review their case after serving half their sentences.

After that bill became law, Brown signed an executive order allowing it to apply retroactively to juveniles convicted between 1988 and 2019.

District attorneys across the state have criticized that decision as dangerous and traumatizing to crime victims.

A preliminary report by the Oregon Criminal Justice Commission earlier this year found some people released early from prison because of the COVID-19 pandemic were not more likely to commit crimes.

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