

2008 WOODBURN BANK BOMBING

Turnidge wants to end appeal, face execution

BY NOELLE CROMBIE

The Oregonian

The letter to the court was handwritten and to the point.

Joshua Turnidge, part of the father-son pair condemned to death for their roles in the deadly 2008 Woodburn bank bombing, wanted to drop his legal appeals, he wrote to Marion County Circuit Judge Lindsay Partridge.

Turnidge, now 44, asked Partridge to send his case back to the judge who presided over his original trial so his death warrant could be signed.

Under Turnidge's signature, he wrote his latest address: Two Rivers Correctional Institution in Umatilla.

His request, made earlier this year as the COVID-19 pandemic gripped the state's prison system, echoes one expressed a decade ago by Gary Haugen, a two-time convicted killer whose demand to be executed by the state led to a high-profile legal battle and prompted then-Gov. John Kitzhaber to impose a moratorium on executions.

Calling the death penalty "costly and immoral," Gov. Kate Brown extended the moratorium after she took office.

Turnidge's request comes at a time of continued scrutiny for the death penalty, which Oregon lawmakers dramatically restricted in 2019. The Oregon Supreme Court is now deliberating two cases that could also have significant implications for the future of capital punishment.

Turnidge's letter didn't explain why he wanted to drop his legal appeals, and the status of his request remains unclear.

In response to an inquiry from The Oregonian, Turnidge said he's lost faith in the criminal justice system's ability to treat his case fairly.

"I have come to the conclusion that justice in my case will never be delivered," he said this month. "This case is far to

political for a judge to rule in my favor."

"I've run out of hope," he said. "I would rather achieve freedom through death than a life of defeat and disappointment. I can only hope one day the truth of this case will make its way out."

Turnidge's mother, Janet, said her son and her husband, Bruce, were transferred to Two Rivers after the Oregon Department of Corrections shuttered death row at the Oregon State Penitentiary in Salem last year.

Bruce Turnidge, 69, suffered various health problems that prompted officials to return him to the state penitentiary last June to be closer to medical care.

Janet Turnidge said she is aware of her son's request.

"Josh had his reasons for doing it," his mother told The Oregonian in an interview. "He just said I will not live my whole life in prison for something I didn't do."

Vetting Turnidge's request

Turnidge's wish is far from a simple one.

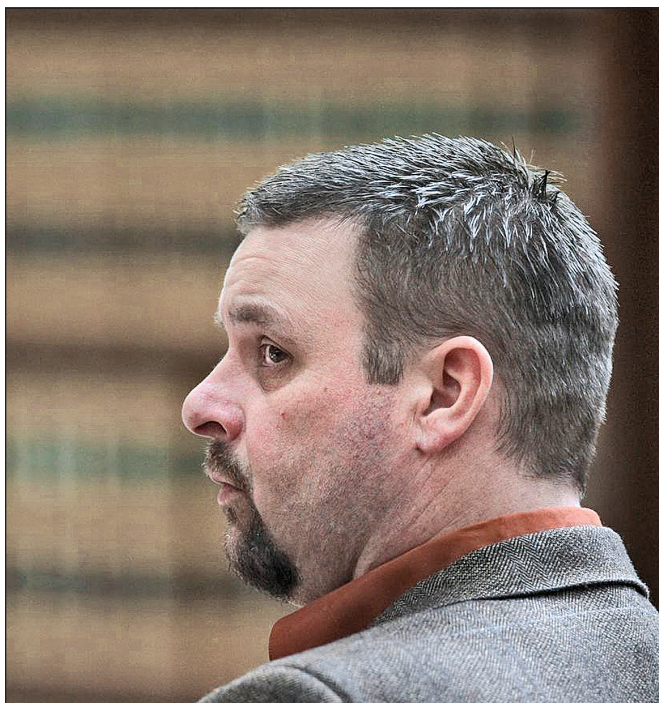
Stephen Kanter, emeritus dean at the Lewis & Clark Law School, said a letter from the condemned isn't enough to prompt the court to act. The request must be vetted by his lawyers, who would then have to submit it to the court.

Kanter said Turnidge's lawyers would likely talk with Turnidge to find out what he's thinking "and what could be done that might be acceptable for him to continue to fight for his life."

The court, he said, would likely schedule a hearing to determine whether Turnidge's request is "knowing and voluntary."

"He cannot just on his own say, 'I give up,'" Kanter said.

He said Turnidge could argue that "an indefinite moratorium with no move toward



The Oregonian file

Josh Turnidge, shown at his trial in Salem in December 2010, was convicted along with his father, Bruce Turnidge, in the 2008 bombing at West Coast Bank in Woodburn.

repeal" constitutes cruel and unusual punishment under the U.S. Constitution.

"He's raising at least an interesting point, an interesting question, but it probably is more symbolic," Kanter said. "It could be a lever point for maybe a prison conditions issue or something about his particular treatment."

Partridge responded to Turnidge in a letter eight days after Turnidge submitted his request, according to court records. The judge said he turned over the letter to Turnidge's legal team.

"At this point," the judge wrote, "I am not acting on your request until your attorneys have had an opportunity to review your letter and discuss its contents with you."

Kathleen Correll, the Portland lawyer who represents Turnidge, declined to comment on her client's letter.

It is unclear if Correll has even been able to see Turnidge

in person this year. Prison visitation was suspended last year due to the pandemic. The state is reopening prisons for visits, though corrections officials said they do not know when Two Rivers will open.

Case under review

Joshua and Bruce Turnidge were both convicted of aggravated murder after prosecutors said they carried out a bank robbery fantasy by planting a bomb outside the West Coast Bank in Woodburn 13 years ago. The plot went awry when the bomb exploded as police officers, thinking the bomb was a hoax, moved it inside the bank and tried to dismantle it.

The blast killed Oregon State Police Senior Trooper William Hakim and Woodburn Police Capt. Tom Tennant. It critically injured Woodburn Police Chief Scott Russell and wounded bank employee Laurie Perrett.

The father and son were sen-

tenced to death.

Turnidge has exhausted his direct appeals, and his aggravated murder conviction has been upheld by the Oregon Supreme Court.

His case is in a stage called post-conviction relief: a legal review process that can grind through the courts for years.

Jeffrey Ellis, a veteran Oregon capital defense lawyer, said it's not uncommon for defendants to express a wish to drop their appeals at some point during the lengthy process.

In legal circles, they're called volunteers.

The state has executed two men, both volunteers, over the past five decades. The men had waived their rights to appeal and were put to death in the 1990s in the state's now-mothballed execution chamber at the Oregon State Penitentiary.

The ground has shifted on capital punishment since Turnidge and his father were convicted and sentenced to death in 2011.

Polling suggests fewer Americans are receptive to the death penalty. Gallup polling shows 80% of Americans supported capital punishment in 1994; 52% supported it in a poll conducted last year.

The Legislature significantly narrowed the list of crimes eligible for capital punishment two years ago, hoping to limit the ranks of the condemned.

And over the past year the Oregon Supreme Court has heard arguments in the appeals of two death penalty cases — convicted killer David Ray Bartol and serial killer Dayton Leroy Rogers — that could reshape the state's approach to capital punishment yet again.

Among the issues before the court: whether recent changes to the aggravated murder statute should apply to the men.

Ellis said depending on the court's ruling, all 25 inmates who are sentenced to die in Oregon may "be entitled to a

new sentencing" hearing.

While executions have been suspended indefinitely in Oregon, Ellis said, those sentenced to death still live with uncertainty. Ellis said he was speaking generally and not on behalf of any of the men serving death sentences.

"You've got people being told by the state of Oregon: We are going to strap you down on the gurney and kill you," Ellis said.

He noted that inmates sometimes are reacting to a family matter or expressing grievances over legal proceedings or living conditions.

Ellis said sometimes it's a problem as minor as not having enough money on their books to purchase items from the prison commissary.

The pandemic has also cut off inmates' in-person contact with friends and family, he said, disrupting their routines and compounding their isolation.

"What frequently happens is a capital defendant is upset with current circumstances and with the lack of control over proceedings and says, 'I know one way to take control — I am going to get rid of this,'" he said.

"And in many of those cases," he said, "defendants change their minds."

Scott Tennant, whose father, Tom Tennant, died in the bombing, said his reaction to Turnidge's request is a complicated one.

"It does bring up a lot of emotions and a lot of stuff for us as a family," said Tennant, a deputy with the Linn County Sheriff's Office.

"It brings up a lot of family feelings and emotions and memories. Regardless of how it ends, we are still missing a part of our family that we will never get back.

"Even if the death warrant is fulfilled," he said, "it isn't really going to change things."

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