

NIKOLAS CRUZ PLEADS GUILTY TO 2018 PARKLAND MASSACRE



Gena Hoyer, right, hugs Debbi Hixon during a court recess Wednesday following Marjory Stoneman Douglas High School shooter Nikolas Cruz's guilty plea on all 17 counts of premeditated murder and 17 counts of attempted murder in the 2018 Florida shootings. Hoyer's son, Luke Hoyer, 15, and Hixon's husband, Christopher Hixon, 49, were both killed in the massacre.

Amy Beth Bennett/South Florida Sun Sentinel via AP, pool

Commutation

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Several have convictions dating to the early 1980s. About two dozen are serving life sentences.

Brown is looking at two groups:

An estimated 78 people who were convicted of felonies as juveniles and have served at least 15 years of their sentences.

And an estimated 214 people who were convicted of crimes as juveniles and have served half their sentences or will have served half of their sentences by the end of next year.

Combined, the two groups represent about 63% of all people in Department of Corrections custody who are serving time for crimes they committed as juveniles.

Two years ago, the Legislature passed Senate Bill 1008 with the goal of keeping teens accused of Measure 11 crimes in the juvenile system, which places an emphasis on rehabilitation, instead of moving them into the adult system.

The law made several changes. Perhaps the most significant: Juveniles accused of Measure 11 crimes are no longer automatically prosecuted as adults. Prosecutors must seek a hearing before a judge who decides whether a juvenile will be waived into adult court.

Lawmakers at the time stressed the law would apply only to future cases, but Brown this month said she would use her authority to review older cases as well.

The governor "intends to use her constitutional clemency powers to consider youth — on an individualized basis — who didn't benefit from that legislation," Merah said.

Merah said Brown this week plans to grant commutations for dozens of people who have served at least 15 years for crimes they committed as juveniles. She stressed that Brown will not make decisions about their release.

"That discretion lies with the Parole Board in these cases," she said in an email.

She said 45 days after the governor authorizes the commutation, defendants can begin seeking a parole hearing. She said victims and their families will "receive notifications in accordance with the standard victim notification procedures for commutations, and they will have an opportunity to participate in the hearing

process."

She said the governor will use a different approach with people who have served at least half of their sentences. In those cases, Brown's office will "engage in an individualized review process" that will include conversations with prosecutors and victims.

"If the governor determines that a commutation is warranted, the youth will be granted a conditional release," Merah said.

She said the review process will take place over the next several months with the earliest decisions being made starting in December or January "and the process will continue until a final decision has been made on each case."

The numbers released by Brown's office Tuesday differ from the Department of Corrections tally. That's because some offenders fall under the criteria for both categories. The Department of Corrections said it has identified a total of 248 people who meet the governor's criteria for commutation.

Gabe Newland, director and managing attorney at Youth Justice Project at the Oregon Justice Resource Center, called Brown's decision "a step in the right direction." The group advocates for a reexamination of the criminal justice and prison systems.

Newland declined to say whether his organization had lobbied the governor to revisit the sentences of people convicted as juveniles.

"Now is a good time to correct those harms and acknowledge that we have been mistreating kids," he said.

Rosemary Brewer, executive director of the Oregon Crime Victims Law Center, said victims' perspectives and concerns need to be part of any sentencing review.

She said victims should be asked how they feel about the possible release of a defendant and be given adequate time to come up with a plan for their own safety.

"They should know where the person is going to be released so they can make those safety plans that they need," she said.

The news that defendants might face release much sooner than expected upset some crime victims, who said the governor's decision has reopened deep wounds.

Lorna Flormoe's sister, Lisa, was 22 in 1991 when Todd Davilla forced his way into

the Wilsonville home where she was staying and tried to rape her. When she resisted, he stabbed her 15 times in the neck, nearly decapitating her.

Davilla was 16 at the time. Today he is 47 and awaiting his latest resentencing after the Oregon Court of Appeals last year overturned his 50-year sentence. He is awaiting a new sentencing hearing in Clackamas County.

Davilla meets the criteria for both categories of offenders outlined by Brown. It is unclear whether he will be eligible to seek parole or if Brown will review his sentence for possible early release.

"I wish I could talk to Gov. Brown and give her some details on what Todd Davilla did to my sister," Flormoe said. "It's so easy for lawmakers and appeals court people to make these sweeping statements about letting certain folks back into our community. I would just like for them to think about how they would feel if that was their family member that happened to and to know some of the gory details and to have to face those."

Clackamas County District Attorney John Wentworth said nearly a dozen defendants from his county are among the names submitted to the governor. He said he is stunned by the prospect of their early release.

"These are pretty extraordinary cases that include sexual assault, rapes, murder," he said.

"I am frustrated," he said. "I don't know that the governor appreciates the emotion and work and faith in the system that go into getting the sentences that we have because she can undo them with the stroke of a pen and that's what she seems intent on doing."

Mike Dugan was the Deschutes County district attorney when the office prosecuted Justin Link, now 38, in the 2001 killing of his mother, Barbara Thomas. The case involved four other juvenile defendants who became known as the "Redmond five." Three other defendants from the case are also on the list for commutation.

"My belief is a prisoner should have some sort of hope for release," Dugan said.

Hope, he said, might lead to less despair among prisoners

and generally safer prisons.

He recalled that Link was portrayed during trial as a "ringleader" of the group.

"He deserves a long sentence," Dugan said, "but I don't have any objections to him having hope."

Link's lawyer, Thaddeus Betz, called Brown's decision to review the cases for commutation or parole eligibility the "absolutely right thing to do" for juvenile offenders like Link.

He pointed to research showing "children are incredibly capable of reform."

"Most youth that are sentenced to very length terms in prison behave really well, reform successfully and when they are released, they seem to do really well on release," he said. "Kids change."

Assault

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In January, with his criminal case pending, Mastalir filed a \$1 million lawsuit against Bowlin accusing her of "extreme violence," and alleging a much different version of the incident. In his suit, Mastalir says that during the ride home, he was trying to communicate to her that she had missed his turn when she viciously attacked him.

"Wanting Bowlin to stop the car from traveling in the wrong direction, Mastalir attempted to get Bowlin's attention by reaching from the back seat to gently grasp her right arm," Mastalir's lawsuit states. "This evoked a sudden and violent response from Bowlin."

The lawsuit accuses Bowlin of lying about the incident to police, on social media and in interviews with journalists.

In the civil case, Bowlin entered into evidence dashcam video said to document incriminating behavior by Mastalir, who has sought to prevent its entry pending the resolution of the criminal trial.

The footage, which was provided to The Bulletin, documents Bowlin telling Mastalir numerous times to not touch her and shows him grabbing her arm.

"Are you kidding me, baby?" he says at one point.

After the altercation, Bowlin drives a short distance away, parks and cries for several minutes.

Mastalir is a big name in the world of running.

Mark Mastalir and his identical twin brother, Eric, were a dominant force in track and cross-country in the 1980s, first as nationally top-ranked high school athletes and later as All-Americans at Stanford University.

Mark Mastalir went on to work in marketing for Reebok and Nike, and more recently, as vice president of marketing for running shoe manufacturer Hoka One One.

He has one prior conviction on his record: a DUI from 1993.

Kafoury said Mastalir has been offered a plea bargain by the Deschutes County District Attorney's Office reducing charges to misdemeanor harassment. He

said Bowlin opposes the deal, and if Mastalir accepts, she intends to attend his plea hearing to voice her objections.

Kafoury's co-counsel, Mark McDougal, said he was told by prosecutors they don't have evidence to support a charge of felony assault against Mastalir, which Bowlin's lawyers dispute.

They say Hummel was in the room for the negotiations.

"We're not happy with that at all," McDougal said. "You might let the guy off the hook because he had one night. But this guy had four to six months, with attorney's advice, and he still decided to revictimize the same victim. Tells you something about the guy."

Kafoury and McDougal said the district attorney's office came to them asking to settle the civil case as part of the criminal case, which they declined.

"That was totally inappropriate — who are they representing?" McDougal said. "They're trying to make this go away." Mastalir's attorney, Bill Buchanan, denied the civil case is intended to put pressure on Bowlin.

"That's hogwash," Buchanan said. "He did the responsible thing by taking an Uber home when he drank too much, and for that he got tased, beaten and maced when she tried to point out that she'd missed the turn by a mile and a half. There's one victim here and it's Mark Mastalir."

Buchanan said Mastalir lost his job as a result of the case, while Bowlin has sought to "enrich herself" by discussing the case on social media.

"Mr. Mastalir will not litigate his case against Rhonda Bowlin in the press while a criminal case remains pending," Buchanan later said in a statement. "His position is set forth in his lawsuit against Rhonda Bowlin. The timing and content of her civil lawyers' statements to the press reflect a transparent attempt to influence the District Attorney's office to gain some perceived advantage in defending the civil claims brought against her by Mr. Mastalir."

A trial in the civil suit is currently scheduled for early November.

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