

Lawyers spar over Seneca pot search

By **Scotta Callister**
Blue Mountain Eagle



Rob Raschio



Matt Ipson

CANYON CITY – Attorneys last week tangled over the validity of a search last June in Seneca that led to marijuana charges against three people.

The hearing was the latest step in the marijuana case against Joy Maxine Graves and Raymond Scott Martin, who are accused of growing pot within 1,000 feet of a school.

Attorneys for Graves and Martin filed a motion to suppress the evidence from the warrantless search, contending the entry to the property was not done with proper authorization.

The case began when the

Grant County Sheriff's Office was alerted to a report that marijuana was being grown at a Seneca property.

In a series of visits to the site, officers talked with Martin and Kenny Walters, who was also arrested in the case but has since disappeared. Graves, described as the owner, was not there at the time.

The encounters were recorded by Sheriff Glenn Palmer, using an on-body

law enforcement camera.

Deputy District Attorney Matt Ipson played video from that recording last week in court. The video showed Palmer informing the men the discussions were being taped.

The recordings showed Palmer and Deputy Zach Mobley talking with the men over a chain link fence, then inside the gate and finally by garden beds farther into the property.

Defense lawyers Timothy Gassner and Robert Raschio contended the officers weren't given clear consent to enter the property, and that they entered the property without determining that Martin and Walters had authority to let them in.

They questioned whether the officers knew the men were caretakers at the time, citing statements on the tape that indicated they were staying there to tear down an old building for Graves.

"Hiring a person to come onto your property to do a job doesn't give that person authority to do away with the property owner's Fourth Amendment rights," Gassner said.

Raschio said police had ample time to get a search warrant and could have asked specifically about Walters' and Martins' authority, "but they didn't."

Ipson, however, said what the officers could have done was irrelevant.

Ipson also said there are

many circumstances where someone who is not the owner has the authority to let law enforcement into a property. He said there was consent when Palmer asked Martin if there was a gate and whether they could move their conversation, which led to them moving through the gate.

He contended the men let the officers into the property and led them to the garden beds, and even lifted the tarps that covered the marijuana plant starts.

"They were just having a conversation, and the two of them led them back into the property," Ipson said. "No coercion, no threats ... It was voluntary."

Gassner argued that letting them through the gate

was acquiescence, not consent.

Cramer said he would make a decision as quickly as possible to move the case forward, but needed to review the case law cited by the attorneys and "look at this quite carefully."

This was the second hearing set for the motion to suppress. An earlier one was sidelined after Martin had asked the court to dismiss his attorney, and Graves also expressed concerns to the judge about her representation.

Last week, however, Graves continued with the same counsel, and Martin informed the judge he wanted Raschio to continue to represent him.

COPS & COURTS

Arrests and citations in the Blue Mountain Eagle are taken from the logs of law enforcement agencies. Every effort is made to report the court disposition of arrest cases.

Circuit Court

CANYON CITY – The Grant County Circuit Court reported the following fines and judgments:

- Efrain G. Camacho, 26, pleaded guilty to driving under the influence of intoxicants. He was sentenced to jail for 48 hours, bench probation for 18 months and 100 hours community service, and fined \$1,100. His driver's license was suspended for one year. He pleaded guilty to violation driving while suspended or revoked, and was fined \$435, and driving uninsured, for a fine of \$260. The court dismissed one count of possession of less than an ounce of marijuana.

- Ethan Taylor Thomas, 24, pleaded guilty to felon in possession of a firearm. He was sentenced to jail for 30 days, supervised probation for 36 months and 80 hours community service, and was fined \$200. He pleaded guilty to two counts of unauthorized use of a vehicle, and for each was sentenced to jail for 20 days, supervised probation for 24 months

and 40 hours community service. He was ordered to have no contact with the victim or their family. The sentences are to be consecutive. He was ordered to pay \$9,389.18 in restitution. He pleaded guilty to second-degree criminal mischief, and was sentenced to jail for 10 days and supervised probation for 24 months, and ordered to not enter the grounds or property of the John Day Golf Club. The sentence is to be consecutive to previous ones. He was ordered to pay \$650 in restitution to the John Day Golf Club. He pleaded guilty to DUI, and was sentenced to jail for 10 days, supervised probation for 24 months and 40 hours community service. His driver's license was suspended for three years. The sentence is consecutive to previous ones. He was fined \$1,500. The court dismissed counts for first- and second-degree criminal mischief, and two for reckless driving.

Oregon State Police

- At 5:48 p.m. March 9, OSP investigated a single-vehicle crash on State Route 19 north of the Cant Ranch. Gabriel Lee Magee, 27, of Redmond, was taken to Blue Mountain Hospital in John Day for treatment of injuries.

- On March 16, OSP arrested Sara Michelle

Colton, 26, Prairie City, for initiating a false report. She was lodged in Grant County Jail.

- At about 11:15 p.m. March 21, Tyler James Klimes, 22, Castleford, Idaho, was cited and released for possession of less than an ounce of marijuana.

- At 7:47 p.m. March 29, on Highway 26 and Moon Creek Road, David Joseph Evans, 40, John Day, was arrested for DUI, open container violation, violation of the basic rule (70/55 zone) and possession of less than an ounce of marijuana.

Dispatch

John Day Dispatch worked 102 calls during the week of March 23-29. Along with the various traffic warnings, trespassing, injured animals, noise complaints and juvenile complaints, these calls included:

- John Day Police:** March 26: Report of a theft at the city shop.

- March 27: Reports of shots fired near the airport and in the Corral Gulch Road area; fight reported in a park in Prairie City.

- March 29: Responded for a 98-year-old woman.

- Canyon City Fire Department:**

- March 24: Responded to a reported chimney fire.

- John Day ambulance:** March 26: Responded for an 86-year-old man; re-

sponded for an 84-year-old man.

March 28: 60-year-old woman with lung problems.

Justice Court

CANYON CITY – The Grant County Justice Court reported the following fines and judgments:

- Violation of the basic rule: Donald Hugh Fuller, 74, Boise, Idaho, 70/55 zone, fined \$160; Adam L. Gilliam, 23, John Day, 75/55 zone, fined \$160.

- Violation of Mt. Vernon City Code: Helen Hunt, 49, Mt. Vernon, fined \$100, to be suspended if the nuisance is abated by April 22, 2015.

- Dangerous building: John Bennett, 59, Las Vegas, fined \$500, due, if not abated to the City of Mt. Vernon satisfaction by April 22, 2015.

- Nuisance: John Bennett, 59, Las Vegas, fined \$100, due, if not abated, to the City of Mt. Vernon satisfaction by April 22, 2015.

Session helps with gov't contracting

Blue Mountain Eagle

JOHN DAY – A workshop on contracting with federal agencies will be held in John Day on Friday, April 17.

The session will be from 8:30 a.m. to 4 p.m. at the Malheur National Forest Supervisor's Office, 431 Patterson Bridge Road.

The session is the last of five scheduled in Eastern

Oregon this month. Other sessions will be at the same hours but in Pendleton on April 13; Baker City, April 14; Ontario, April 15; and Hines, April 16.

The workshop is free. It will cover advice and tools for growing local businesses through sales to the government, and offer an opportunity to network with representatives of various

state and federal agencies.

The session is presented by the Government Contract Assistance Program, in conjunction with the Oregon Department of Transportation, Business Oregon and other agencies.

One-on-one counseling is available later.

For registration or information, contact slacroix@gcap.org.

Vote Overton for OTEC Board of Directors

Hello Grant County,



My name is **Wayne Overton** and I'm asking for your vote for **Baker County Position 5, OTEC Board of Directors.**

I have spent the past 33 years in the construction business whether it be residential, commercial, or agricultural. With the escalated costs of energy nationwide we can be thankful that our electricity is some of the most affordable in the country. We must continue to maintain these low costs to each member, especially our seniors and those on fixed incomes. However, in the past 10 years, our costs for new construction, line

extensions, and services have doubled, tripled, and in some cases, quadrupled. Every county commissioner within the OTEC district is constantly trying to figure out economic development strategies to create new jobs. I say that these high costs of electrical service expansion are hindering economic growth. We must restructure OTEC's guidelines for these services. These costs absolutely affect every member within the district, whether you rent, own your home, or have a dozen or more meters servicing irrigation pumps. Vote for Wayne Overton and let me represent you, the members, to get a handle on these skyrocketing costs. Thank you for the opportunity to serve not only Baker County but also Harney, Grant, and Union Counties as well. Please vote Wayne Overton for Baker County Position 5.

Paid for by Wayne Overton

ADVANCED LAPAROSCOPIC SURGERY

Near the Comforts of Home



COMMITTED TO EXCELLENCE

Keith J. Thomas, MD, FACS,
Board-Certified General Surgeon

Minimally Invasive Laparoscopic Surgery

- Hysterectomy & ovarian surgeries
- Hernia & gallbladder surgeries
- Colonoscopy & colon surgery

Blue Mountain Hospital • 170 Ford Road, John Day • (541) 575-1311

Trooper rescues woman

Blue Mountain Eagle

SUMPTER – An Oregon State Police trooper carried an elderly woman to safety Sunday afternoon, as a car fire spread to her home.

Senior Trooper Brad Duncan of the Fish and Wildlife Division in Baker City was patrolling in Sumpter when he saw a vehicle on fire with three people standing nearby, one trying unsuccessfully to douse the flames with a fire extinguisher.

Duncan told them to move away for their own safety. Learning the 81-year-old homeowner might be inside

the home, he and firefighter David Stellman of the Sumpter Valley Fire Department went to the door to check. Duncan went inside and found the woman and her son, who said his mother was unable to stand or walk on her own.

As smoke poured inside and the house began to burn, Duncan carried the woman out of the house and to his patrol vehicle.

Sumpter Valley firefighters extinguished the fire, and the American Red Cross assisted the residents.

OSP said the fire started as a resident worked on the vehicle fuel system.

ELTRUM HISTORIC THEATER
1009 First Street • Baker City • (541) 523-5439
BARGAIN MATINEE IN () Adults \$6
\$6 TIGHTWAD TUES., *NO TIGHTWAD TUES.
MOVIE SCHEDULE APRIL 3 - 9

***FURIOUS 7** PG-13
Deckard Shaw seeks revenge against Dominic Toretto and his family for the death of his brother.
FRI & SAT (3:45) 6:45 9:35
SUNDAY (3:45) 6:45
MON - THURS 6:45

***HOME** PG
An alien runs away and lands on Earth where he makes friends with a girl on a quest of her own.
FRI & SAT (4:10) 7:10 9:40
SUNDAY (4:10) 7:10
MON - THURS 7:10

***INSURGENT** PG-13
Beatrice Prior must continue her fight against the alliance which threatens to tear her society apart.
FRI & SAT (4:00) 7:00 9:30
SUNDAY (4:00) 7:00
MON - THURS 7:00

() = Bargain Matinee * = No Tightwad Tuesday
\$8 Adult, \$6 Senior (60+), \$6 Child

DRISKILL
MEMORIAL CHAPEL
241 S. Canyon Blvd., John Day -- 541-575-0529
Serving Grant County Since 1937

We offer monuments of unsurpassed quality. Order your monument by April 15th.
* Granite * Bronze *
Choose from many beautiful styles in assorted sizes.

...Say it in Stone
Preserve it Forever...

THE BOARD OF LAKE CREEK YOUTH RECREATIONAL CAMP
would like to extend a sincere
"Thank you!"
to the many individuals and businesses of Grant, Harney, and other counties of Eastern Oregon who generously donated funds, auction items, and their time to help make this year's annual fundraiser the
best one we have ever had.
It is greatly appreciated.

With your generosity, we will be able to finish one new cabin at Lake Creek Camp in Logan Valley. Thank you for your support, for without your support, the Camp would not be what it is today.

THANK YOU,
Lake Creek Youth Camp Board of Directors

ADVANCED LAPAROSCOPIC SURGERY
Near the Comforts of Home

Minimally Invasive Laparoscopic Surgery

- Hysterectomy & ovarian surgeries
- Hernia & gallbladder surgeries
- Colonoscopy & colon surgery

Blue Mountain Hospital • 170 Ford Road, John Day • (541) 575-1311