

Judge denies sheriff's request to prevent his deposition from being videotaped

Reporting the news 'a legitimate use of information'

By Sean Hart
Blue Mountain Eagle

A judge denied Grant County Sheriff Glenn Palmer's request to prohibit video recording of his deposition in the civil lawsuit filed by the Oregonian newspaper related to public records requests.

Judge William D. Cramer Jr. said he did not believe there was a basis to prohibit video recording of the depositions in the case Thursday, Sept. 15, in Grant County Circuit Court. He said video can be useful to the court to help determine the credibility of those deposed.

In an opinion letter filed Monday, Sept. 19, Cramer also denied an additional request to prevent the deposition from being used for non-litigation purposes, such as reporting the news. Cramer said reporting the news "is a legitimate use of information well recognized and well established" and that the "defendants have not provided a sufficient basis to restrict the use of deposition testimony during the case."

Cramer said he would have granted a protective order — restricting the use of



Eagle file photo

Grant County Sheriff Glenn Palmer in a declaration said "Videotaping the depositions is not reasonable, nor is it necessary, and me and deputy DeFord do not wish to be exposed to the embarrassment and annoyance of being videotaped in our depositions."

the deposition until the litigation was concluded — if this case was before a jury but that this case "should not be affected by pre-trial news reports."

In a footnote, Cramer said he was sensitive to the fact Palmer "is facing independent investigations into conduct unrelated to this case" and "involved in a contested election" but that he did not believe a protective order was warranted.

The case began when Oregonian Publishing Co. and reporter Les Zaitz filed a complaint in May against Grant County Sheriff's

Office, Palmer and Deputy Sally DeFord seeking a judge to declare that certain records sought were public records and to obtain an injunction forcing them to be disclosed. Cramer granted the Oregonian's request for a temporary restraining order preventing the sheriff's office from deleting any emails related to the case in August.

Palmer's attorney, D. Zachary Hostetter of Hostetter Law Group, requested that the depositions not be videotaped in a Sept. 9 motion for a protective order regarding the depositions.

In a declaration in support of the motion, Palmer said, "Videotaping the depositions is not reasonable, nor is it necessary, and me and deputy DeFord do not wish to be exposed to the embarrassment and annoyance of being videotaped in our depositions."

The motion also requested that the depositions be limited to one day instead of three and that the inquiry in the depositions be limited, both of which Cramer also denied. Cramer said, however, he expected the parties to act professionally by taking only as much time as need-

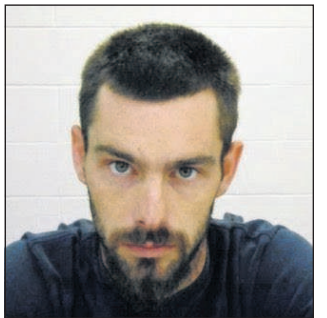
ed for the depositions and by limiting the inquiry to what is reasonably related to the case as required by Oregon Rules of Civil Procedure.

On Aug. 31, Benjamin Boyd of Hostetter Law Group also filed a motion to strike, or remove, a paragraph from the Oregonian's complaint, which is scheduled for a hearing at 4:15 p.m. Thursday, Sept. 22.

Boyd argues the paragraph, which lists public records laws and rules, is "frivolous, irrelevant and improperly pleaded evidentiary matter inserted into plaintiff's amended pleading."

The paragraph reads: "The state and its political subdivisions have a responsibility to ensure orderly retention and destruction of all public records. ORS 192.001(1) (c). The Secretary of State Archives Division has promulgated rules reiterating that custodians of public records are specifically charged by statute with the responsibility of protecting them. OAR 166-020-0010(1). Those rules set specific retention schedules for county records, OAR 166-150-0005, which must be followed. ORS 192.108. It is a crime to knowingly destroy, conceal, remove or falsely alter a public record without lawful authority. ORS 162.305."

Palmer's attorneys have argued he followed appropriate rules regarding public records.



William Allen Goodwin III

Goodwin pleads not guilty to sex crimes Trial scheduled for December

Blue Mountain Eagle

William Allen Goodwin III pleaded not guilty to two sex crime charges Sept. 15 in Grant County Circuit Court.

A May 23 grand jury indictment accuses Goodwin of Unlawful Sexual Penetration in the First Degree between March 1, 2015, and Oct. 1, 2015, in Grant County to a person younger than 12, a class A felony, and Sexual Abuse in the First Degree, a class B felony.

Judge William D. Cramer Jr. scheduled a four-day trial to begin Dec. 19.

FACEBOOKERS:
Become an Eagle fan today!
Go to:
[facebook.com/MyEagleNews](https://www.facebook.com/MyEagleNews)

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.

Oregon State Police

- Sept. 7: Responded to a one-vehicle accident on Highway 19 near mile post 103.4 at approximately 5:26 p.m. The driver was transported by air ambulance to St. Charles Hospital in Bend.

- Sept. 11: A subject located a buck mule deer that had been shot and killed in a field along a highway near Long Creek. At the request of the responding trooper, the subject moved the deer into the shade and field dressed it. There was no sign of a suspect in the area. The deer was deemed fit for human consumption and taken to a meat processor for donation to a local charity. The investigation remains open.

- Sept. 13: Charged Deanna Dawn Kelley, 38, of Canyon City with criminal trespass after homeowners called the police saying Kelley had taken things from their house and put them into the back of her truck. Kelley was later located at a friend's house and charged.

- Sept. 16: Arrested Hal S. Gilliam for driving under the influence of intoxicants, driving with a suspended license and open container of alcohol. After receiving a complaint of erratic driving on Highway 26, an officer located Gilliam and pulled him over after watching him cross the fog line. Gilliam was booked into Grant County Jail.

Grant County Sheriff CANYON CITY — The Grant County Sheriff's Office reported the following for the week of Sept. 8-14:

- Concealed handgun licenses: 8
- Average inmates: 14
- Bookings: 10
- Releases: 6
- Fingerprints: 9
- Civil papers: 10
- Warrants processed: 8
- Asst./welfare check: 2
- Search and Rescue: 1

Justice Court

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

- Driving with a suspended license: Talia Christine Maloy, 40, Prairie City, Aug. 5, fined \$435.

- Violation of the basic speed rule: James Marcel Mours, 51, Milwaukie, 71/55 zone, fined Aug. 26, \$135; Timothy Harden, 54, Eugene,

70/55 zone, Aug. 27, fined \$160.

- Failure to drive within lane: Kaitlyn Rae Lopez, 19, Battle Ground, Washington, Sept. 6, fined \$260.

- Failure to renew registration: Connor Johnston Broemling, 22, John Day, Aug. 31, fined \$60.

- No operator's license: Raymond J. Janczyk, 46, John Day, July 22, fined \$260.

- Driving Uninsured: Connor Johnston Broemling, 22, John Day, Aug. 31, fined \$130.

- Exceeding the speed limit: Isabelle Smith, 21, Milton, Massachusetts, 69/45 zone, Aug. 13, fined \$260; James Willard Chase, 65, Snohomish, Washington, 82/65 zone, Aug. 25, fined \$260.

Dispatch

John Day dispatch worked 154 calls during the week of Sept. 12-18. Along with the various traffic warnings, trespassing, injured animals,

noise complaints and juvenile complaints, these calls included:

John Day Police

Sept. 12: Received a report of a "marijuana plant in an unwanted location."

Sept. 13: Cited a 24-year-old John Day man for keeping a dog as a nuisance. Responded to a report of a theft on Bumpy Road.

Sept. 14: Received a call of stolen TV remotes. Unfounded, the caller later found the remotes. Arrested a 26-year-old man for violation of conditional release. Responded to a report of a hit and run.

Sept. 17: Arrested a 54-year-old man for fighting on Main Street.

Grant County Sheriff

Sept. 15: Report of a dog running loose and killing chickens in Mt. Vernon.

John Day ambulance

Sept. 16: Responded to 57-year old woman with a possible leg infection.

Help us kick off Domestic Violence Awareness Month Saturday, Sept. 24

Registration 9am
Start time 10am
Grant County Airport Industrial Park - John Day
Admission: \$20 per person, \$40 per family
For more information call 541-575-4335 or email heartgc@ortelco.net

Heart of Grant County Third Annual "Color Me Free" Fun Run & Walk

FARMERS INSURANCE

Sissy Dawson
Agent
Dawson Farmers Insurance Agency
342 W Main St.
John Day, OR 97845
541-575-3518
sdawson@farmersagent.com
OR Producer LIC #17936489

WE CAN COVER IT ALL!

RENTERS • MOBILE HOMES • PETS • RECREATIONAL VEHICLES

HI, I'M RICHIE COLBETH.

I'm running for John Day City Council. You won't see any campaign signs for me because someone is destroying them, which is fine; you can tear up a road map but the road is still there.

My lane is one of intelligence. I have four college degrees, I'm a paralegal; I belong to MENSA and I'm a champion chess player. So I know how to figure things out.

The street I'm on is one of integrity: You can expect honesty, compassion and understanding from me.

I know how to play fair.

The avenue I've walked on is one of much experience. I'm a retired Air Force Non-Commissioned Officer, a Vietnam veteran. I was a PTA President in Portland and a Labor Union Leader. I will fight for you.

I'm walking a lonely road, supported by no big church, service organization or company; I owe no one any favors. I am beholden to no one except you. You will be treated fairly and impartially by me if you have a concern with the city.

So tear up the road map my friend; if elected, this old cowboy will be truckin' on down the highway for you — anyway.

Thanks, Richie

Paid for by Richie Colbeth

Robbins Farm Equipment

3850 10th St. Baker City 541-523-6377
10218 Wallowa Lake Hwy. La Grande 541-963-6577
1160 S Egan Burns 541-573-6377
86812 Christmas Valley Hwy. Christmas Valley 541-523-6377

AGCO PARTS
HESSTON
MASSEY FERGUSON

TREAT YOUR FEET

Our Services by a registered nurse include:

- Pedi-Spa treatment for your feet
- Particular attention to Diabetic Foot
- Multifunctional massage chair
- Skin Inspection • Callus Removal • Nail Cutting

We also check your blood pressure, blood sugar level and oxygen saturation.

Call **541-575-1648** for an appointment
\$35⁰⁰ fee

Blue Mountain Hospital FOOT CLINIC
www.bluemountainhospital.org

Services available at the **Home Health Office, 422 W. Main, John Day.**