

ELLIOTT

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Elliott remained in Grant County Jail and appeared in court via video. Matthew Baughman of Bend, Elliott's court-appointed attorney, asked that bail be reduced from \$750,000 to \$50,000, "which is the maximum amount defendant can post."

Baughman said Elliott has never failed to appear in court or forfeited bond, has a prior conviction for disorderly conduct in 2002 and perhaps a DUI conviction from the early 1980s, has lived in Grant County most of his life and has significant community ties, including with his mother, wife and children.

Baughman twice called the

matter "an interesting case" in that it involved a serious charge but the defendant could be considered for a bail reduction and perhaps release. If released, Elliott would reside locally at either his home or with his mother, Baughman said.

Benson and several witnesses, however, opposed this arrangement. Benson said he initially motioned to stop contact between Elliott and his wife because the case was still under investigation — but more evidence was expected. He also noted that the crime took place in a small community and involved members of an extended family.

Benson said he had concerns about the safety of witnesses named in the grand jury indictment, as well as others related to Berry. Benson also

noted that while Elliott might not pose a flight risk based on his court history, he was now facing serious charges — first degree manslaughter is a Class A felony with a mandatory minimum sentence of 10 years in prison.

Jessica Williams, Berry's daughter, told Cramer she lived near Elliott's home and she feared for her life as well as the life of her children and her stepmother, Billie Jo Berry. Williams said the more she learned about Elliott, the more she was convinced he could do something similar again.

"I don't want to live in fear," she said.

Billie Jo Berry told Cramer she was not just the victim's widow, but was also Elliott's cousin and had known him since they were young. She

pleaded with Cramer not to lower the bail and give Elliott a chance to get out of jail, alleging that Elliott had threatened to kill other family members and just two weeks before the shooting had described strangling a dog to death.

"Tom is not one to be crossed," she read from a long letter.

Alleging that Elliott possessed numerous firearms, Billie Jo Berry characterized him as a "cruel," "calculating" and "selfish" man who "hurt us all." She said Elliott and Berry had long been friends who played golf and cut firewood together, but when he'd been drinking, Elliott would make cruel and demeaning statements to her husband.

Family and friends in the courtroom grew more animated as they listened to the two wom-

en, and at one point Cramer halted Billie Jo Berry to warn both sides about rustling, whispering and head shaking.

"Frankly, it irritates me," he said, adding, "I don't want people making faces at witnesses."

Baughman called one witness, Carolyn Elliott, Thomas Elliott's mother. She was sworn in and testified that the family could only come up with \$5,000 — enough cash to meet bail if it was lowered to \$50,000. She also testified she didn't believe the allegations that her son had threatened friends or family members or was cruel to animals.

In stating his decision, Cramer said he expected to hear more evidence in favor of a bail reduction. He said he knew the defendant's extended family from other circumstances and

knew they owned property that could be posted for bail purposes. Cramer said he would lower Elliott's bail to \$500,000, or \$50,000 cash, but he wanted to require daily drug or alcohol testing and house arrest. He also had concerns about the proximity of Elliott's home to the home of witnesses and Berry's family, and he ordered Elliott to reside at least 1,000 yards away from those with safety concerns.

Benson told Cramer the case was proceeding rapidly, but he didn't expect to see the crime lab report for about a month. After conferring with Baughman and family members from both sides, Cramer set the plea hearing for 2 p.m. Jan. 18.

Elliott had not posted bail and was still in jail Tuesday.

COURT

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Grant County Judge Scott Myers said he spoke with numerous people who visited Grant County during the eclipse and had expressed interest in moving to the area. But they won't come here if high-speed internet access is not available, he said.

Grant School District No. 3 Superintendent Curt Shelley spoke about the need for students to be provided with as many opportunities as possible to get ahead. He said his two children needed to take turns on the internet when doing their homework at their home because of limited internet access. Students in Grant County should be able to compete on a level playing field with towns like Sandy, Oregon, or Ammon, Idaho, which offer high-speed internet access.

In some rural areas, internet access is nearly nonexistent. Dan Becker, who owns a local computer repair business, said many of his customers want better internet access. He said he often brings computers back to his shop in town to service them because internet access is so bad in some areas — including neighborhoods not far from the courthouse.



Curt Shelley

Hamsher, who is also the mayor of Prairie City, noted that residents of Prairie City and Mt. Vernon were fortunate that Oregon Telephone Co. ran an expensive fiber network through their communities while many areas in the county had no service.

"That's one of the drawbacks of living in the outskirts," he said, along with the costs of providing water, roads and other infrastructure.

That comment drew a response from several people. Gordon Larson, who lives on a ranch property south of Canyon City, said he and his neighbors were frustrated by their inability to get internet service from Ortelco or CenturyLink. He told the Eagle that he was taken aback by Hamsher's comment and that people move here for the rural lifestyle. Chantal DesJardin told the court she lives in Prairie City now and enjoys quality internet access, but she would like to live in a rural place like Pine Creek, where she grew up. She said

it was the court's obligation to support broadband in Grant County.

"I should not be forced to live in a metropolis," she said. "It's very unfair."

Judy Kerr agreed that having broadband access in Grant County "would be awesome," but she questioned if the local economy could support such a program, noting that both Sandy and Ammon had stronger economies. When she asked how many people in the room would sign up for the proposed network, most raised their hands.

Myers noted that clear evidence of the importance of broadband could be found in Ammon — development occurred on the side of a street where broadband was available but not on the other.

The Canyon City City Council informed the city's residents in its November newsletter that it had decided not to join the coalition. The council cited lack of information about costs and the current availability of Ortelco fiber-optic service in the community. Green told the Eagle that the Grant County Internet Task Force working on the proposal had not budgeted a specific cost for Canyon City "because they are already along the proposed route to get to John Day."

911

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too high."

Some noted that John Day was paying an unfair portion of the costs to run the John Day emergency communications center.

There was also a reference to fake news stories being posted claiming that local dispatchers "must be absorbed elsewhere" or that Frontier Dispatch could handle the same job for only \$70,000.

What's next

The city of John Day will receive a \$420,000 special appropriation from the state legislature to help cover the funding gap for the next biennium while the city tries to find a longterm solution.

In a Nov. 14 letter to the state Department of Administrative Services notifying them that the city will accept the bridge funding, John Day City Manager Nick Green suggested two reasons for the failure of the local ballot measure to fill the funding gap for the local dispatch center.

Using a local option tax to pay for 911 dispatch violated the tax principle of fairness, Green suggested.

"Residents strongly felt that they should pay taxes in rough



Eagle file photo

John Day City Manager Nick Green, left, and Mayor Ron Lundbom talk during a city council meeting.

proportion to the benefit received," he wrote, noting that residents would rather see the fee on telephone bills increased.

Residents also questioned why 911 dispatch was provided by the city of John Day instead of the county or an independent agency.

"Many residents felt that this countywide service should be governed by an agency independent of the city that is responsible to all tax jurisdictions," Green wrote. "The city agrees with this assessment."

Green said the city is looking at several options: Option A, consolidating the city's department with Frontier Dispatch in Condon; Option B, creating a cooperative 911 center with an adjacent coun-

ty; and Option C, replacing the 1989 agreement with a new intergovernmental agency at the county level and a new local cost-sharing agreement.

"We will consider multiple criteria to evaluate these options," Green wrote, including cost of service; level of control and decision-making authority over service and fees; quality of 911 service; and economic benefits to Grant County, "such as the impact of retaining six local jobs."

The city also plans to urge state legislators to consider increasing the emergency communications tax on telephone bills to meet the city's long-term public safety needs, Green wrote.

DISPATCH

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had four full-time employees and one part-time employee.

Membership in the Intergovernmental Council made of political officials and the User Board made of technical staff that oversaw the joint service came from the county's eight cities, the county court and the John Day, Mt. Vernon and Prairie City fire departments.

According to the May 8, 1989, intergovernmental agreement that established the joint service, funding for the dispatch center would primarily come from the excise tax collected by the state from telephone billing.

"Capital and operating expense over and above that

covered (by the excise tax) shall be pro-rated by the (Intergovernmental Council) amongst the participating jurisdictions on the basis of relative population for use of Dispatch Center Facilities," the agreement stated.

As the local dispatch center's costs increased over time in excess of the amount received from the telephone excise tax, the city of John Day ended up paying the difference. But how that came about is not clear.

"At some point subsequent to the original agreement, the signatories ceased making payments to the city of John Day for system overages, leaving the city to bear the majority of the costs for operating the department and all of the long-term (state retirement) liabilities for the cen-

ter's staff, who are John Day employees," John Day City Manager Nick Green told the city council in a Nov. 14 memo.

The city ceased to hold formal User Board meetings and did not make provisions for collaboration with the communities during the budget process, Green said.

"In short, none of the participating members honored the terms of the original agreement," Green wrote. "To the best of our knowledge, no other agreement was ever ratified to take its place, and the member agencies never formally withdrew from the (joint agreement). As a result, the city of John Day is effectively subsidizing a countywide service for other tax jurisdictions without a contractual agreement to do so."

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Blue Mountain Eagle

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Our office will be closed on Thanksgiving.

the corner's

HOT SHOT OF THE WEEK

RAFAEL GUMERATO

School: Long Creek
Grade: 12
Host Parents: Ed and Linda Stuttmann
Sport: Soccer
Position: Goalie/Striker

What I like best about my sport: "I liked all the games and goals with the team and having everyone together fighting to win every game."

Coach's Comment: "Rafael's main sport is basketball - this was his first year playing soccer, but he was a huge contributor, both as our goalie and half the time he played offense as well. He showed great leadership, sportsmanship and attitude."
-Coach Amos Stuttmann

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