

# Oregon Supreme Court upholds law decreasing sentences for repeat property thieves

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Oregon's Supreme Court on Thursday unanimously upheld a law to decrease sentences for repeat property thieves.

In a unanimous decision handed down Jan. 31, justices agreed that the Legislature's change to state sentencing laws, which included reducing the base sentence for first-degree theft from 18 months to 13 months, was done according to state requirements. Lawmakers made the change in 2017 via House Bill 3028 to prevent the need to open a second state women's prison, though the law applies to all genders.

The new law put the Legislature at odds with many in Oregon's law enforcement and judicial community. Across the state, circuit judges and district attorneys

were imposing different sentences based on their own interpretation of the law. Clackamas County District Attorney John Foote sued the state in November 2017 to block the law, while Santiago Vallin, a repeat property thief from Lincoln County, sued the state in 2017 to overturn a sentence by a circuit judge who disregarded House Bill 3078.

The Supreme Court heard both cases during a joint hearing Sept. 13, but justices issued an opinion only on the Vallin case Thursday, Jan. 31.

Attorneys for Clackamas County and Lincoln County district attorneys argued that

the Legislature's changes were illegal. The original sentence was approved by voters in Measure 57 in 2008. Oregon's Constitution requires the Legislature to have a two-thirds majority vote to change a voter-approved sentence, and House Bill 3078 had only a simple majority.

The bill reduced the base sentence for first-degree theft from 18 months to 13 months. But legislators had already reduced the sentence with a two-thirds majority vote from 18 months to 13 months in 2009. They made the change because the state was in the midst of a recession, and they doubted whether they could pay for the cost of incarcerating thieves for longer periods of time, according to court documents.

The 2009 legislation gradually increased the sen-

tence to 18 months during a two-year period. That sentence remained in effect until House Bill 3078 was adopted.

In September, the state argued that the Legislature needed only a simple majority vote to change the sentence in 2017 because legislators had already changed the voter-approved sentence with a two-thirds majority in 2009. The Supreme Court agreed with them. In its opinion, Chief Justice Martha Walters wrote that once the Legislature has a two-thirds majority vote to reduce a voter-approved sentence, "the resulting sentence has been enacted by the Legislature, 'not approved by the people.'"

"It was the Legislature, and not the people, who put (the sentences) in place ... when the Legislature enacted the 2009 bill," she wrote.

## Damaged initiative process

Thursday's decision resolves the controversy among law enforcement and allows uniformity in sentencing.

Foote said he would follow the court's ruling.

"While we are disappointed in their decision today, we continue to believe that it is very important that the decisions of the Oregon Legislature be open and transparent to the public," Foote said in a statement. "Our legal challenge made sure that happened.

"We are very concerned that the unique power of Oregon's initiative process has been badly damaged by the actions of the Oregon Legislature and the court's decision today, and we are further concerned that the strong sentences overwhelmingly passed by the voters in Bal-

lot Measure 57 for repeat felony property offenders will continue to be reduced by the Oregon Legislature."

House Majority Leader Jennifer Williamson, D-Portland, said the decision allows the Legislature to build on its plan to move away from long prison sentences and toward rehabilitative programs.

"Today's unanimous decision by the Oregon Supreme Court upholding House Bill 3078 is a very positive step forward for our state," said Williamson. "The failed policies of the past will not hold us back from reforming our broken criminal justice system. Thanks to this ruling, we can continue to make investments in effective treatment programs that make our communities safer and ensure that we continue to bend the cost-curve on ballooning corrections budgets."

## COPS AND 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.

### Grant County Sheriff

The Grant County Sheriff's Office reported the following for the week of Jan. 30:

Concealed handgun licenses: 15  
Average inmates: 16  
Bookings: 5  
Releases: 5  
Arrests: 1  
Citations: 3  
Fingerprints: 1  
Civil papers: 13  
Warrants processed: 1  
Asst./welfare check: 0  
Search and rescue: 0  
Jan. 28: Brian Johns, 55, Prairie City, was cited for failing to perform the duties of a driver.

Jan. 29: Ashlund J. Chinn, 18, Florence, was cited for careless driving.

Jan. 30: Jacob Brown, 29, John Day, was cited for having a dog as a public nuisance.

### Justice Court

• Violation of basic rule: Juan G. Ramirez-Espinal, 28, Bronx, New York, Nov. 28, 79/55 zone, fined \$265; Phillip E. McCormick, 26, Redmond, Jan. 3, 75/55 zone, fined \$165; Gary E. Christensen, 77, Lower Nicola, British Columbia, 78/55 zone, fined \$265; Harry J. Yazzie Jr., 47, Canyon City, Dec. 26, 70/55 zone, fined \$140; Barbara A. Wagner, 60, John Day, Dec. 25, 78/55 zone, fined \$225; Dalton K. Burks, 20, Colorado Springs, Colorado, Jan.

5, 84/55 zone, fined \$265; Mitchell L. McKinley, 21, Wilsonville, Jan. 3, 72/55 zone, fined \$165.

• Exceeding speed limit: Deidre L. Dubois, 34, Whitehall, Montana, Sept. 27, 35/20 zone, fined \$165; Kyle A. Pettyjohn, 25, Seneca, Dec. 3, 68/65 zone, fined \$115; Cameron P. Daley, 28, Grants Pass, Dec. 28, 48/35 zone, fined \$165; James D. Patterson, 33, Longbranch, Washington, Dec. 13, 46/30 zone, fined \$165.

• Violation of speed limit: Dennis M. Hornstra, 28, Baker City, Oct. 4, 44/20 zone, fined \$265.

• Driving uninsured: Andria L. Kelley, 24, Mt. Vernon, Dec. 30, fined \$350; Charles C. Briet, 38, Vantage, Washington, Dec. 3, fined \$265; Isaac J. Lane, 36, Redmond, Oct. 7, fined \$265; Deirdre L. Dubois, 34, Whitehall, Montana, Sept. 27, fined \$265; Matthew E. Moore, 42, Culver, Oct. 1, fined \$265; Timothy L. Keith, 35, Prairie City, Oct. 5, fined \$265, Nov. 7, fined \$265; Karina Robinson, 19, Mt. Vernon, Nov. 17, fined \$265; Steven M. Warrington, 29, John Day, Jan. 6, fined \$750.

• Driving while suspended: Taneka B. Stodola, 36, Hines, Dec. 1, fined \$440; Isaac J. Lane, 36, Redmond, Oct. 7, fined \$440; Matthew E. Moore, 42, Culver, Oct. 1, fined \$440; Timothy L. Keith, 35, Prairie City, Oct. 5, fined \$440; Tylor J. Gifford, 24, John Day, March 10, fined \$440; Steven M. Warrington, 29, John Day, Jan. 6, fined \$1,000.

• Failure to renew registration: Christopher R. Hoppe, 35, John Day, Dec.

12, fined \$115; Timothy L. Keith, 35, Prairie City, Oct. 5, fined \$115; Steven M. Warrington, 29, John Day, Jan. 6, fined \$250.

• Failure to drive within lane: Earl D. A. Hellman, 26, Rockaway Beach, Nov. 16, fined \$225, Dec. 14, fined \$225; Walker D. Erickson, 24, Pendleton, Dec. 30, fined \$265.

• Operating a vehicle without proper fenders: Isaac J. Lane, 36, Redmond, Oct. 7, fined \$165, Nov. 7, fined \$165.

• Careless driving causing an accident: Tylor J. Gifford, 24, John Day, March 10, fined \$440.

• Driver failing to report an accident: Tylor J. Gifford, 24, John Day, March 10, fined \$440.

• Failure to carry a valid registration: Andria L. Kelley, 24, Mt. Vernon, Dec. 30, fined \$200.

• No or invalid weight receipt: Brian K. Crownover, 47, Fort Worth, Texas, Dec. 11, fined \$440.

• Violation of posted limits on use: Brian K. Crownover, 47, Fort Worth, Texas, Dec. 11, fined \$115.

• Operating with non-standard lighting: David M. Morris, 59, Ritter, Jan. 13, fined \$165.

• Truck or bus exceeding speed limit: John O. Burke, 59, Battleground, Washington, Jan. 2, fined \$165.

• Christopher A. Walker, 41, Dayville, pleaded guilty Jan. 16 to furnishing alcohol to a minor. He was ordered to pay \$525 in fines and fees.

### Oregon State Police

Jan. 22: Investigated a single-vehicle rollover crash on Highway 402 near Kim-

berly with snow and ice on the roadway.

Jan. 27: Investigated a single-vehicle crash on Highway 26 near Dog Creek. A motorcycle driver accelerated too quickly from the stop sign and lost control on loose gravel.

Jan. 28: Following a traffic stop on Highway 26 west of John Day, Ashlund J. Chinn, 18, Florence, was cited for minor in possession of marijuana.

Feb. 2: Following a traffic stop on Highway 26 in west John Day, Stanley Dehiya, 73, John Day, was arrested and charged with driving with a revoked license.

### Dispatch

John Day dispatch worked 155 calls during the week of Jan. 28 to Feb. 3, including:

• **John Day Police Department**

Jan. 28: Advised of fraud at a mobile home park on West Main Street in John Day.

Feb. 1: Received a report of a hit-and-run incident in John Day.

Feb. 1: Advised of a suicidal person.

Feb. 2: Received a report of harassment at a mobile home park on West Main Street in John Day.

Feb. 2: Responded to a report of a dog shot by a BB gun at a mobile home park on West Main Street in John Day.

Feb. 2: Travis Freniere, 32, was arrested on a warrant at a mobile home park on West Main Street in John Day.

Feb. 2: Responded to a report of a dispute at a mobile home park on West

Main Street in John Day.

Feb. 3: Following a traffic stop on Highway 26 in east John Day, Kyle J. Wood, 27, John Day, was cited for using a cellphone while driving.

• **Oregon State Police**

Jan. 30: Received a report of a vehicle slide-off with no injuries on Highway 395 North.

Jan. 30: Advised of a single-vehicle crash on North Canyon City Boulevard in Canyon City.

Feb. 2: Received a report of cattle on Highway 26 east of Dayville.

• **Grant County Sheriff's Office**

Jan. 28: Received a call about a vehicle crash with injuries on Center Street in Granite.

Jan. 28: Advised of child neglect on Marysville Lane in John Day.

Jan. 29: Received a report of stalking at a mobile home park on West Main Street in John Day.

Jan. 29: Advised of harassment on Highway 395 north of Mt. Vernon.

Jan. 30: Received a report of a suspicious person on 11th Street in Prairie City.

Jan. 31: Advised of a theft on the South Fork Road in Dayville.

Jan. 31: Received a report of a domestic dispute on Highway 26 in Mt. Vernon.

Jan. 31: Advised of trespassing on South Humbolt Street in Canyon City.

Feb. 1: Received a report of harassment at a coffee shop in Canyon City.

Feb. 2: Advised of harassment on North Johnson Avenue in Prairie City.

Feb. 3: Received a report of a cougar sighting on La

Costa Avenue in John Day.

Feb. 3: Advised of harassment on Marysville Road in John Day.

Feb. 3: Received a report of a burglary on Half Street in Prairie City.

• **John Day ambulance**

Jan. 28: Dispatched to South McHaley Avenue in Prairie City for a man.

Jan. 29: Responded to a senior home in John Day for a woman.

Jan. 29: Transported a patient from a senior home in John Day.

Jan. 29: Transported a patient to the airport in John Day.

Jan. 30: Transported a patient to the airport in John Day.

Feb. 3: Responded to South Johnson Avenue in Prairie City for a 44-year-old woman with chest pain and shortness of breath.

• **Mt. Vernon fire**

Jan. 29: Received a call about a structure fire on Widows Creek Road in Mt. Vernon.

• **Baker City ambulance**

Jan. 29: Dispatched to McCann Street in Granite.

• **Oregon Department of Fish and Wildlife**

Jan. 31: Received a report of a cougar sighting on East Main Street in John Day.

• **Oregon Department of Transportation**

Feb. 2: Received a report of basketball-sized rocks on Highway 395 south of Vance Creek.

• **Long Creek ambulance**

Feb. 3: Responded to North Eagle Street in Long Creek.

Feb. 3: Dispatched to East Main Street in Long Creek for a 57-year-old man.

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**Notice**  
Grant County Taxpayers

The second installment of the 2018-19 property tax is due Thursday, February 15th, 2019 by 5:00 p.m.

Payments may be made at the Tax Collector's Office at the Grant County Courthouse in Canyon City, or the payment may be mailed and postmarked no later than February 15th, 2019. Please remember that delinquent taxes accrue interest at the rate of 16% per year. If you have any questions, please call the tax office at 575-0107 or 575-0189.

PO Box 185  
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**Valentine's Dinner**  
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Supporting GIST (Gastrointestinal Stromal Tumor) Cancer Research

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Prices are \$17 for singles and \$30 per couple.

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A man wakes up in the morning after sleeping on an **ADVERTISED BED**, in **ADVERTISED PAJAMAS**.

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Then it's too late.

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