

Conviction against Moles reversed, charges dismissed

Supreme Court rules nonunanimous verdicts unconstitutional

By Sean Hart
Blue Mountain Eagle

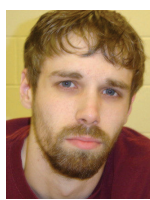
A Grant County man is free after the U.S. Supreme Court ruled nonunanimous verdicts were unconstitutional.

A conviction of first-degree sexual abuse against Bradley D. Moles of Mt. Vernon was reversed on appeal and remanded back to circuit court for a new trial by the Oregon Court of Appeals June 29, following the U.S. Supreme Court ruling in Ramos v. Louisiana that criminal trial verdicts must be unanimous.

Grant County District Attorney Jim Carpenter opted not to retry the case and filed a motion to dismiss it June 29.

"I praise God that they changed the law to what's constitutionally correct, which is not a technicality," Moles told the Eagle. "If the law was changed two and a half years ago, I would have had two hung juries and never went to prison, but because the state went against our constitutional rights to have a unanimous jury verdict, I was wrongfully imprisoned for two and a half years."

In 2017, Moles was tried on multiple sex crime charges involving a single alleged victim, but the jury was unable to reach a verdict, resulting in a hung jury and a second trial in 2018.



Bradley David Moles

At the second trial, the jurors agreed Moles was not guilty of first-degree rape, second-degree sodomy, first-degree

unlawful sexual penetration or incest, and 10 out of the 12 jurors believed Moles was guilty of first-degree sexual abuse to deliver a guilty verdict. At the time, Oregon law required only 10 of 12 jurors for a conviction.

"The State has the option of trying the defendant again under the new law requiring a unanimous jury for conviction," Carpenter said in the motion for dismissal. "While the State is convinced of the

guilt of the defendant, as were 10 of the 12 jurors in defendant's trial, after careful consideration of the matter, including consideration of the wishes of the victim in the case, the State has decided not to pursue retrial."

Before the Supreme Court decision, Moles was appealing the conviction because of five perceived errors at trial, including the nonunanimous jury verdict.

Rather than waiting for the appellate judgment, Moles said he withdrew the other four assignments of error — failure to grant a motion for a mistrial, jury misconduct and irregularities and two concerning his conviction for a crime that was not charged in the indictment — to be released immediately on

the Supreme Court's verdict ruling.

"I had a really strong appeal, but with the nonunanimous jury thing coming up, I had to make the choice," Moles said, adding his attorney thought the appeal could result in an acquittal. "I'm very happy to be home with my family, and we are looking forward to a wonderful and bright future."

Carpenter said in the dismissal motion that the state "does not concede the innocence of the defendant on the merits. Nor does the Oregon Court of Appeals reach a decision based on the merits of the case, but rather on the process of the trial."

Moles had filed a motion for a new trial in 2018, alleging several errors including

jury misconduct and error in instruction that "changed the outcome of the trial, raising confusion and contradictory conclusions of the jury." At least three jurors wrote letters to the judge immediately after the trial, stating they were uncomfortable with the jury process and felt rushed or bullied. The motion was denied, and Moles began the appellate process.

"I've maintained my innocence from day one," Moles said. "I was risking 25 years and being pushed to take a plea (by my attorney), and I continued to maintain my innocence through that. I want to give thanks to my friends and family and people of the community for the overwhelming support this whole four and a half years."

Arson committed at the Covered Wagon Overlook in Prairie City

By Rudy Diaz
Blue Mountain Eagle

Grant County 911 dispatch received a call Friday night for an arson fire at the Covered Wagon Overlook north of Prairie City on Highway 26.

Dispatch received the call at 9:37 p.m. Grant County Chamber of Commerce board member Jerry Franklin said soon after the call Prairie City firefighters were on the scene.

Franklin said the damage to the wagon was minimal.

Prairie City Fire Chief Marvin Rynearson said the wagon will require some of the trim pieces and sheeting to be replaced, but the main structure saw minimal damage.

"If Ingo Wedde of Prairie City had not been going by the wagon that evening and noticed the flames coming out from under the wagon and called 911 — who then dispatched the Prairie City Fire Department — we could have lost not only the wagon, but the fire could have easily spread to the dry rangeland and

quickly into the forest, which could have turned into a real disaster," Franklin said.

Rynearson said Wedde, who reported the fire, was on site and took measures to reduce the spread. He added that the fire was under control when they got there, and they worked to completely extinguish the fire.

Franklin said he is offering a \$500 reward out of his own pocket for any information leading to the arrest and conviction of the person responsible. He hopes that this reward will help provide the Grant County Sheriff's Office with information for the incident.

The Grant County Chamber of Commerce has been working on restoring the wagon for a year and was about half-way complete with the restorations.

"The board of directors and the members of the chamber of commerce would like to thank Ingo Wedde and the Prairie City Fire Department for their quick response in saving our very special wagon and rest area and possibly some of our rangeland and forest," Franklin said.



Contributed photo
The wagon at the Covered Wagon Overlook north of Prairie City on Highway 26 was minimally damaged by arson over the weekend.



Eagle file photo
Grant County Health Department staff unload personal protective equipment May 7 during the department's curbside COVID-19 testing. County health officials say the county can administer upwards of 500 tests to identify and isolate new cases of COVID-19.

Second COVID-19 case confirmed in Grant County

Blue Mountain Eagle

The Grant County Health Department has confirmed a second individual has tested positive for COVID-19 in Grant County.

The health department has initiated contact tracing, according to a press release.

The individual has been told to self-quarantine, and the department is contacting other individuals who are identified as close contacts (within 6 feet for more than 15 minutes). The individual resides within the 97820 zip code.

The health department continues to encourage all residents to take the following precautions:

- Wear a mask indoors and where a mask outdoors if 6 feet of distancing can not be maintained.
- Wash hands often with soap and water for at least 20 seconds.
- Avoid touching eyes, nose or mouth with unwashed hands.
- Cover mouth and nose when coughing or sneezing.
- Stay home if ill.

After someone contracts COVID-19, illness usually

develops within 14 days. Symptoms include:

- Fever or chills
- Cough
- Shortness of breath or difficulty breathing
- Fatigue
- Muscle or body aches
- Headache
- New loss of taste or smell
- Sore throat
- Congestion or runny nose
- Nausea or vomiting
- Diarrhea

Anyone with these symptoms should call 211 or the Grant County Health Department at 541-575-0429.

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 Circuit Court

Allen P. Evans, 48, pleaded guilty July 16 to a count of driving under the influence of intoxicants committed on July 12. His license was suspended for a year. He was sentenced to serve 48 hours in jail, 24 months of bench probation and pay \$1,000 in fines.

Grant County Sheriff

The Grant County Sheriff's Office reported the following for the week of July 15:

Concealed handgun licenses: 10
Average inmates: 9

Bookings: 7
Releases: 3
Arrests: 1
Citations: 0
Fingerprints: 1
Civil papers: 7
Warrants processed: 3
Assistance/Welfare check: 0
Search and Rescue: 0

Oregon State Police

July 12: OSP responded to Highway 395B near milepost 102 to assist the Grant County Sheriff's Office on a driving under the influence of intoxicants investigation. The deputy arrested the driver, Allen P. Evans, 48, for DUII. OSP transported him to the jail for the deputy. OSP administered the breath test, which indicated a blood alcohol concentration result of 0.09%. Evans was lodged for DUII.

Dispatch

John Day dispatch worked 142 calls during the week of July 13-19, including:

• John Day Police Department

July 13: Steven M. Warrington, 30, of John Day was cited for driving while suspended on Screech Alley.

July 13: Adrian Couey, 35, of John Day was cited for driving while suspended, no insurance and failure to register.

July 14: Responded to a report of criminal mischief in progress at the mill corner.

July 15: Received a report of a subject huffing fumes in a parking lot on Northeast Dayton Street.

July 15: Steven M. Warrington, 30, of John Day was cited for a driving while suspended violation and no insurance on West Main Street.

July 16: Responded to a

theft at a business on West Main Street.

July 17: Cited David J. Darling, 45, of John Day for driving while suspended and without insurance.

July 18: Cited Steven M. Warrington, 30, of John Day for driving while suspended and no insurance.

July 19: Advised of a theft at a business on West Main Street.

• Oregon State Police
July 13: Dispatched to a report of a vehicle that hit a dog and drove off on Highway 26 in Dayville.

July 17: Advised of a flat-bed trailer that had come loose from the vehicle towing it that was blocking Highway 26.

• Grant County Sheriff's Office

July 15: Received a report of theft on Quail Lane.

July 16: Received a report

of criminal mischief on Ricco Ranch Road.

July 17: Prairie City fire was requested for an arson fire at the Covered Wagon Overlook.

• John Day ambulance

July 14: Received a report of a 94-year-old woman who fell, possibly caused by stroke, on North Canyon Boulevard.

July 15: Responded for an 86-year-old woman who had fallen and needed a lift assist on Indian Creek Road.

July 15: Paged for a 79-year-old man that fell on Sunny Ridge Road.

July 15: Paged for an elderly woman with a severe nosebleed on North Humbolt Street.

July 17: Dispatched for an elderly woman with flu-like symptoms and headaches on Northeast Dayton Street.

July 17: Responded for a

63-year-old woman with chest pain and shortness of breath on West Main Street.

July 17: Responded for a 75-year-old woman with a high temperature and confusion on East Fifth Street.

July 18: Along with Long Creek ambulance, responded for a man who fell and hit his head near Highway 395 and Cook Allen Lane.

July 18: Responded for a 76-year-old man with weakness and confusion on West Main Street.

July 18: Responded for an 84-year-old man who was shaky and lethargic on Overholt Street.

July 19: Responded for an 86-year-old woman who had fallen.

• Prairie City fire

July 18: Responded to an illegal burn on North McHaley Street.

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