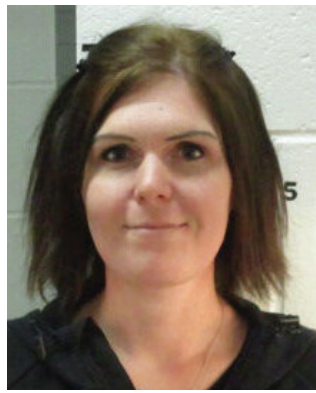




**Sheriff  
Glenn Palmer**



**District Attorney  
Jim Carpenter**



**Abigail Mobley**



**Darren Mortimore**



**Tyler Smith**



**Haley Olson**

## Lawsuit

Continued from Page A6

Olson failed to provide a timely tort claim notice within 180 days of discovering a potential claim existed and failed to state a claim upon which relief can be granted.

Olson “fails to identify the source of the information and photos becoming public” and does not allege that Carpenter was informed by ISP that the arrest was confidential or the contents of the cellphone extraction were protected, Van Meter said.

“(Olson) does not provide any reasoning for why she is suing D.A. Carpenter and not the Idaho police who released information allegedly in violation of her agreement with them,” Van Meter said in the motion, adding in a footnote that, if the complaint was determined to state any valid claims, Carpenter preserves all defenses including but not limited to prosecutorial immunity.

### Complaint, legal memo allege retaliation against former deputy who says he reported Mobley to the Justice Department

Former Grant County Sheriff’s Office deputy Tyler Smith, who was fired in 2019, claims he faced retaliation for being a whistleblower who reported to the Oregon Department of Justice that Deputy Abigail Mobley was having an inappropriate relationship with an inmate at Grant County Jail and using drugs.

Palmer’s police union attorney, Daniel E. Thenell, said he was not representing Palmer in this complaint but that Palmer “will not be making any comments about this or the other litigation matters.”

Smith’s attorney, Andrew Coit, confirmed Smith made a report about Abigail Mobley, but he said he was not at liberty to discuss the specifics or answer other questions.

### Sheriff correspondence

In a March 26, 2019, letter to Smith obtained by the Eagle, Palmer said he received information that a businessperson from Grant County — whom the Eagle has identified as Haley Olson — had been arrested in Idaho and Smith’s business card was located in Olson’s vehicle. He said he was advised information had been extracted from Olson’s cellphone.

“The arresting officer that I spoke with advised me that he was unwilling to divulge that information to me,” Palmer said in the letter. “I subsequently went to the District Attorney and asked that Jim Carpenter make a request by and through his office to the prosecutor of Jerome County, Idaho.”

Palmer said he met with Grant County District Attorney Jim Carpenter and the county Human Resources Department March 18, 2019.

“Our (district attorney) also serves as our County Counsel, I was advised that, while we were using an outside agency to deal with personnel issues, that it would be a time to also look at the issue that we are dealing with you on now,” Palmer said in the letter. “As I shared with you, I have not seen any of the material or information that the DA has received and I will not interject myself into this investigation until the outside agency provides with a final report that either puts this to rest or provides me with information that may be of significance.”

Palmer told Smith he was not being placed on leave at the time.

In an April 11, 2019, letter to Smith, Palmer said the investigation into Smith’s involvement with Olson and her arrest in Idaho “will not go any further.”

In an Aug. 9, 2019, letter to Smith, Palmer said he was placing Smith “on paid administrative leave pending an investigation into policy violation(s) involving ethics issue(s)” and seeking an outside agency to investigate “this issue,” which is not further described. The letter was signed by Palmer, Smith and Sgt. Danny Komning, who is Abigail Mobley’s brother.

Carpenter later said Smith was placed on administrative leave for “issues related to the performance of his duties as a sheriff’s deputy.” County officials refused to provide further information or records.

**“DEFENDANT HAS UNCOVERED DOCUMENTS WHICH HE BELIEVES SUPPORT HIS POSITION THAT HE WAS FIRED FROM THE GRANT COUNTY SHERIFF’S OFFICE IN RETALIATION FOR REPORTING A GRANT COUNTY SHERIFF’S CO-WORKER FOR HAVING INAPPROPRIATE SEXUAL RELATIONS WITH AN INMATE AND FOR REPORTING THE SAME CO-WORKER FOR USING CONTROLLED SUBSTANCES.”**

Andrew Coit, former deputy Tyler Smith’s attorney in a Sept. 9 memorandum filed in circuit court



Eagle file photo

The Grant County Courthouse in Canyon City. A former deputy says he faced retaliation for reporting misconduct.



The Eagle/Rudy Diaz

The Grant County Sheriff’s Office parking spot designated for Sheriff Glenn Palmer.

### Smith’s arrest

Smith’s wife filed for divorce Aug. 5, 2019. The Oregon State Police arrested Smith Sept. 6, 2019, after he was accused by his wife of attempted rape, assault and child neglect.

A Sept. 27, 2019, grand jury indictment in Grant County Circuit Court accuses Smith of attempted first-degree rape, attempted first-degree sexual abuse and fourth-degree assault of his spouse while she was pregnant around Aug. 31, 2018. He was also charged with four counts of second-degree child neglect.

Smith’s employment as a sheriff’s deputy was terminated by the county Dec. 17, 2019, before he had entered a plea in the criminal case. He later pleaded not guilty to all charges. He is awaiting trial and an arbitration hearing related to his termination.

In a Sept. 9 memorandum filed in court regarding a motion to push back Smith’s trial date, Smith’s attorney said he identified new information that will “require further discovery and further investigation.”

“Defendant has uncovered documents which he believes support his position that he was fired from the Grant County Sheriff’s office in retaliation for reporting a Grant County Sheriff’s co-worker for having inappropriate sexual relations

with an inmate and for reporting the same co-worker for using controlled substances,” Coit said in the memo. “... Defendant feels that those repercussions also ultimately influenced law enforcement’s decision to bring charges against him in this case. Defendant believes that to some extent, defendant’s wife who is the complaining witness in this case is coordinating with law enforcement to achieve their mutual goal: to get rid of defendant.”

During a Sept. 10 hearing, the judge granted Smith’s motion and pushed the trial dates back to April 5-16, 2021.

Yazmin Wadia, a victim’s attorney representing Smith’s spouse, did not respond to a request for comment.

### Prosecutorial conflicts?

The criminal case against Smith is being prosecuted by Gretchen Ladd-Dobler, Wheeler County’s district attorney and the wife of Grant County Sheriff’s Office Deputy Dave Dobler.

Ladd-Dobler told the Eagle Carpenter asked her to evaluate the case and decide whether to prosecute because Smith was a law enforcement officer in Grant County and Carpenter had a conflict of interest. She said he has occasionally asked

to help with other matters, and this is a common practice among district attorneys.

Assisting in the prosecution is the Oregon Department of Justice. Ladd-Dobler said it is common to ask DOJ for assistance with serious cases because they have tremendous experience in certain areas.

Ladd-Dobler pointed out the case was investigated by OSP, not the Grant County Sheriff’s Office, and that district attorneys, not victims, decide if criminal cases move forward. She did not directly address the appearance of a conflict of interest.

“It would be inappropriate to comment on an open case or the defense theory of a case; criminal matters are of a confidential nature until presented in court to a jury sworn to evaluate the evidence presented and decide a matter in a fair and impartial manner,” Ladd-Dobler said. “... We have reviewed the recent allegations made by the defense and do not believe a change in attorneys is appropriate or necessary.”

### Unanswered questions

Although Smith said his attorney would not allow him to discuss the case, Smith’s girlfriend, Haley Olson, shared with the Eagle messages from Smith that discuss him

reporting allegations about Abigail Mobley to DOJ, which Olson obtained from a cellphone extraction of her phone.

In a Jan. 3, 2019, text message to Olson, Smith said he was going to report Abigail Mobley to DOJ and was nervous about going to work.

“But something has to be done. She’s arresting people and using the same drugs she’s arresting them for,” Smith said in the text message.

In response to a request from the Eagle seeking the information Smith reported and other whistleblower allegations, DOJ’s Senior Assistant Attorney General Andrew C. Foltz said July 17 that DOJ does “not have any records of other investigations or whistleblower complaint information regarding alleged misconduct at the Grant County Jail.”

Foltz did not directly answer whether Smith’s account of being a whistleblower to DOJ was accurate, but he said the DOJ investigation was limited to allegations of sexual misconduct with an inmate and did not look into allegations about drug use.

“DOJ’s investigation was conducted at the request of the district attorney, and not in response to any whistleblower complaints or allegations made by Mr Smith,” Foltz said.

DOJ declined the Eagle’s request for records related to the Abigail Mobley investigation Aug. 3, citing an “ongoing personnel investigation” expected to be completed Sept. 14-28.

In a Sept. 10 email, Foltz said Umatilla County Sheriff’s Office was conducting the personnel investigation.

However, in a Sept. 9 email, Umatilla County Sheriff’s Office Office Clerk Jaime Shockman said she spoke with her administration and no one was aware of the investigation. She said the sheriff’s office was not currently conducting any investigations for outside agencies.

Umatilla County Counsel Doug Olson concurred in a Sept. 11 email. “To my knowledge,” he said, “there are not any outside investigations at this time.”

This Eagle investigation has been ongoing for 534 days. If you have information, email editor@bmeagle.com or call 541-575-0710.