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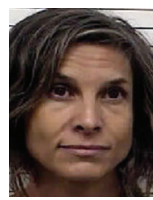
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DA: Murder, arson charges being dismissed because confession was improperly obtained



Gabrielle Connery



Isaac Connery

Judge rules confession in Smith case inadmissible because of Miranda violations

By Sean Hart
Blue Mountain Eagle

Murder charges related to the missing couple whose house burned in Grant County are being dismissed because the confession was not properly obtained.

Charges of first-degree murder and arson against Isaac Connery, 23, and his mother, Gabrielle Connery, 47, will be dismissed without prejudice — meaning the state could file the charges again if further evidence is discovered — according to a Feb. 12 press release from Grant County District Attorney

Jim Carpenter.

The charges are in connection with the deaths of Terry and Sharon Smith, whose house on Nans Rock Road near Mt. Vernon burned to the ground in the early morning hours of July 17-18, 2018.

“This is heartbreaking on many levels,” Carpenter said. “Through Isaac Connery’s confession, we know who did it and how it was done. The mystery is gone but the accountability is, at least for now, out of reach.”

Judge Daina Vitolins ruled Feb. 10 that the confession by Isaac Connery obtained



Terry and Sharon Smith

by Grant County Undersheriff Zach Mobley could not be used at trial because state prosecutors could not prove the confession was knowing, intelligent and voluntary because of Miranda violations.

Vitolins said Mobley never asked whether

Isaac Connery understood his Miranda rights — the right to remain silent and have an attorney present during questioning. She also said, after Isaac Connery invoked his right to defense counsel, Mobley continued talking to him in violation of the law.

“Once an individual invokes their right to counsel, law enforcement must scrupulously honor that request and stop questioning,” she said.

Vitolins said Mobley’s testimony at the Feb. 10 hearing was “not helpful” because he did not review the interview tapes before the hearing and often said on the witness stand he was unsure and would have to review the tapes. She also said a face mask blocked the

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COLLABORATION

RESTORATION

Environmentalists, timber professionals work together using science to end 21-inch rule

By Steven Mitchell
Blue Mountain Eagle

Environmentalists, working alongside timber industry professionals, helped end the ban on logging trees over 21 inches.

Instead of fighting in the courtroom, with environmental lawsuits halting timber projects, the former adversaries joined together in forest collaboratives to find areas of agreement using science, and the most recent result is the end of an era of prohibition on logging trees larger than 21 inches in diameter — a result the collaboratives believe is mutually beneficial for the environment and the timber industry, and based on the best available science.

Although the new rule — which still emphasizes protection of old trees — is unpopular among some in the conservation community, local collaborative leaders say the 21-inch rule for central and Eastern Oregon forests long outlived its usefulness and had unforeseen implications on the forests’ long-term health.

The 21-inch rule was part of the Eastside



EO Media Group file photo
Bruce Dausavage of Ochoco Lumber Co., left, and environmental law attorney Susan Jane Brown discuss forest policy collaboration during a 2015 symposium in Portland.

Screens, a set of standards that came to be in 1995 to protect wildlife habitat and water quality on nearly 10 million acres of public land in Eastern Oregon.

Susan Jane Brown, an environmental attorney from the Western Environmental Law Center who serves on the Blue Mountains Forest Partners collaborative in John Day, said the rule gave conservation litigants

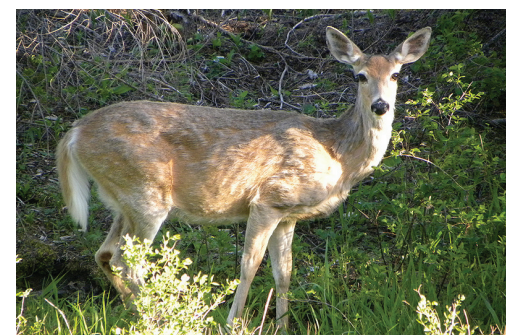
the legal footing to challenge proposed timber projects to stop the logging of trees larger than 21 inches at a time when there was still a lot of old-growth logging happening on public lands.

“It was designed to stop the bleeding and it did,” Brown said, adding the rule was only supposed to be in place for 18 months. “It stuck around for a lot longer than its expiration date.”

She said the environmental and scientific communities have learned a lot since then. Brown said management decisions like the ban on cutting large trees, coupled with fire suppression tactics in areas that are “fire ecosystems” and climate change have created places like the Malheur National Forest that are more prone to wildfire.

“Forest Service decisions are not known to make everyone happy all the time,” she said, “so it’s not unsurprising that some would be skeptical that this isn’t a timber grab.”

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Contributed photo/ODFW

Tests conducted by Oregon Department of Fish and Wildlife veterinarians confirmed that Epizootic hemorrhagic disease is responsible for the die-off of an estimated 2,000 white-tailed deer in Eastern Oregon.

Deer survey planned amid declining populations

By Rudy Diaz
Blue Mountain Eagle

A new deer survey will soon be underway, but officials expect more of the same: declining populations.

Ryan Platt, the assistant district wildlife biologist at the Oregon Department of Fish and Wildlife’s John Day Field Office, said ODFW is flying for the survey earlier this year because they will conduct a new survey method to count the declining deer population.

A helicopter will be flying out starting Feb. 22 as it conducts surveys on the deer population for three weeks throughout Grant County.

This year, Platt said ODFW is working with a statistical sampling-based survey method called Sight Rat, the first time they have used this method in the John Day District. He said this survey combines two population methods based on sizes and quadrants.

“We’re kind of guessing we’ll see more decline from the previous years when we did our statistical sampling,” Platt said. “Deer in general throughout Oregon and throughout the West face many factors such as habitat loss and degradation, predators and diseases.”

Platt said one problem deer face in the John Day Valley is winter range degradation caused by juniper and annual grass encroachment. He also said some ranges are not as productive as they used to be due to a change in climate, suppressing fires and the decline of logging.

Disease issues are also growing with mule deer, according to Platt. He said, in 2015, mule deer in the Eastern Oregon region faced an outbreak of the epizootic hemorrhagic disease. This disease makes deer bleed internally, which either kills them right away or causes lasting effects, Platt said.

“On bucks, we know that it shrivels their testicles, and they’re unable to produce hormones that regulate antler growth,” Platt said. “That’s why you’ll see velvet bucks this time of year when everyone else has antlers that hardened or dropped off.”

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“TO THE EXTENT THAT ENVIRONMENTAL ORGANIZATIONS ARE AGAINST THAT RULE, EITHER THEY DON’T UNDERSTAND WHAT THE LANDSCAPE NEEDS, OR THEY’RE OPPOSED TO GOING THAT DIRECTION OUT OF A PRINCIPLE OPPOSITION TO ACTIVE MANAGEMENT.”

—Mark Webb, Blue Mountains Forest Partners executive director