

Murder

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camera in one of the recordings, and a bag of chips blocked the view in another.

Without the confession, Carpenter said in the release the state had only "limited circumstantial evidence that does not prove beyond a reasonable doubt" the Connerys murdered the Smiths.

"Rather than push forward and risk jeopardy attaching, the State will dismiss the murder and arson cases without prejudice," Carpenter said. "Investigation of the case will continue and possibly other evidence will come to light that will allow the State to proceed."

The crime

Isaac Connery admitted in an interview that he took a handgun from Terry Smith and shot him during an altercation at the Smith residence and then shot Sharon Smith, according to Carpenter's release.

"He used gasoline to start the Smith residence on fire, then took the (Smiths') pickup and left," Carpenter said. "He drove to the Boise area where he parked the pickup, removed the plates and rejoined his family on their travels."

Carpenter said Isaac Connery later disassembled the gun and put it in the trash.

The fire totally destroyed the home, but former Sheriff Glenn Palmer later discovered the remains of two people at

the site, Carpenter said.

"Death certificates were issued for Terry Smith, based on DNA analysis of human remains, and Sharon Smith, based on her disappearance and the second set of human remains," he said. "Sharon Smith's remains were burnt so thoroughly no DNA remained."

Carpenter said the Connerys "almost immediately" became suspects.

The Oregon State Police, Grant County Sheriff's Office and Federal Bureau of Investigation jointly investigated.

The interview

Mobley said he and FBI Special Agent Ben Jones first interviewed the Connerys in

Arizona in July 2019, and they invoked their right to remain silent.

Isaac Connery was indicted June 23, 2020, for unlawful use of a motor vehicle, and a nationwide warrant was issued for his arrest, according to a previous release from Carpenter.

Mobley, Jones and Grant County Sgt. Danny Komning traveled to Albuquerque, New Mexico, in July 2020 to interview Isaac Connery after he was arrested.

Judge Vitolins said in the Feb. 10 hearing, after reviewing the interview tapes, that Mobley read Miranda rights to Isaac Connery quickly and did not ask if he understood those rights before immediately beginning questioning. Several minutes

into the interview Isaac Connery requested a lawyer.

On the stand, Mobley said he is required to stop questioning a suspect if they request a lawyer but is not required to stop talking to them.

Instead of stopping the interview, Mobley said he told Isaac Connery how he planned to proceed, by arresting two of his siblings and a family friend in connection to the murders.

"I believed I had probable cause for the arrests of them," Mobley said on the stand.

Mobley said he then told Isaac Connery during the interview that Oregon was a death penalty state, which he said he believed was accurate at the time.

Mobley said Isaac Connery

then told him he would talk but only if Jones and Komning left the room. He said the others left, and Isaac Connery confessed.

Isaac Connery's attorney, Geoffrey Gokey, said Mobley used "deceptive police tactics."

Carpenter said in his release that Oregon's law regarding Miranda rights is clear, and he expected the court to rule as it did.

"We have to deal with the facts as they exist, not as we would like them to be," Carpenter said. "Connery had the right to be advised of his rights in a way that he understood, and the right to have an attorney present when he requested one. The police must recognize those rights and proceed accordingly."

Restoration

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Forest partners

Brown said the collaborative's focus is on finding common ground and using the best available science to plan projects to avoid litigation. Before joining the collaborative, she was an environmental attorney who successfully sued to stop projects on the Malheur National Forest.

Blue Mountains Forest Partners Executive Director Mark Webb said, by the collaborative's forming in 2006, environmental lawsuits had reduced logging from over 100 million board feet annually to just 10 million. He said, however, the environmentalists were beginning to see that entirely halting projects through litigation led to forests becoming clogged with dense undergrowth and dead trees, which are more prone to fire.

Pam Hardy, an attorney with Western Environmental Law Center who works with collaboratives in the Blue Mountains and Central Oregon, said although litigation is sometimes necessary, it often brings disruptive changes and creates hardships.

When the law center works with a community, she said the goal is to come to an agreement each stakeholder can stand behind.

"A durable agreement," she said. "That is the kind of thing that everybody's going to really go out and implement with good faith."

By building trust among the members over many meetings, and endeavoring to understand the other parties' concerns, there are opportunities to build successful relationships, even among former adversaries.

Following the science

James Johnston, involved with the BMFP since 2006, said people want and expect a lot of different things from their forests. He said most people agree they want wildlife habitat, old growth trees, recreation opportunities and clean water.

Hardy said what has worked so well with BMFP has been prominent scientists who studied ecosystem dynamics and who were willing to change their position based on the science — whether it was what they thought they were going to get or not.

Brown said the BMFP has brought in scientists from the University of Washington and Oregon State University, and they have worked with the Forest Service's research branch and implemented scientific experiments and applied research.

Johnston, one of those scientists



Getty Images

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.

from OSU, is a fire ecologist. He said his recent research gauges to what degree the forest can be restored to its historical structure and composition under various diameter caps, including the 21-inch rule.

He said what he and his team found is that, historically, all forest types on the Malheur National Forest frequently burned every 10 to 15 years. He said the data shows the forest has dramatically changed and that there are more younger trees larger than 21 inches on the landscape now than there were 100 to 150 years ago.

"We're moving into a drier and more fiery future," he said. "And we're not going to build and maintain a forest full of young grand fir" which can grow larger than 21 inches younger than other species.

He said scientists know that old growth trees, by definition, last longer and are more tolerant to fire.

"These are the survivors. To put it in insurance terms, they are a good risk," he said. "Just like a middle-aged family person is a better insurance risk than the teenager overgrown trees."

He said, however, in unmanaged, roadless areas of the Malheur, 28% of old growth trees are dying.

"I'm still digesting the precise implications of it myself," he said. "It's a pretty shocking rate of mortality."

Carbon storage

Johnston said the argument against rolling back the 21-inch rule because

large trees are efficient in capturing or sequestering carbon is wrongheaded.

He said the research he and other researchers have done suggests that large, old ponderosa pine stores carbon for an exceedingly long time frame.

On the other hand, Johnston said young grand fir trees store carbon for a shorter time because they rot and release carbon, and they die.

"It's just not a very long-lived tree compared to ponderosa pine or western larch," he said.

He said multiple studies show that the way to achieve more carbon storage is through "judicious use of thinning and fire."

Johnston said the planet is warming because of burning fossil fuel.

"For folks that are concerned about the climate crisis, and they should be, they don't need to worry about logging grand fir in Eastern Oregon," he said.

'Work on the ground'

Webb said people opposing the end of the 21-inch rule are no different from climate deniers, who deny that climate change is occurring, in that they are ignoring overwhelming science because of an ideological bias.

He said because the revision came from someone appointed by former President Donald Trump, to them, it seems as if it must be wrong and misguided.

"I'm not saying they're con-

sciously aware that they think that," he said. "But they're acting as if they are relying on science, but they're not because the science goes in a different direction."

He said what the revision to the Eastside Screens means is that the forest needs a different approach to landscape management.

"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," Webb said.

He said another reason conservationists are opposed to the amendment is that it takes away a group's ability to litigate based on the 21-inch rule.

"It's very convenient for litigation," Webb said.

For her part, Brown said she expects this decision to be challenged in court because it was so unpopular with the conservationists.

But she said she thought the Forest Service's environmental analysis was solid.

"Is it perfect? No. Is it how I would have written it. No," she said.

But, according to Brown, the agency did a good enough job to where it can defend the decision if it is challenged in court.

"Hopefully, that means we can focus on doing what we need to do," she said, "which is the work on the ground."

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—Ryan Platt, Oregon Department of Fish and Wildlife assistant district wildlife biologist

Deer

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Platt said they are not sure how the epizootic hemorrhagic disease harms does, but they have suspicions that it could impact their fawn productivity or survival.

Prior to 2015, he said there were about 60 fawns per 100 does going into winter with about 30-40 fawns coming out of the season. Since 2015, there have been about 40 fawns per 100 does in the winter, coming out with 25-35 fawns after the season.

"That right there indicates that we don't have the fawn recruitment that we need to sustain a growing population locally," Platt said. "Those are probably the two biggest impacts of our mule deer population locally. It's just a bad time to be a mule deer in the West. Pretty much all populations are going down, and no one has found that silver bullet cure to change the trajectory."

Platt said the survey encompasses the East Oregon Winter Range, and they will work with their counterparts in Heppner to complete the job.

"What the local people will see here is us flying from Izee all the way to Ritter," Platt said.



GOT INVASIVE ANNUAL GRASSES?

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Thanks to the Grant County Court and Northeast Oregon Forests Resource Advisory Committee, Grant Weed Control is able to offer a 25% cost share program for invasive annual grass control on private grazing lands, through a Title II funded Grant Project. This program will provide a maximum \$10,000 of invasive annual grass control services with a \$2,500 maximum landowner contribution to qualifying participants. To be eligible for participation, the treatment property must not be actively irrigated and must be primarily managed for livestock grazing, minimum of 20 acres in size, located within Grant County, and must contain invasive annual grass species. Applications for this limited weed control assistance opportunity will be ranked and funded on a first-come, first-served basis.

Contact: Grant Soil and Water Conservation District Office at (541) 575-1554 or visit 721 S. Canyon Blvd., John Day, OR 97845 for applications and additional information.

The application deadline for this program is March 12th, 2021.