

Both sides rest in motion to dismiss

Ex-Grant County deputy seeks to have criminal charges thrown out

By STEVEN MITCHELL
Blue Mountain Eagle

CANYON CITY — Attorneys for both sides made their closing arguments Monday, June 6, in a Circuit Court hearing to dismiss criminal charges against a former Grant County sheriff's deputy accused of assault, attempted rape and child neglect.

Attorneys for Tyler Smith argued the prosecutors have engaged in prosecutorial misconduct and selective prosecution since the beginning and continue to withhold evidence they claim would clear the former deputy of any wrongdoing.

Andrew Coit, one of Smith's attorneys, said Monday the prosecution had committed an egregious violation of the Brady Rule, which requires exculpatory evidence — information that could acquit a defendant in a criminal case — to be turned over to the defense by the government.

The evidence in question, which prosecutors filed on the eve of Smith's trial in late October, included documents and internal reports from the Grant County Sheriff's Office, which fired Smith in December 2019, three months after his arrest and charges in this case.

Additionally, there were two recorded interviews with Smith's accuser, including one in which she acknowledged placing a tracking device on Smith's vehicle and keeping the Grant County Sheriff's Office informed of his whereabouts.

Jamie Kimberly, an assistant Oregon attorney general acting as a special prosecutor in the case, argued Monday that prosecutors were unaware of the October dump of discovery mate-



Steven Mitchell/Blue Mountain Eagle, File
Tyler Smith, a former Grant County sheriff's deputy accused of attempted rape and other crimes, appears in Grant County Circuit Court April 20, 2022.

rials until the last minute and that it was "awful" and "unfortunate" the evidence was not turned over sooner.

However, she said, it took one phone call to Grant County Sheriff's Sgt. Danny Komning the day before the trial began to retrieve the evidence.

Komning testified in the first day of the evidentiary hearing he asked the Wheeler County sheriff to conduct an internal affairs investigation of Smith, and the sheriff recorded the interview with Smith's accuser.

In that interview, according to the recording that was played in court on April 20, Smith's accuser acknowledges placing a tracker on Smith's vehicle and keeping the Grant County Sheriff's Office updated on Smith's whereabouts.

The other recorded interview with Smith's accuser was conducted by Komning on June 20, 2019. The date of the interview, Smith's camp argues, is important.

In a federal lawsuit filed by Smith for wrongful termination and civil rights violations, he states that then-

Grant County Sheriff Glenn Palmer called him into his office that day and berated him, saying he knew that Smith planned to make allegations about Deputy Abigail Mobley in an upcoming interview with the Oregon Department of Justice, which was investigating her.

Komning testified that Undersheriff Zach Mobley, Abigail's husband, had called him in on his day off to come into the Sheriff's Office and Palmer told him to interview Smith's accuser and the accuser's coworker.

Komning testified last month that he did not think the recordings were relevant to anything but the internal investigation of Smith that he initiated against Smith and not the criminal investigation.

Kimberly argued in Monday's hearing that while one could argue Komning had a beef with Smith and, therefore, was motivated to keep things from him, it is more likely he was asked to take statements and they went no further and then, several months later, Smith was arrested.

Whether it was the right decision or whether, in hindsight, that was an intelligent decision, it did not make Komning vindictive or guilty of attempting to obstruct justice and it did not warrant the case being dismissed, Kimberly said.

Coit fired back that Komning had a duty under the Brady Rule to turn over the evidence. "That is what the law is," he said.

In the event the judge should rule against dismissal and the case goes to a trial, Coit warned that Komning, Palmer and others would be called as witnesses and cross-examined.

"These are people that are most certainly going to be called as witnesses that are going to be extremely damaging to the state's case," he said.

Palmer, the prosecutor and the personnel file

Coit touched on Grant County District Attorney Jim Carpenter's April 20 testimony in which he said that Palmer had emailed him asking for assistance in finding a legal avenue to arrest Haley Olson, Smith's girlfriend, who claimed on social media that she had documents that proved Smith was innocent of the charges brought against him.

Carpenter said he directed Palmer to work with Gretchen Ladd-Dobler, Wheeler County's district attorney, one of the special prosecutors, along with Kimberly, who was handling Smith's case.

The entirety of the email exchange, according to Coit, was not turned over to the defense.

Kimberly contended that the reason the email exchange was brief was because there was nothing more that was discussed. The email exchange was typical of one between prosecutors and sheriffs during pending litigation.

"There was no conspiracy," she said. "There was no bad faith and there certainly was no misconduct."

Coit said the additional personnel file that Palmer testified that he kept on Smith and placed in a sealed envelope before leaving office was gutted of any exonerating evidence.

Coit asked the court to verify whether the evidence was turned over in a sealed envelope.

Kimberly responded that the prosecution had never been in possession of the personnel file and would not have known what was in the file.

'Crossing the thin blue line'

Coit said Smith crossed the "thin blue line" and was the target of retaliation for allegations he made to the Oregon Department of Justice on July 31, 2019, that Abigail Mobley had used illegal drugs and had a sexual relationship with an inmate incarcerated for drug crimes while she was a jail deputy with the Grant County Sheriff's Office.

The criminal charges brought against him were part of a plan by former Grant County Sheriff Glenn Palmer, Undersheriff Zach Mobley, Mobley's wife, Abigail, and Komning, her older brother, to have him removed from the Sheriff's Office and get him arrested.

Smith also argues that his accuser was a close friend of the Mobleys and Komning.

After a 21-month investigation found that Abigail Mobley committed eight violations of the department's code of conduct, ranging from abuse of her position to conduct unbecoming an officer and neglect of duty, she resigned from the Sheriff's Office on Dec. 26, 2021, following a 30-day suspension.

Abigail Mobley, who was on paid leave throughout the investigation, was not found to have used illegal drugs.

Circuit Court Judge Dan Bunch said he would issue a written ruling on the motion to dismiss as soon as possible.

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CLUES ACROSS

- Slovenian mountain
- Where things stand
- Made a sharp sound
- Female spirit in Irish folklore
- Deteriorate with age
- A way to save for retirement
- The Big Apple
- Intestinal pouches
- City in New Hampshire
- Giving a bad impression
- Samsung laptops
- Without (French)
- Scientist's tool (abbr.)
- System of one more computers
- Captures
- Authentic
- Female mammal's nipple
- Pandemonium
- Satisfy
- Arrived extinct
- Shipborne radar (abbr.)
- Network of nerves
- Monetary unit
- Showed old TV show
- They help you hear
- One who eliminates
- Congress' investigative arm

CLUES DOWN

- Looks at for a long time
- Solution for diseases
- Belonging to a thing
- Former Packers fullback
- Contemplative person
- One billionth of a second (abbr.)
- Helps
- Final section of the large intestine
- Invests in little enterprises
- Look for
- Unbeliefs
- Susan and Tom are two
- Female sheep
- A poet writes it
- Affirmatives
- "Full House" actress Barber
- Traveled rapidly
- Long upholstered seat
- Set wages
- Peter Gabriel song
- Sides of a jacket
- More beautiful
- Actress Kate
- Furniture with open shelves
- Indicate
- The cost of a room
- Gets rid of something
- Impudence
- No No No
- Drunkards
- Middle eastern country
- High energy lasers (abbr.)
- Primary component of ribosomes
- An informal debt instrument

WORD SCRAMBLE

Rearrange the letters to spell something pertaining to the holidays.

TWHREA

SUDOKU

		6	3	8				
	4					2		
9				1			2	
8	3			9	4			
5		7			1			
5					9			
2	8							
4			8				3	

Level: Intermediate

Guess Who?

I am an actor born in Canada on June 9, 1961. I started acting at age 15, and later moved to Los Angeles at age 18. I am best known for various roles on sitcoms and as a time-traveling teen in a popular 1980s movie franchise.

CRYPTO FUN

Solve the code to discover words related to cats. Each number corresponds to a letter. (Hint: 18 = S)

A. 7 3 8 18 15 11 26 18
Clue: Sensory hairs

B. 24 4 7 18
Clue: Feet

C. 5 1 10 24
Clue: Leap off surface

D. 15 8 17 17 12
Clue: Nickname for a cat

KITTY CAT WORD SEARCH

Find the words hidden vertically, horizontally, diagonally, and backwards.

WORDS

AILUROPHOBIA
CALICO
CAT
CATNIP
CLOWDER
DEWCLAW
DIGITGRADE
DOMESTIC
FELINE
FERAL
HAIRBALL
JOWLS
KITTEN
KNEAD
MEOW
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