

## Verduzco convicted

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conspiracy to commit murder. District Attorney Ann Spicer did not object and both Verduzco and Pedro Ortiz were released from charges of conspiracy to commit murder.

Court convened again Tuesday morning and Debbie Tippet, sister-in-law of the deceased, was called to the witness stand. She testified to an incident which occurred in March of this year in which Tony Guzman had threatened her with a knife after an argument. The next two witnesses testified they, too, had been threatened with a knife by Guzman.

Jim Brooks gave his testimony to the jury, recalling an incident in which Tony was harassing a man when Mario walked over, put his arm around Tony, talked to him, and the two left together.

Dean Harrison, private detective, reported he had interviewed Corrine Guzman about July 5 or 6. He stated Mrs. Guzman said she first thought Tony had shot Mario because she had heard a rumor of a shooting. He also reported she said there was a knife in the drawer at their house and, after seeing Tony dead, the knife was still there. Harrison said she told him she gave the knife to Elni Osulna. Osulna lived with the Guzmans for about a month before the shooting, he continued.

The detective said he had served Osulna a subpoena to bring the knife to court. Osulna stated in an earlier testimony he had not received a subpoena and did not bring the knife because he had thrown it away.

F. E. Glenn then called the defendant to the stand. Verduzco, who testified through interpreter, Barbara Smith, stated he was employed at Oregon Potato Inc. (OPI), in Boardman and his position was "supervisor of the drums." Mario said he first met Tony at OPI and had lived with Tony and about 10 other people in Stanfield for a period of time.

Verduzco stated that Tony carried a knife when he first met him. He also said he had tried to stop Tony from fighting a number of times. The defendant said he had trouble supervising Tony, that he wouldn't listen and didn't want to follow instructions. He also said he had to call his own supervisor to get Tony to work. Verduzco stated that Guzman had told him he (Guzman) would kill him (Verduzco) if he kept telling him what to do.

Verduzco said he and Mario Avilas went to the H Bar W Tavern and Tony had asked him to play pool. Verduzco said when he told Tony he didn't want to play pool Tony cursed at him and said he was going to kill him if he kept telling him what to do at work. Verduzco said Emilio, who was with Tony, had a pistol in the car. The defendant said he left because he thought he would be killed and later went to the Hitchin Post tavern where he played pool. Verduz-

co said he was afraid Tony would come so he left about 11:45 and later went to Sebero's (Berduzco) house where he drank one beer with Sebero, Pedro, and Rafael. Verduzco said he told them that Tony had threatened to kill them. According to Verduzco, Pedro said he was going to go see Tony and fight, but, he had no gun or knife. He (Verduzco) also said he told Pedro not to go, that Tony would kill him. He reported to the jury that Pedro and Rafael went to the tavern and he and Sebero followed shortly after. He said he had gotten the gun from Sebero's house and that he bought it about 15 days earlier. Verduzco said nothing was happening when he and Sebero reached the parking lot; he parked and Tony came out. The defendant said Pedro called Tony over to talk and they started fighting. Verduzco said he got out of the van with the gun and said "Tony, I'm going to kill you." He said the gun didn't fire, but that "Sebero took the gun away from me and we fixed it."

Verduzco said, "they were fighting all the way down there," he followed, and told Tony he was going to kill him when Tony said, "no, I'm going to kill you." Verduzco said he ran in between Tony and Pedro and again said, "I'm going to kill you Tony." Verduzco recalled Tony was turning around when the shot was fired and it hit him in the back of the head. Verduzco then related the series of events he said occurred after the shooting, including going to Hermiston, Pasco and Parkdale where he phoned his wife and agreed to have police pick him up. Verduzco stated he told the police some but not all he should have because he was afraid the police would hit him.

Doug Beerman, plant manager of Oregon Potato, Inc., was called to the witness stand to give testimony concerning both Guzman's and Verduzco's behavior while at work. The witness said Verduzco became senior drum operator in March of this year and believes Guzman was employed as a drum operator. He stated both Tony and Mario have disciplinary action forms in their files for failure to report to work or call in. Beerman also reported Guzman was given a three-day suspension for violation of a safety rule but said no accounts of Tony not following Mario's direction were found in his file. He further stated that the supervisors are instructed to write up all accounts of misconduct.

Verduzco was then recalled to the stand to continue his testimony. The defendant stated he brought the gun to the tavern because he thought Pedro would be killed. When asked by Glenn why he didn't phone the police, he said he didn't think they would pay

any attention to him, and reported two accounts in which he had phoned the police and stated they were of no assistance. He said he thought Tony would quit fighting when he told him he was going to kill him. He also said he was scared and offended by Tony. He said he wasn't drunk, but was anxious, afraid Tony would hurt him. Glenn asked the defendant if he had it to do over again, would he do it the same? "No, just take better care of myself," he replied. When Glenn asked, "Are you sorry you shot Tony?" the defendant said, "Yes, but he was real bad with me I know."

Spicer did not cross examine the defendant. After one other witness was called to testify, Spicer submitted a written testimony from officer Jesse Villarreal for evidence, the document was entered as exhibit No. 25 and a break was given before closing argument was heard.

In the state's first closing argument, Spicer addressed the jury by reviewing exhibits, the sequence of events the night of the shooting and fragments of given testimonies.

One of Spicer's chief points in closing was "Tony liked to fight, a lot of people like to fight, but is that reason to kill someone?"

When Glenn directed the jury in the defense's closing argument, he referred to various testimonies, and reminded the jury that they must believe, beyond a reasonable doubt, that the defendant did not act under an extreme emotional disturbance in order to find the defendant guilty as charged.

In the state's second closing argument Spicer maintained that Tony's insult to Mario was motive but not justification for shooting him. She again reviewed events that reportedly took place and reviewed given testimonies. Spicer then referred to the blood alcohol content of the

## Irrigon man sentenced

An Irrigon man, Sergio Gutierrez, was sentenced Monday morning at the Morrow County Courthouse in Heppner for the July 1980 theft of fishing poles from Frank Dye, manager of Miracle Potato. According to District Attorney Ann Spicer, Gutierrez was sentenced to two years in the Oregon State Penitentiary, suspended on the condition that Gutierrez be put on probation for three years, spend 60 days in jail, reimburse Morrow County \$513.41 for court costs, spend 50 hours in community service and make restitution to the victim at \$75 a month beginning Oct. 1, for a total of \$1,500.

According to Spicer, restitution was eliminated because Gutierrez had returned the poles to the victim.

deceased. He was almost near the "pass out stage," said Spicer. She stated that Tony did insult Mario but did not threaten him. Spicer then asked the jury to listen closely to the judge's definition of

disturbance and emotional disturbance.

Court was adjourned and the jury asked to report to the courthouse at 9 a.m. Wednesday, July 15, to begin deliberations.

## Close to Home... Mary Ann Cerullo

Last week while rummaging through some old odds and ends, I came across another newspaper clipping that I thought might be of some interest.

The clipping was of an editorial from the Oregonian, dated November 5, 1909.

"A letter to the Oregonian asserts that Morrow County, Oregon, was named for Colonel H.A. Morrow, a soldier of the Civil War, stationed later at Vancouver, and the writer desires to correct the Oregonian's statement that it was named for an early pioneer. But the Oregonian's statement was correct.

The county was named for Jackson L. Morrow, one of the very earliest settlers there. He first settled on Puget Sound, and Shelton Bay, in 1853, a few years later went to eastern Oregon, and was a member of the legislature from Umatilla when Morrow was formed out of a part of that county. In the debate about what the name of the new county should be, someone said: 'Let's call it for Jack Morrow; he is entitled to the honor'."

For those who are interested, much of the history concerning the forming of Morrow County can be found in the Heppner museum.

If anyone has any similar clippings that they would like to share with those of us who are interested in eastern Oregon history, just let me know. I'd enjoy hearing from you.

## Creative arts group plan workshops

Morrow County Creative Arts are in the planning of several workshops in oil painting.

Anyone interested in taking any of these please call for cost, time and supplies needed.

August will bring Peggy Gilliam of Boise, Idaho to do two days of florals. Anyone interested may contact Shirley McNary, 422 7389.

In September Robert Thomas will be here for a one-day helping session. Also planned is a Western art workshop in November by Thomas. Anyone interested in these workshops contact Dooline Mat-

hens, 676-9223.

Also in September Patsee Hunter at Waldport, Oregon will do two afternoons of seascape and two evenings of landscape. Call Betty Mills, 676-5346 for class information.

The group also hopes to have portrait artist Sam Roberts Jr. come to Heppner at a future date. If interested in portrait painting please call Val Jean Forquer, 676-5089.

Many paintings by local artists may be seen at Pioneer Memorial Hospital, Heppner City Library and Morrow County Courthouse as well as many business places.



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