

## OHV PEEPING TOM

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current activities but to years of similar behavior. Dike took him to the office, where she turned on a tape recorder and reminded him of his Miranda rights before beginning to question him.

McBride was subsequently lodged at Umatilla County Jail and, a few days later, arraigned on the Information of Misdemeanor by Morrow County Justice Court Judge Anne Spicer; he was arraigned on three counts of Invasion of Personal Privacy and eight counts of Criminal Mischief in the Second Degree. Morrow County District Attorney Justin Nelson prosecuted the case and the court appointed Heidi Van Kirk to represent the defendant.

On Nov. 14, 2012, Van Kirk's office filed a Motion to Suppress regarding the confession McBride had given to Detective Dike.

"Defendant moves the court for an order suppressing observations of the accused, statements, admission and/or confession of the accused obtained by police on July 10, 2012 and the fruits thereof..." stated the motion. The Motion to Suppress was made, the lawyers said, because McBride's statements

"were not voluntary under Oregon and Federal constitutional standards" and the defendant "did not voluntarily waive his Miranda rights in violation of Oregon and Federal constitutional standards."

According to Van Kirk's office, Dike interrogated McBride on the way to the office, only reading him the necessary Miranda rights once they reached the OHV Park office. She then, McBride's lawyers said, confirmed his answers to her earlier questions.

The DA's office responded in opposition to the Motion to Suppress, in an official memorandum not quite a week later, on Nov. 20, 2012.

While the state attorneys did not argue that McBride had not been read his Miranda rights immediately, they did contest what the defendant's lawyers termed as coercion. In a detailed memorandum outlining the events of the arrest, the DA's office stated that "Detective Dike did not ask any questions at that time and instead placed the defendant in handcuffs. Defendant started speaking spontaneously..."

The memo, written by Morrow County Deputy District Attorney Richard

Tovey, went on to state that Dike told McBride she was going to walk him to the OHV office "and then they could talk."

"While they were walking the defendant continued to talk," Tovey wrote.

When the pair reached the office, Dike turned on her recorder and advised McBride of his Miranda rights, after which, the prosecution stated, the man said he understood and was still willing to talk. After that, McBride reportedly confessed to both drilling the holes and peeping through them.

"In this case," the DA's office concluded, "the defendant was placed in custody immediately by Detective Dike and was not initially advised of his Miranda rights. However, Detective Dike did not ask the defendant any questions other than for the defendant's consent to walk to the park office. Any statements made to Detective Dike by the defendant were voluntary unsolicited comments about the case and not in response to any form of interrogation by Detective Dike."

After a hearing on the issue, Justice Spicer suppressed all the statements

made by McBride to law enforcement that night. According to Spicer, however, the failure to immediately read McBride his Miranda rights was not the main factor in her decision.

"The problem was that there was a lot of conflict in the statements of the two officers involved. That's what led to the suppression," she said.

Spicer clarified that the conflict did not involve their accounts of the arrest itself but "certain questions" that were asked of McBride, "whether or when they were asked."

Based on the suppression of McBride's statements to the officers, McBride pled guilty to three counts of attempted invasion of personal property on Feb. 13, 2013. The full sentence of 270 days jail time was waived, and McBride was instead sentenced to two years bench probation, to include 90 hours of community service and no contact with either the victims named in the case or the OHV Park. The fine of \$4,607 plus attorney fees was reduced by \$2,250, leaving McBride with fines, fees and assessments of \$2,357 plus attorney fees.

## BEO ready for snack shack duty



Bank of Eastern Oregon's employees are once again ready to take charge of Morrow County Fair's 4-H snack shack on Thursday of fair. Volunteering to grill and serve you (L-R) are Jill Martin, Mark Lemmon, Gary Propheeter, Becky Kindler, Arletta Arnsperger, Janet Dezellem, Kay Rene Qualls, Joe Perry, Debbie Young and Dawna Dougherty. Also on the team but not available for the photo are Betty Jo Colvin, Russell Seewald, Jessica Peterson, Kay Proctor and Julie Baker. -Contributed photo

## BEO sponsors all-around saddle



Bank of Eastern Oregon's branch manager Tricia Rollins (left) is lined up with some of her staff—(L-R) Sandra Van Lieu, Jeremy Arbogast, Bev Crum, Brianna Peterson, Kay Rene Qualls and Becky Sparks—to show off the 2013 All-Around Saddle to be presented at this year's Oregon Trail Pro Rodeo. -Contributed photo

## Local farmers can make a difference

America's Farmers Grow Communities launches fourth year

ST. LOUIS—Thanks to the help of local farmers, over the past four years America's Farmers Grow Communities has invested more than \$13 million in rural America.

Now in its fourth consecutive year, America's Farmers Grow Communities will give farmers the opportunity to win a \$2,500 donation for their favorite local nonprofit organizations.

Morrow County has had area farmers contribute for the last two years.

Barney Lindsay of Lexington was one of the 2013 winners; he directed his donation to the Heppner FFA chapter.

Winning farmers have the opportunity to make

a difference in their own communities by enrolling and nominating a nonprofit organization of their choice.

Over the past years, organizations have used the funding to purchase vital equipment, supplies and resources for the betterment of their community.

"Farmers have really stepped up to the plate since Grow Communities piloted in 2010 and have thoughtfully chosen thousands of deserving organizations to receive the \$2,500 donation," said Deborah Patterson, Monsanto Fund president.

Each year in an effort to expand the impact of Grow Communities throughout rural America, the Monsanto Fund evaluates

new counties to be included in the program.

Thanks to the addition of 18 new eligible counties this year, Grow Communities now reaches 1,289 counties across 39 states.

To make a difference in your community, register for a chance to donate to your favorite nonprofit organization online at [www.growcommunities.com](http://www.growcommunities.com).

The deadline for eligible farmers to enter is Nov. 30.

In December, the Monsanto Fund will select one winner at random in each eligible county, and announce winning farmers and recipient nonprofits in January 2014.

New to the Grow

Communities program last year is the chance for community members to "plant" their ideas.

Rural community members can now visit the Grow Communities website and submit an idea or initiative in need of funding.

Eligible farmers are able to review planted ideas and consider them in their registrations.

Farmers have helped fund more than 5,200 nonprofit organizations in rural America through America's Farmers Grow Communities.

For more information about this program and to view the official rules, visit [www.growcommunities.com](http://www.growcommunities.com).

## DA's Report

Morrow County District Attorney Justin Nelson has released the following report:

-Manual Torres Reyes, 21, was convicted of one count of Criminal Trespass I, a Class A misdemeanor. Imposition of sentence was suspended and the defendant given 24 months bench probation, conditions to include no direct or indirect contact with the victims, mental evaluation and abiding by conditions of a stalking

protective order. Further counts were disposed with no conviction. Fines, fees and assessments totaled \$880.

-Kyle Joseph Hayes, 26, was convicted of one count of Possession of Methamphetamine, a Class C felony reduced to a Class A misdemeanor; sentence of 180 days jail time was suspended and the defendant sentenced to 24 months bench probation, to include 60 hours of community service and

substance abuse evaluation.

Hayes was further convicted of Violation of Wildlife Laws with Culpable Mental State, a Class A misdemeanor. The defendant's fishing license was suspended for 36 months; sentence of 180 days jail time was suspended and the defendant given 24 months bench probation, to include 40 hours of community service. Total fines, fees and assessments were \$1,630.

## Fair is about fun



Even serious exhibitors know that the county fair is all about fun. Above: Celita Strouse (left) and Peggy Fishburn take a moment for merriment in the quilting department Monday as exhibits were being received for the centennial Morrow County Fair. -Photo by Andrea Di Salvo

## Chamber lunch meeting

There will be no Heppner Chamber of Commerce lunch meeting on Thursday, Aug. 15. The

next chamber lunch meeting will be Thursday, Aug. 22, at noon in the St. Patrick's Senior Center dining room.

Chamber lunch attendees are asked to RSVP no later than the Wednesday before to guarantee a lunch.

**OREGON STATE Fair**  
AUGUST 23<sup>rd</sup> thru SEPTEMBER 2<sup>nd</sup>  
SEE YOU THERE FREE PARKING!

**Tires LES SCHWAB**

**LES SCHWAB TIRES FAMILYVILLE STAGE**  
August 23 thru September 2

**LES SCHWAB TIRES KIDS DAY**  
Monday  
August 26 Only!

On LES SCHWAB KIDS DAY - Monday, Aug 26 - from 11am to 5pm, ALL CARNIVAL RIDES and GAMES 1/2 PRICE and ALL KIDS 12 AND UNDER FREE FAIR ADMISSION with a coupon picked up at any Oregon or SW Washington Les Schwab Tire Center. All tickets purchased before 5PM will be honored until closing!

**RESPECT** Blazers Reps will be there on Kid's Day August 26 from 10 AM to 5 PM for you to sign the Respect Pledge!

**DON'T MISS THE O.T.P.R. THIS YEAR!**

Friday is Tough Enough to Wear Pink Day

**Friday August 16th**  
**Saturday August 17th**  
STARTING AT 7 P.M.

Mutton Bustin' will begin at 6:30 p.m.

**Live Bands!** Friday-Three Quarter Short Band  
Saturday-Rodeo Rose

Both bands will be performing after the rodeo at the beer garden

Slack will begin at 6 p.m on Thursday night

**Morrow County Rodeo Sunday, August 18th @ 1:15pm**

General Admission - \$10  
7-12 yrs. - \$7  
6 yrs. & under - Free

VIP tickets are \$12 per day in advance and \$15 at the gate. A box for all three performances is \$360. To purchase advance tickets call Camille Peck at 989-8351.

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