

JAIL TIME FOR FIRES

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consequences should it happen again. As an aside, according to the BLM itself, the 2001 Hardie-Hammond fire had, in fact, "improved range conditions" on the public lands.

The 2006 "Krumbo Butte" fire was started by lightning on public land adjacent to Hammond's private land, where they grow their winter feed. Hammonds set a backfire that successfully kept the Krumbo Butte fire from burning a large portion of their private land. Their backfire burned about one acre of federal land.

Years later, BLM pressed charges for the above-mentioned fires, citing endangerment of human lives and damage to federal property. However, the district court found that no one had been endangered by the fires, and that the fires had caused minimal damage. In fact, the court found, the fire had arguably increased the value of the land for grazing.

Original jail sentence

Dwight and Steven Hammond (father and son operators of the family ranch) admitted to having started the above fires. In determining the Hammonds' sentences, Judge Hogan had decided that applying the "mandatory minimum" of five years cited in the Antiterrorism and Effective Death Penalty Act would "shock the conscience..." He referenced the Eighth Amendment of the Constitution, which states, "Excessive bail shall not be required...nor cruel and unusual punishments inflicted."

To call for five years' imprisonment, he said,

"would result in a sentence which is grossly disproportionate to the severity of the offenses here..." He said that Hammonds' actions "could not have been conduct intended under [the Antiterrorism and Effective Death Penalty Act]..." Judge Hogan used his discretion under the Eighth Amendment to sentence Dwight (now 74) to three months in prison, followed by three years' "supervised release." Dwight's son Steven (45), father of three, was sentenced to one year and one day in prison—also to be followed by three years' "supervised release." The men served their sentences starting in 2013.

Their firearms were taken, as was Dwight's pilot's license.

Back to prison?

Not satisfied by Judge Hogan's reasoning or sentencing decisions, the federal government is now coming back for more: It wants the men to serve at least five years' time. The government appealed the judge's decision to the Ninth Circuit Court of Appeals, and that court agreed that Judge Hogan's ruling must be remanded back to another judge. The Hammonds appealed to the U.S. Supreme Court in hopes of overturning the Ninth Circuit decision, but their case was not taken up by the high court.

Thus, the case is now in the hands of Chief Judge of the District Court of Oregon, Judge Ann Aiken. She will decide whether to institute the five-year minimum or more. The resentencing hearing, once scheduled for July 9, has been delayed to late October 2015.

Meanwhile, on the civil

side, a wholly separate civil case is being considered. The ranch is also paying \$400,000 as part of a settlement agreement with BLM for the alleged costs of fighting fires for which BLM claims the Hammonds are responsible. If the Hammonds have to sell part of their ranch to make the payment, BLM managed (as part of the settlement agreement) to get first option to buy.

Meanwhile, due to BLM's refusal to renew the family's grazing permits, the Hammonds have had to find alternative feed for their cattle for large parts of the year, all while working to come up with the \$400,000 settlement sum. Hammonds own grazing preferences and hold an associated permit on the BLM land. What's more, they own private property intermingled with the BLM land. This two-year denial of their grazing permits has prevented them from using their grazing rights and private land.

After a "45-year record of exemplary stewardship" on Hammonds' part, the family's counsel wrote, BLM's refusal of permits is an act of "zeal," an effort to "make an example of" the family. The Hammonds are currently appealing to get their permits reinstated.

"The public has an interest in maintaining and stabilizing the livestock operations that are dependent upon the public lands," said the Hammonds' appeal. "However, contrary to this interest, the... BLM Decision destabilizes [Hammonds'] current livestock operation which is dependent upon the public lands..."

Sheriff's Report

December 8: -A woman advised Morrow County Sheriff's Office that she hit a deer on Hwy. 74 on the way to work. She was not injured, but the deer appeared to be. MCSO responded and located the deceased deer; ODOT was advised.

-A fire was reported at GDs in Heppner. The smoke was coming from the chimney but the building was supposed to be vacant. MCSO and Heppner fire responded.

December 9: -Morrow County Sheriff's Office arrested Jered Lee Wicklund, 39, for probation violation.

-Someone from Willow Creek Terrace in Heppner advised MCSO that a vehicle hit the side of the building. They believed they knew who did it, but didn't believe he would report it because he was elderly and would be frightened of having his license taken away. The reporting person said they heard a thud before lunch, but everything seemed fine. However, a resident later went into her room and called staff because the wall in her room was basically smashed and all broken up.

-MCSO received report that an Oregon State Police pickup towing a boat had gotten into a motor vehicle accident with another vehicle in Boardman. Joyce Ann Becket, 62, was issued a citation for Following Too close.

-MCSO received a report from Sub Zero Motel in Irrigon that someone had left all their belongings and a cat in a room. They were unable to get the cat out of the room and wanted someone to come and help.

December 10: -Morrow County Sheriff's Office was advised by a male subject that he had a vehicle accident at Willow Creek Terrace in Heppner.

He said he didn't need an ambulance and there was no property damage but he needed to know what he needed to do to make a report because it put a dent in the wall of the Terrace. He advised he reported it to the insurance company and the Terrace was also making a complaint.

December 11: -MCSO was advised that Andrew Cody Oneil was lodged at Umatilla County Jail on a Parole and Probation detention warrant.

-MCSO received report of an individual in Heppner who was driving and was not supposed to be driving; she requested that a deputy speak to him.

-MCSO received several reports of wind-related problems.

-MCSO arrested Andrew Cody Oneil on an Irrigon Justice Court warrant for failure to appear on Disorderly Conduct II. The subject was lodged at Umatilla County Jail on other charges with holds placed.

-MCSO arrested Joseph Arthur Manning, 29, on a Umatilla County warrant for failure to appear on Possession of a Stolen Vehicle and Driving While Suspended-Misdemeanor.

-MCSO reported a problem with all phone lines going in and out; no 911 calls were coming in.

December 12: -A woman in the Heppner area advised she needed her juvenile foster daughter removed from her residence. The female was out of control; nothing physical had happened. A deputy responded and determined no crime had been committed. Dept. of Human Services would be responding to transport the juvenile.

-An MCSO officer responded to a suicidal subject in Boardman; the subject was threatening to

shoot himself.

December 13: -A woman in Irrigon reported she had a disagreement with her 17-year-old son, who was told to stay with her ex for a few days. He came back saying he and another juvenile were playing ball and someone gave him water, and now the juvenile was acting funny and was numb. The mother was concerned about possible drugs. Morrow County Sheriff's Office took the incident under investigation.

December 14: -A female in Boardman advised she needed police because her boyfriend had hit her. She was uncertain whether he had left or not. She advised she did not need an ambulance. Morrow County Sheriff's Office arrested Jaime Santiago, 37, for Assault IV-Domestic Violence Misdemeanor.

-Hermiston PD requested an agency assist from MCSO to locate a white Ford pickup that may have been involved in a hit-and-run in Hermiston.

-A female in Irrigon reported that another female had her keys and she wanted to get them back. MCSO arrested Kimberlee Castellano, 42, on a Umatilla County Sheriff's Office warrant for failure to appear on Physical Harassment and Interfering with a Police Officer.

-Oregon State Police advised Morrow County Sheriff's Office that they arrested Jack Dale Castator, 31, for a Morrow County Circuit Court warrant.

December 15: -Morrow County Sheriff's Office received report of a disturbance on Water St. in Heppner. A male and female were yelling at each other; reporting person did not hear any threats or physical altercation.

-A person in Heppner requested MCSO conduct

Dressing the part at Heppner's 'heroic' summer reading



A group of children at the Heppner library work on coloring superhero masks as part of the Summer Reading "hero" theme. Heppner's summer program wraps up this Wednesday as participants receive prizes for the number of reading minutes logged over the summer. —Photo by Andrea Di Salvo

Bank of EO reports second-quarter earnings

Heppner—BEO Bancorp and its subsidiary, Bank of Eastern Oregon, announced a second-quarter 2015 consolidated net income of \$724,000 or \$0.58 per share compared to \$717,000 or \$0.62 per share for second quarter 2014. Year-to-date earnings were \$1,194,000 compared to \$1,275,000 for the first six months of 2014. Total assets were \$343.2 million, up 11.7 percent year over year. Net loans of \$290.7 million were up 13.3 percent from the same period in 2014, while deposits were at \$304.6 million, up 14.9 percent year over year. Shareholders' equity increased by \$2.6 million or 10.4 percent from June, 2014.

"Second quarter earnings are in line with 2014 numbers, with year-to-date numbers impacted by non-recurring costs associated with the acquisition of Bank Reale. The accounting conversion process is complete and I commend our employees for their hard work and dedication in making the process relatively simple and seamless for our customers," said President and CEO Jeff Bailey.

Chief Financial Of-

ficer Mark Lemmon said, "Return on Average Assets for the quarter was 0.85 percent and Return on Average Equity was 10.64 percent compared to 0.94 percent and 11.89 percent respectively year over year. The acquisition has been immediately accretive to earnings, but total assets, equity and number of shares outstanding also each increased impacting the comparison of ratios."

"While many of our peers are showing comparative earnings growth through not provisioning for potential future loan losses, our core earnings are strong enough to continue funding the reserve and still show positive trends," Lemmon concluded.

"Deposit runoff is not unusual with an acquisition, but to-date our welcome from the former Bank Reale customers has been positive," added Chief Operations Officer Gary Prophet. "We have a great team in place in Pasco. Meanwhile, deposit trends remain strong in our traditional markets. Though we anticipate action by the Federal Reserve regarding interest rates later in 2015, we expect these changes

to have little impact on in-market loan and deposit rates given current economic conditions."

"Wheat harvest started a little earlier than normal and the dry conditions have impacted yields. All of the grain and forage crops have seen a decline in prices since last year. The brightest aspect for the Ag economy is the continued strength in cattle prices. We are seeing decent loan demand across our branch and loan production office network," said Bailey.

"Even with the volatility in prices and yields, we expect that our Ag portfolio will perform relatively well in spite of the drought, but it is prudent to continue to fund our loan loss provision to allow for loan growth and any cyclical volatility that may occur in the Ag economy," concluded Bailey. "It is gratifying to see the growth in loans as well as deposits across our entire system. We appreciate the confidence that our customers have in our team of bankers."

For further information on the company or to access internet banking, please visit our website at <http://www.beobank.com>.

DA's Report

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

-William Dean Rill, 48, was convicted of two counts of Harassment, a Class B misdemeanor. The defendant was sentenced to 90 days jail time on each count; however, all jail

time was suspended and the defendant sentenced to 24 months bench probation, to include 25 hours of community service on each count, no offensive physical contact with the victims, and successful completion of anger management evaluation and any

recommended treatment. Additional counts of Criminal Mistreatment I, Assault IV – Constituting Domestic Violence, and Strangulation – Constituting Domestic Violence were disposed without conviction. Fines, fees and assessments totaled \$1,100.

Justice Court Report

Morrow County Justice of the Peace Ann Spicer has released the following Justice Court report:

-Jose G. Jaramillo, 43, of Lodi, CA failed to appear and was found guilty by default of No Operator's License and Driving Uninsured, and was fined \$260

on each citation, for a total of \$520.

-Richard Burnside, 24, of Heppner failed to appear and was found guilty by default of Driving While Suspended – Violation, and was fined \$435.

-Sandra Susan Kennedy, 50, of Stanfield, OR

failed to appear and was found guilty by default of Driving While Suspended – Violation, and was fined \$435.

-Giselle Lee Moses, 41, of Heppner was found guilty of Failure to Drive within Lane and was fined \$260.

a welfare check on an elderly woman who lost her husband that year; they feared the female might be suicidal.

December 16: -MCSO was advised that windows on Main St. in Ione were hit with a bullet of some kind; four windows, four holes. MCSO took the incident under investigation.

-A male in Heppner reported a theft of beer out of a fridge. He requested contact. He also heard about the theft of a chainsaw from his neighbors around the same time.

December 17: -MCSO received a noise complaint out of Hermiston; the reporting person said there was loud music and people running in and out. The reporting person asked if the officer could park away and walk in, as they had lookouts. MCSO reported a citation issued.

December 18: -A person at the Irrigon Shell stated that a suspicious-looking male subject was sitting in a booth apparently taking pictures of young girls.

-A woman in Heppner advised MCSO that

she came home to find her house trashed. The advised that there were holes in two doors, and stuff thrown around. She advised there was a large footprint on a cardboard box that could possibly be the suspect's. MCSO took the incident under investigation.

December 19: -MCSO was advised that workers at the new building site by the courthouse in Heppner had been picking up approximately a 12-pack of beer cans every night from the site but nothing was missed. —Continued on PAGE SEVEN