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Retirement party held for Judge Ann Spicer

A retirement party was held last week for retiring Justice Court Judge, Ann Spicer at the Bartholomew Building in Heppner. Pictured (L-R): Claudia Hughes, Ann Spicer, Kandy Boyd and Pat Edmundson. *-Photo by April Sykes.*

County and Circuit Court at odds over courthouse use

Circuit Court boots Justice of Peace from shared space

By David Sykes

An on-going conflict over shared use of courthouse space in Heppner by both the Circuit Court and the Justice of the Peace boiled over last week when the county commission received a letter telling them no more sharing of space.

At issue is use of one of the rooms at the courthouse for both Circuit Court judge chambers and then to conduct Justice of the Peace business. The Sixth Judicial District Court meets regularly in Hermiston and on a rotating basis in Heppner, and they don't like having to share a room with the County JP. They say sharing causes too many conflicts and they no longer want to share.

In a letter deemed "heavy handed" by commissioners, Presiding Judge Christopher Brauer said his court has "exclusive and unfettered control of spaces" which Morrow County is required by law to provide for the court. He went on to say a verbal agreement the county and the circuit court have been operating under for many years over use of the shared space is " illusory and was never recognized by the Circuit Court," and that the Justice has no right to use room 205 at the courthouse.

Judge Christopher Brauer

When the county received the letter at its January 2 meeting the commissioners, as well as outgoing Justice of the Peace Ann Spicer, were not happy. "There is no need to take this approach. It's too heavy handed," Commissioner Jim Doherty said.

In the letter, the circuit court said it was moving forward with plans to convert room 205 to use as a jury deliberation room and the current jury room to use as the exclusive chambers of the Circuit Court. "I have directed the Trial Court Administrator to ensure control of all court space," Judge Brauer told the commissioners in his letter.

Commissioner Melissa Lindsay who has met several times with representatives of the court in an effort to resolve the conflicts, said there was no reason for the circuit court to take over all that space. "They don't have enough business for the entire upstairs," she said. Commissioner Don Russell said the court was "misrepresenting the history of the circuit court usage," emphasizing that there has not been that many conflicts. Outgoing Justice of the Peace Ann Spicer, who was at the commission meeting for the swearing in of the new Justice of the Peace, was more blunt. "This has been an ongoing battle and they have tried repeatedly to take over," she told the commissioners. "They can't have what belongs to the county." She said the Justice of Peace proceedings have only conflicted with Circuit Court usage "three times in nine years. The statement that we are in constant conflict is just a flat out lie," she said.

Lindsay said her past meetings with Circuit Court officials have tried to work out an arrangement, but the Circuit Court seems to have had enough of talking. "Commissioner Melissa Lindsay met with my Trial Court Administrator on Friday, December 23 to inform me your Board approved initial steps in space use planning regarding use of the Morrow County Courthouse by County agents and the State courts," Judge Brauer wrote. "We appreciate this, however, as Commissioner Doherty said to Judge Hill and Mr. Blaine (Circuit Court Administrator) it feels like the same tune again."

At a November 13 meeting of the commissioners, Circuit Court Judge Daniel Hill and Court Administrator Roy Blaine were in attendance and one of the big problems was the jury room. They said there is little privacy as jurors can hear what is going on in the next room such as music and talking, and it is hot and crowded.

Judge Brauer said in taking control of the upper court house room, the Circuit Court would from now on permit county personnel access to the courtroom and the jury room only "by prior arrangement with the Circuit Court and when Circuit Court staff are present." He said the county employees will be able to remove county personal property currently in room 205 only by contacting the court. As far as future usage Brauer said "The Justice of the Peace will be able to docket matters in the courtroom, and to use the jury room for jury deliberations, and the District Attorney will be able to use the jury room for grand jury session – all with prior arrangement and coordination with Circuit Court staff"

In taking control of spaces in the county-owned courthouse Brauer cited several Oregon State laws giving authority to dictate usage. "I have determined that use of this space-to wit the room currently referred to as 'judges' chambers' (room 205) – by both Circuit Court judges and Justice of the Peace for the Heppner Justice Court creates a statutorily insufficient and unsuitable space," he said.

In wondering if the Circuit Court has the authority to take over a county-owned space Commissioner Jim Doherty asked rhetorically "What are we supposed to do, link arms in front of the building and have our sheriff there?"

Lindsay said she wanted to keep working towards a solution. "We want to make improvements for everyone," but added that any effort by the court to take the space is "unacceptable." She added there is a meeting scheduled February 1 with Judge Hill, and that the two would continue to use the space as in the past.

New Justice of Peace sworn in

In other business at the Jan 2 meeting new Justice of the Peace Glen Diehl was sworn into office by Morrow County Clerk Bobbi Childers.

New Justice of the Peace Glen Diehl is sworn into office by County Clerk Bobbi Childers.

Diehl was appointed by Governor Kate Brown to the position filling the vacancy created by the retirement of Judge Annetta Spicer.

Diehl, who has been a community service work crew supervisor in the Morrow County Sheriff's Office since 2016, has worked in law enforcement for his entire career. He previously served as a law enforcement officer for the Pilot Rock City Police Department, the Umatilla County Sheriff's Office, the Morrow

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Estes given rousing send off at retirement dinner

Retiring Fire Chief Rusty Estes receives an impressive award for his years of service to the department and the community. Presenting Estes (center) with the award are incoming Fire Chief Steve Rhea (left) and Rural Fire Protection District Board Chairman Kelwayne Haguewood.

Retiring Fire Chief Rusty Estes was honored last Friday at a prime rib dinner in Heppner. The Elks Lodge was full of those who had worked with and appreciated his 45 years of service to the department. Incoming chief Steve Rhea played Master of Ceremonies and told humorous stories and other anecdotes about his many years working with Estes. Others also took the microphone to relate their stories about Estes. There were also firemen from surrounding districts who came to bid Estes farewell.

As part of the ceremony, Estes was presented with an impressive fire axe award and also a bit of humor with a modified walker with flashing lights and a horn.

Estes thanked the crowd and said he would miss being on the job and especially all the firemen he has worked with over the years. He said Heppner has one of the finest fire departments around because of the participation and quality of its volunteers.

Estes tries out his new retirement walker presented to him in good fun.

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MONDAYS AT 5:00 P.M.