



THE DECIDERS

COUNTY NEEDS A DEEP POOL OF POTENTIAL JURORS IN DEATH PENALTY CASE

By Kyle Spurr
For EO Media Group

Hundreds of Clatsop County residents are being called to the fairgrounds in September for jury duty in the county's first death trial in 15 years.

Residents will be screened on their attitudes toward capital punishment and whether they think they can be impartial. A pool of prospective jurors will move on to jury selection in the trial courtroom.

Twelve jurors, with two to four alternates, will serve in the case against Randy Roden, the live-in boyfriend accused of murdering his girlfriend's 2-year-old daughter and abusing her two sons in their Seaside apartment.

The last death penalty trial in 2001 involved Anthony Scott Garner, who fatally stabbed a woman on a motorboat in the Warrenton mooring basin and set the boat on fire to cover up the crime. Garner was found guilty and sentenced to life in prison.

Roden's trial is expected to last up to two months in Circuit Court. Jurors will not be sequestered. If the jury finds Roden guilty of aggravated murder, a penalty phase will determine a possible death penalty sentence.

"We need a large number of jurors because of the length of the trial," Judge Paula Brownhill said. "It may be a hardship for many people to serve four days a week for up to eight weeks."

Questionnaire

At the county fairgrounds, jurors who are available for trial will be asked to fill out a lengthy questionnaire. Typically, questionnaires are not used in most trials. Since more than 300 potential jurors could be called for screening, the questionnaires will swiftly provide prosecutors and defense lawyers with information about each juror.

"The questionnaires help jury selection move more quickly because lawyers don't have to ask so many questions," Brownhill said.

The questionnaires will ask if potential jurors have heard about the Roden case, what they have heard about the case and if they can be fair. The surveys will also explore a possible juror's interests and beliefs, including their position on the death penalty.

The prosecution and defense will review the questionnaires prior to jury selection, when



The jury box in the third-floor courtroom at Clatsop County Circuit Court.

JURY SELECTION

Jury orientation in Randy Roden's murder trial is scheduled to begin at 10:30 a.m. Sept. 12 at the Clatsop County Fairgrounds. Prospective jurors will be automatically excused for the following reasons:

- 70 years of age or older;
- Breast-feeding a child;
- Convicted of or served a sentence for a felony within the last 15 years;
- Convicted of or served a sentence for a misdemeanor involving dishonesty or violence within the last five years;
- Served as a juror in state or federal

court within the last 2 years;

- Not a resident of Clatsop County;
- Not a citizen of the United States;
- Under 18 years old;
- Had rights withdrawn during incarceration and not restored;
- Sole caregiver for a child or other dependent and personally attends to the child or dependent during the court's normal hours and is unable to afford day care or make other arrangements;
- Undue hardship or extreme inconvenience to the person, person's family, person's employer or the public.

available jurors will be brought into the courtroom in groups of six for follow-up questions.

In the Garner case, which Brownhill also presided over, jurors were questioned individually in 15-minute segments, and it took more than a week to select 12 jurors.

The lawyers in Roden's case would prefer individual interviews, but Brownhill plans to bring in people in panels of six to speed up the process.

Open minded

While scrutinizing potential jurors, both prosecutors and defense lawyers in Roden's

case will look for people who do not have extreme views about the death penalty.

People who could never impose death for religious or political reasons, or who could not imagine any other fitting penalty for the crimes, will be excluded.

Clatsop County District Attorney Josh Marquis said lawyers are looking for the middle ground.

A qualified juror would have an open mind, have heard about the case but had not formed strong opinions, and would listen to the judge's instructions and follow the law.

If Roden is found guilty of aggravated murder, the jury decides the appropriate sentence. The jury would have to unanimously answer four questions in the penalty phase before sentencing Roden to death.

All 12 jurors would have to agree on the following questions:

Was the murder deliberate? Did the victim do anything to provoke the murder? Is the defendant likely to commit serious acts in the future? Should the defendant receive a death sentence?

If just one juror says "no" to one question, the sentence drops to life in prison without parole.

"Aggravated murder cases are the only cases where a jury makes the decision," Marquis said of sentencing. "The judge is bound by the sentence."

Uncomfortable evidence

The death penalty in Oregon is rare. The last execution was in 1997, after the inmate — Henry Charles Moore, convicted of killing his wife's parents — chose not to seek appeals. Thirty-four inmates are on death row.

Jurors in the Roden case will have to sort through uncomfortable evidence.

Roden, 28, is accused of murdering 2-year-old Evangelina Wing and viciously abusing her two brothers. Prosecutors believe Evangelina Wing and her brothers were tortured, burned, bitten and caged in the Seaside apartment their mother, Dorothy Wing, shared with Roden.

Wing, 26, pleaded guilty in January to first-degree manslaughter and two counts of first-degree criminal mistreatment. She was sentenced to more than 15 years in prison, contingent on her truthfully testifying at Roden's trial.

Earlier this year, Roden's defense lawyer Conor Huseby requested a change of venue. Huseby claimed the impact of the case on the Clatsop County community, along with extensive media coverage, requires that the trial be held in another county.

Brownhill denied the request in June but is allowing the defense to renew their motion if a fair jury is unable to be seated.

"In this case, I believe the defendant can obtain a fair trial in Clatsop County," the judge ruled.

Please don't disturb the flocks

Shore birds require special consideration, Maine says

By R.J. Marx
Seaside Signal



NEAL MAINE/FOR SEASIDE SIGNAL

The critically endangered snowy plover makes its nesting area along the beach in Gearhart. Some parts are protected from vehicles.

The Necanicum Spit in Gearhart, south of 10th Street to the estuary, is one of 16 state designated snowy plover protection areas. In 1993, the western snowy plover was listed as a threatened species under the Endangered Species Act of 1973. In 2012, the habitat along the coast was listed as critical. According to the Audubon Society, their nest site is on open bare ground near grass or driftwood and lined with bits of shell, grass and pebbles.

Sometimes it's just a matter of pointing people away from the nests, according to officials.

"Occasionally cars go south on 10th Street because they cannot see the signage, so the cars drive over the pedestrian only part of the beach and to the snowy plover habitat," Gearhart City Administrator Chad Sweet said. "Our officers, when they are made aware of it, respond to those calls. I know our police chief is frustrated by lack of signage."

"The sign when you go onto the beach has '31 things you can't do,'" Maine said. "But we also need a strategic way to build a capacity for people to understand this is a unique ecosystem."

Maine, who calls driving along the beach "a great privilege," said hundreds of species of invertebrates make

their homes in the sand. Enforcement needs to be more continuous during seasonal activity. "We've got bald eagles there every day. Harbor seals with juveniles, it's a living breathing ecosystem. But it gets treated like a parking lot."

Migratory birds — sandpipers, large shore birds, curlews, red-knots — 25 to 30 species from all over — are especially vulnerable. "The birds are on migratory pathways from one end to the continent to the other, and need your help," he said.

Maine and others seek greater communication with Oregon Parks and want more signage and community education. "State parks has not been able to communicate effectively that the beach is an ecosystem," he said. "Tom McCall did such a good job saving the beaches for the people, there's a sense it's just a people place, only for the people. It doesn't mean we have to stop using them. There has to be a strategic way we can recast them as an ecosystem, and then within that are certain behaviors and sensitivities that are appropriate."

Enforcement needs to be more continuous during seasonal activity, he said.

Maine advocated patrols, police and neighborhood watches. "State parks is responsible, but they don't have a police component," he said. "Camping's prohibited, but it's easy to find 100 tents camping on the beach. Right now, there's no strategic plan to educate the public."

Changes could include an educational component from the Parks Department, spots on the radio, educational programs in the schools, or outreach as people arrive at the beach. "We need a strategic way to build a sense of what an incredible resource this is," Maine said. And we can drive on it if we behave."

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