

# Clemency sought in 1997 double murder

**SEEN FROM SEASIDE**

R.J. MARX



In July 1997, Jesse McAllister and Bradley Price killed two people in what was described as “thrill killings” on the beach.

Frank “Kacy” Nimz, 36, was a commercial fisherman and landscaper. Gabriella “Brooke” Goza, 26, an artist, was the daughter of a prominent local family and the mother of a young child.

Now, Christian Eickelberg, an attorney, has asked Gov. Kate Brown to convert McAllister’s sentence to life with the possibility of parole so McAllister can petition the parole board and show he is capable of rehabilitation.

The petition for clemency, Eickelberg writes, “strives to tell Jesse’s life story, including what he remembers happening before, during and after his crimes, and how he has transformed into the man he is today.”

Tashae Nimz, Frank Nimz’s daughter, was 13 at the time of the sentencing in 1999.

She said McAllister’s request for clemency came out of left field.

“As I read through this several times, looking and searching for any inclination of remorse or empathy towards the family, and not just from Jesse’s part but on all of his family members and friends that wrote upon his behalf, I didn’t find anything in there,” Nimz said. “I found nothing apologizing for the trauma that this has caused and the lifelong devastation that it’s caused my family.”

**Manhunt**

Steve Barnett, then a Seaside Police Department sergeant, led the investigation into the murders.

Now retired, Barnett said at the time McAllister was “a violent kind of gang-banging type of kid who was not afraid of anything.”

Barnett described Price, who worked at the local video store, as a follower. He had been a star athlete at Brookings High School, attended the University of Oregon for a year before dropping out and coming to the North Coast.

His life was on a downhill spiral. Barnett described him as “an estranged college kid that sat around and drank Robitussin to get high.”

What made their crime particularly horrific was the “hunting” McAllister and Price did during the weeks before the night of the murder, Barnett said. McAllister and Price had cruised area beaches in McAllister’s car.

“They were searching for someone to kill,” Barnett said.

The night of the murder, McAllister and Price, after making conversation with girls at a bonfire on the beach, returned to the Prom and headed downtown. It was near closing time for local bars.

“Frank and Brooke had just left one of the local taverns,” Barnett said. “They (McAllister and Price) started a conversation with them, asking if they wanted to go smoke a bowl of weed. They agreed, and they walked from the bar down to the Prom.”

McAllister recommended that they go out on the beach over the dunes, Barnett said. “There’s a little swing set there, and that’s where the deed took place. Clearly through the whole ordeal, Jesse McAllister was the mastermind.”

Both victims suffered fatal gunshots to the head — shots fired by McAllister.

The killers “stopped at Herb’s Quick Mart and bought a couple of cigarette lighters,” Barnett said. “Jesse tells the clerk — who’s a friend of his — ‘I just shot two people on the beach.’”

In the days to come, police combed through evidence, interviewed potential witnesses, issued flyers and traced leads.

It wasn’t until Seaside police received a tip that McAllister and Price were on their way to California or Mexico that they were able to get murder warrants for their arrest.

The manhunt continued for almost a year, coming to the attention of “America’s Most Wanted,” a TV show dedicated to finding fugitives. Hundreds of tips poured in and law enforcement agencies fielded calls from around the country.



Jesse McAllister in Clatsop County after being apprehended crossing the U.S.-Mexico border in 1999.



The view inside the Clatsop County Courthouse as Jesse McAllister was led into court in February 1999.



Jesse McAllister in 1999.

The “thrill kill” aspect intrigued local and national media — it was reported that McAllister and Price had rented “In Cold Blood” repeatedly before the murders. The movie, based on Truman Capote’s best-selling book, tells the story of two young men who murder a Kansas family with a shotgun in 1959.

In July 1998, McAllister was apprehended as he attempted to cross the border from Mexico into Brownsville, Texas.

Price was arrested two days later in Mex-

ico City, where the men had been sharing an apartment.

**Plea deal**

Both McAllister and Price were charged with two counts of aggravated murder. McAllister was also charged with being an ex-felon in possession of a firearm.

In return for the guilty plea, after conversations with relatives, then-Clatsop County District Attorney Josh Marquis agreed not to seek the death penalty and not to prosecute any of McAllister’s family members who may have sent him money or talked to him during his yearlong flight to avoid prosecution.

In a February 1999 hearing, McAllister pleaded guilty to the two murder counts.

“In the early morning hours of July 14, 1997, I was walking on the beach near the Promenade in Seaside,” McAllister told the court. “There I met Ms. Goza and Mr. Nimz. Together we walked away from the sand dunes. I intentionally shot Mr. Nimz in the head while he was standing. I then shot Ms. Goza in the head while she lay in the sand.”

Price was sentenced to prison for two consecutive life terms for his role in the killings. He is lodged at the Snake River Correctional Institution and is eligible to seek parole after 30 years in prison.

McAllister is serving two consecutive life terms at the Oregon State Penitentiary.

**Clemency request**

“Jesse was an angry, insecure 19-year-old who lashed at others — culminating in him taking the lives of two people,” Eickelberg, McAllister’s lawyer, wrote in a September letter accompanying the petition. “At the time, even though he knew that what he had done was wrong, it took Jesse some time to truly come to terms with the fact that he had taken two lives and how this impacted so many people in the Seaside community.”

“Jesse feels constant remorse for the pain he senselessly inflicted on the victims’ families and his own family, and strives each day to be a better person than he was the day before. Today, he is a caring, friendly man that adults in custody and staff members enjoy being around.”

Even if the clemency for the life sentences is granted, Eickelberg said, McAllister would still need to wait two more years before receiving a rehabilitation hearing. Pending the results of that hearing, McAllister could then request a parole hearing.

Clatsop County District Attorney Ron Brown said he was surprised by the request.

He said he and Marquis are working on a response to the petition.

“We’re putting together a big-time opposition to it, because we don’t want to see the guy out,” Brown said. “I’ve been here 18 years, but this case predated me. And it was one handled personally by Josh Marquis. I wasn’t here then, but when you work in a county, you hear about some of the bigger murders, and particularly unsolved and solved murders. So the murder on the Seaside beaches was always a case that everybody knew about, because it was such a ruthless thing.”

Marquis said he was “horrified” when he learned of McAllister’s clemency request.

When Marquis made the plea deal, he said he had many conversations with the Nimz and Goza family. “I told them what I believed to be true, that that meant that we would never, ever hear from Jesse McAllister again,” he said. “There would be no parole hearing, there would be no appeals court.”

Marquis said the murders stand out in his 25 years as district attorney, “both in terms of the utter innocence of the victims and the cruelty and brutality of it.”

“And I support the death penalty when it’s appropriate, and I don’t spend sleepless nights thinking he couldn’t get executed. But I certainly would be having sleepless nights if I thought he was going to get out — not for me, for the community.”

The families of the two victims will also weigh in.

“It didn’t take away my dreams and ambitions from coming to fruition,” Tashae Nimz said. “I still worked really hard and got into college and I have a really good career, but it definitely makes things a lot more difficult. It did devastate our family and tear my family completely apart. My older brother has never fully recovered from the incident. He suffers greatly from the trauma that he endured because of this. He was 17 at the time. He was just absolutely devastated.”

The process could take about six months before a decision is made, although some cases may be longer, the governor’s press secretary, Liz Merah, said in an email.

“Gov. Brown believes that granting clemency is an extraordinary act that is generally reserved for individuals who have made incredible changes and who are dedicated to making their communities better, which is why many clemency applications are denied,” she said. “The governor evaluates clemency applications on a case-by-case basis and considers a variety of factors about the applicant’s history and case when making those decisions.”

Information is provided from a variety of sources during the review process, including from law enforcement, prison officials, and the district attorney’s office, which includes input from victims.

“The governor understands that families may have concerns when someone is being considered for clemency, which is why she takes the review process very seriously,” Merah said. “Victims always have an opportunity to be heard through trauma-informed outreach by the district attorney’s office. The governor does not grant clemency without considering input from the victim through the DA.”

*Erick Bengel of The Astorian contributed to this report.*

**PUBLIC MEETINGS**

Contact local agencies for latest meeting information and attendance guidelines.

**TUESDAY, NOV. 2**

Seaside Community Center Commission, 10 a.m., 1225

Avenue A.

Seaside Library Board of Directors, 4:30 p.m., 1131 Broadway St.

Seaside Planning Commission, 6 p.m., 989 Broadway.

**WEDNESDAY, NOV. 3**

Seaside Improvement Commission, 6 p.m., 989 Broadway.

Gearhart City Council, 7 p.m., cityofgearhart.com.

**THURSDAY, NOV. 4**

Seaside Parks Advisory Committee, 6 p.m., 989 Broadway.

**MONDAY, NOV. 8**

Seaside City Council, work-

shop on homelessness, 6 p.m.; regular meeting, 7 p.m., cityofseaside.us.

**WEDNESDAY, NOV. 10**

Seaside City Council, workshop on business

licenses, 5:30 p.m., 989 Broadway.

**THURSDAY, NOV. 11**

Seaside Civic and Convention Center Commission, 5 p.m., 415 First Ave.



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