



[REDACTED]

Testimony *

From: [REDACTED]

Mon, Mar 25, 2019 at 4:00 PM

To: [REDACTED]

Subject: [REDACTED]

Chair Prozanski, Vice-Chair Thatcher, Senator Gelser, Senator Bentz, Senator Fagan, Senator Linthicum, Senator Manning Jr.:

My name is Jaime Carleton and I live in Dallas Oregon. I am here to testify in favor of SB708 which would exempt a petitioner in stalking protective order proceedings from the requirement of paying prevailing party fees unless court finds the petitioner initiated the proceeding with malicious intent.

I am a stalking victim and the way that the law is written I was revictimized in stalking protective order proceedings by being ordered to pay court costs, A prevailing party fee, to my abuser. I was revictimized by my abuser, who was also my doctor in court when I was requested to pay him prevailing party fees because I was only granted one count of stalking against him instead of two counts of stalking, as I was not properly represented. My lawyer failed to speak up for me and state all the violated stalking dates. Please help make this law for me and other violence survivors.

This is what happened:

In 2014 I had been ill from being on fentanyl patches and three 7.5 Percocet tablets every 4 hours for my back and joint pain. I sought out help to get off of my prescription pain medications. I went to a naturopathic doctor because I didn't want to live on pain medicine anymore. I had a hard time thinking on the pain medicine the pain clinic had me on, and the pain clinic refused to help me get off of the prescription narcotics that they put me on.

The naturopathic doctor began an inappropriate relationship with me—both medically and personally. He told me to get off of the fentanyl first. He told me to get off of one patch at a time without contacting outside help. He said to take hot baths for pain. When I did three days of fentanyl coursed through my body in the hot bath. This happened twice before my doctor told me to take the patches off before the bath. If I had not been big at that time I would have died. I wasn't in the mind set to think clearly.

I took myself off the fentanyl completely and was dependent on my doctor who called me frequently and told me not to seek out anyone else's help. I started to then get myself off of Percocet. This was much harder. As I was very ill, it took me several tries.

I had requested several times that my naturopathic doctor help me with sleeping pills because I had been up for over two weeks. I couldn't sleep, or think straight. I was repeatedly told no help for sleep, and that my doctor would continue to document my progress and get me off of the pain medication himself, as he knew what was best for me. By three weeks of sweats, cold chills, nausea, and excruciating stomach cramps I was desperate for relief of my pain and lack of sleep. I begged my N.D for sleeping pills. He made sure that I was not hospitalized and he had control over my situation, what I did and even what I ate. I was isolated and I grew more dependent on his help. It was not until 3 1/2 weeks later when I started hallucinating from lack of sleep that I was finally given Ambien by him because I begged him for sleep.

My doctor started having an even more improper personal (as opposed to medical) relationship with me. This went on for a while. He invited me over, gave me gifts, took me out, and came to my place, and took me my eye surgeries.

I refused to sleep with him. After a while he became angry, and eventually he became physically abusive to me. He became very possessive. I tried to end the abusive relationship. I was told by my doctor that I didn't appreciate his friendship and all the help that he had given me because I wanted to end our relationship. He also refused to refer me to another physician.

I sought out help from the Center for Hope and Safety and Sable House.

The Center for Hope and Safety counselors had witnessed all my text messages from my doctor, including when he texted that he was on my porch at my apartment. The counselor was greatly concerned for my safety and reached out to legal aid who told them that because I had not been a domestic partner I had no legal right to obtain a restraining order and needed to obtain a stalking protective order, as I had not lived with my abuser.

I prepared the paperwork, submitted it to court, and was granted a temporary stalking protective order. My doctor violated the order and went to jail. The district attorney put me up in a motel. My doctor was released from jail and fought against issuance of a permanent stalking protective order. I hired an attorney. She failed to represent me. She didn't stand up for me in court. Victims assistance, Sable House, a witness, and Hope for Center and Safety were at my stalking protective order hearing as support. My HIPPA Act Right's were also violated by my abuser in court. Senator Ron Wyden has been helping me this this, as this too is being investigated.

Because of my poor legal representation, I was granted only one count of stalking instead of the two that I needed to keep my stalking protective order in place. I was not allowed to speak up to the judge because I was represented. My lawyer never asked my abuser any questions in court, so I was not granted a permanent stalking protective order. Another injustice and more pain and emotional suffering. Then to add insult to injury creating more abuse, I was charged a prevailing party fee by my abuser, and because of this the district Attorney helped me by sending me to the

Domestic Violence Clinic in Eugene to M [REDACTED] Q [REDACTED]. M [REDACTED] was the Supervising Attorney at the Domestic Violence Clinic and university's law professor.

I drove my old car several miles several times to Eugene from Dallas to receive his help and legal direction on my stalking protective order case. When I came to court to appeal the prevailing party fee I was the only one in the courtroom besides the judge and court recorder. My abuser's lawyer used a phone for the hearing. Even though I brought adequate evidence to court my abuser was awarded a prevailing party fee. My abuser was disciplined by the Oregon Board of Naturaphic Medicine.

I am attaching my Petitioners Response To Statement of Costs.

Because I'm a victim, and I had a valid stalking order and lost, M [REDACTED] Q [REDACTED] referred me to Senator Sara Gelser who has been a wonderful support and has helped me create the Senate Bill 708. I am requesting that the SB708 be enacted into law. Myself and other petitioners in stalking protective order proceedings should be exempt from requiring to pay prevailing party fees unless the court finds that the petitioner initiated the proceeding with malicious intent.

Sincerely,


Jaime Carleton

277 S.W Walnut Avenue #24

Dallas, Oregon

97338

March 25, 2019

Jaime Ann Carleton Animal Rights Liberation Activist, NOW Oregon State Legislative Task Force Committee

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Jaime Ann Carleton B.S, M.A
Candidate for Ph.D
277 S.W Walnut Ave #24
Dallas, Oregon, 97338
(503) 837-9009
Shannachannah@gmail.com

FILED
POLK COUNTY OREGON
17 JUN 20 AM 8:49
TRIAL COURT ADMINISTRATOR
ENTERED BY _____

IN THE CIRCUIT COURT OF THE STATE OF OREGON
FOR THE COUNTY OF POLK

JAIME ANN CARLETON
Petitioner,

Case No.: 17SK00748

Respondent,

PETITIONERS RESPONSE TO
STATEMENT OF COSTS

Comes now petitioner and responds to the statement for cost and disbursements for respondent.

1. ORS 30.866 does not provide for an award of attorney fees and costs to respondent.
2. Petitioner did not engage in any behavior that was reckless, willful, malicious, in bad faith or illegal.
3. Respondent statement of cost and disbursement did not conform to the requirements of ORS 20.075
4. Respondent did not provide a detailed accounting cost of disbursements.
5. It would be contrary to the public good to award attorney fees and cost in cases involving the safety of the petitioner.
6. The petitioners disabled and receives only S.S.I, Food Stamps, and Section 8 Housing. It would be an extreme hardship for petitioner to be ordered to pay respondent fees and costs.

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Verified Correct Copy of Original 6/20/2017.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I served a true, exact, and complete copy of petitioners response to statement of costs on the 20th day of June, 2017 by placing the copy in a sealed envelope, with the proper postage thereon, which I caused to be deposited in the US Mail at Dallas, Oregon, addressed as follows:

Bear Wilner-Nugent OSB #044549
Bear Wilner-Nugent Counselor and Attorney at Law LLC
620 S.W 5th Avenue, Suite 1008
Portland, Oregon 97204

Jaime Ann Carleton
Petitioner

Dated this 20th day June 2017.


JAIME ANN CARLETON
June 20th, 2017

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Based on the foregoing fact petitioner request that attorney fees and costs not be awarded in this matter.

Dated this 20th day June 2017.


JAIME ANN CARLETON June 20th, 2017