



**TO: Chair Prozanski and Members of the Committee:**

**FR: Amanda Dalton**  
**OR District Attorneys Association**  
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**RE: Opposition to SB 191**

April 4, 2021

Thank you for the opportunity to provide written testimony in opposition to SB 191 on behalf of the Oregon District Attorneys Association (ODAA). ODAA opposes the bill as currently drafted because we believe that the bill will unfairly increase sentencing uncertainty for the victims and survivors of egregious person to person felonies, in addition to reducing the minimum prison sentences for those convicted perpetrators of child abuse, sexual assault, armed robberies, and attempted murder.

**Sentence Reductions for Serious Person Crimes Create Uncertainty for Victims and Survivors (Trauma advisory: this section will reference the crimes of sexual assault, child abuse and attempted murder)**

This bill, as drafted, would significantly increase the level of uncertainty experienced by the victims and survivors of serious person felonies. Currently, Measure 11 sentences provide significant certainty for crime victims and survivors both before and after sentencing. Measure 11 provides victims and survivors clear expectations about what sentence the perpetrator of the harm against them will receive. This bill proposes to replace that certainty with ambiguity because it would introduce the possibility that almost all Measure 11 crimes would now be eligible for sentence reductions.

**SB 191 would also retroactively apply to individuals already convicted, sentenced and serving their prison sentence for the harmful person felonies they have committed.** Victims and survivors of sexual assault, sexual abuse, and attempted murder, who believed their abuser's sentence was determined years ago in court, could be told that sentences could be reduced and that their abuser could be released early from prison.

Finally, a Measure 11 sentence provides a crime victim or survivor the certainty that the sentence they heard the Judge in court impose will be the sentence actually served by the person who harmed them. This bill would allow the proportional sentences imposed in court to be reduced by as much as 20% and the decision about whether or not the perpetrator will receive these reductions will not be made by a Judge, or in open court where a victim or

survivor could object, but rather the decision will be made administratively by the Department of Corrections. This proposed change will result in the victims and survivors of child abuse, sexual abuse and other violent felonies losing transparency and faith in the sentence of their abuser.

**Sentence Reductions for Serious Person Crimes (Trauma advisory: this section will reference the crimes of sexual assault, child abuse and attempted murder)**

Ballot Measure 11 was written to apply only to those individuals convicted of committing felonies where there was direct personal harm to the victim. That is why the minimum sentencing structure does not apply to other felonies such as drug possession, drug delivery, drug manufacturing, theft, or even home burglary. Instead, the measure is calibrated to ensure that people who commit crimes such as child abuse, sexual assault, armed robbery, and attempted murder face proportionate minimum prison sentences as a consequence for their actions and their harm to victims and survivors. As drafted SB 191 would allow sentences for these harmful felonies committed against other people to be reduced by up to 20%.<sup>1</sup>

Additionally, while we respect the right of any person to offer their story, experience and opinion on this important policy discussion, there have been several letters submitted into the record urging you to pass this bill, largely due to its retroactive feature from current AICs. We believe that as you consider this policy proposal and those letters you have all the facts before you and have accordingly enclosed a chart which provides additional information about the circumstances of the cases that are referenced in the written testimony on OLIS.

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<sup>1</sup>SB 191 would amend the presumptive sentence for the listed offenses by permitting eligibility for Earned Time ET can reduce an offender's sentence by up to 20%.

SB 191: OLIS Testimony

NAME	COUNTY	CONVICTIONS	YEAR CONVICTED	PLEA / TRIAL	# DISMISSED
NATHANIEL BELL	CLACKAMAS	ATT SOD I / SEX ABUSE I	2014	PLEA	0
ANGELA KIM	MULTNOMAH	MANSLAUGHTER I / CONSPIRACY TO COMMIT MURDER	2007	PLEA	0
JASON TAYLOR	DOUGLAS	SODOMY I	2016	TRIAL	1
JAMES ESCOBAR	WASHINGTON	SEX ABUSE 1	2019	PLEA	3
CHELSEA LOVELL	MULTNOMAH	SEX ABUSE 1 X3 / ECSA 1 / ECSA 2 / USING CHILD SEX DISPLAY	2017	PLEA	112
TRINIDAD RAMOS	MARION	ASSAULT II / FPF / UUV X2	2013	TRIAL	0
LEONEL ZAMORA	WASHINGTON	ASSAULT II	2017	PLEA	2
JOHN MAY	DESCHUTES	SODOMY I X 3	2011	PLEA	10
DEAN KIENHOLZ	BENTON	MANSLAUGHTER I / ASSAULT II X3 / DUII / ASSAULT III / RECKESS DRIVE X2 . REAP	2000	TRIAL	0
JESSE LIEBLE	WASHINGTON	ROBBERY II / BURG II	2019	PLEA	15
JEREMY LINGBECK	LINN	SEX ABUSE I X2 / USING CHILD SEX DISPLAY	2018	PLEA	3

Note: All the information provided in this chart was collected from publicly available sources. No confidential or privileged information was accessed to gather this information.

SB 191: OLIS Testimony

NAME	COUNTY	CONVICTIONS	YEAR CONVICTED	PLEA / TRIAL	# DISMISSED
TRISTIN LITTS	COLUMBIA	KIDNAP I / ATT RAPE I / MENACING	2019	PLEA	6
COLLEEN MILLER	JOSEPHINE	SODOMY I / USE CHILD SEX DISPLAY X2 / RAPE I / USP I	2006	PLEA	7
JACK NUTTING	JOSEPHINE	ATT MURDER / KIDNAP I / ASSAULT II X2 / COERCION	2012	PLEA	8
MARK SMITH	LINCOLN	ATT MURDER / FPF / MENACING X3	2018	PLEA	10
SEAN TESTER	MULTNOMAH	ASSAULT I / COERCION	2019	PLEA	2
STEPHEN WEAVILL	LANE AND MALHEUR	MURDER AND ASSAULT 2	2001 AND 2003	PLEA	1 COUNT
TRAVIS EPPS	MARION	SODOMY I, SEX ABUSE I, USP II	2008	TRIAL	0
CHRIS VASEY	DOUGLAS	RAPE I, SODOMY I	2018	PLEA	TAKEN OUT OF JESSICA'S LAW
GUSTAVO VEGA	MARION	ATT AGG MURDER	2015	PLEA	4 COUNTS
JOHN WADE	MULTNOMAH	ATT MURDER, ROBBERY I	2002	TRIAL	
JACOB WATKINS	MARION	RAPE I X 2, SODOMY I	2011	TRIAL	0
FRANKLIN WIDDIFIELD	COOS	KID I X 2, ROBBERY I X 2	1998	TRIAL	0

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SB 191: OLIS Testimony

NAME	COUNTY	CONVICTIONS	YEAR CONVICTED	PLEA / TRIAL	# DISMISSED
ROBERT WINGETT	MARION	SODOMY I X 5	2009	TRIAL	0
ROBERT BOGLE	MARION	KID I X 3, ROBBERY 1 X 2, ASSAULT 2 X 2	1993 (NON MEASURE 11)	TRIAL	0
JON AUSTIN	CLACKAMAS	RAPE I, USP II	2012	PLEA	7 COUNTS
GUAGE LEE GRAY	KLAMATH	MAN II X 2	2015	PLEA	MAN I DISMISSED
JIM SCHIFFERER	MARION	SODOMY I X 4, SEX ABUSE I X 2, USING X 2	2012	PLEA	0
AARON NEUBARTH	MULTNOMAH	MANSLAUGHTER I / ATT MURDER / ASSAULT II	2005	TRIAL	0
JASON CIZEK	MARION	SODOMY I X3	2014	STIP FACTS	7
BRANDON CARSON	CURRY	SEX ABUSE I / USP I / SODOMY I	2005	PLEA	5
BROOKE KEPPLER	LANE	SEX ABUSE I X2	2018	PLEA	3
SAMUEL MASON	MULTNOMAH	ASSAULT II	2019	PLEA	5
DANIEL NEPOMUCENO	MARION	MURDER / FPF	2013	PLEA	2
JEREMIAH RABER	MARION - 2 CASES	SODOMY 1 / USP I / USE CHILD X2 / ECSA X2 / SEX ABUSE I X4	2013	PLEA	5-Feb

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SB 191: OLIS Testimony

NAME	COUNTY	CONVICTIONS	YEAR CONVICTED	PLEA / TRIAL	# DISMISSED
AUSTIN VANDERPOOL	MARION	ATT AGG MURDER X2	2011	PLEA N/C	2
JASON DUNGAN	UMATILLA	ASSAULT II (DV); STRANGULATION(DV) UUV	2019	PLEA	2
MICHAEL EMMETT	MULTNOMAH	ASSAULT II	2017	PLEA	1
ROBERT FOUNTAIN	CLACKAMAS	MANSLAUGHTER I	2018	PLEA	4
CAYCE FRENCH	MULTNOMAH	MURDER	2007	PLEA	3 (INC AGG MURDER X2)
MICHAEL GREENE	WASHINGTON	SEX PEN I (X2); SEX ABUSE I	2019	PLEA	1
RUDOLFO HERNANDEZ-CRUZ	WASHINGTON	ATT. MURDER; ASSAULT I; UUV (X4)	2009	TRIAL	
WAYNE HOUFF	MULTNOMAH	USING A CHILD IN A DISPLAY OF SEXUALLY EXPLICIT CONDUCT (X4); SEX ABUSE I (X2); ENCOURAGING CHILD SEX ABUSE II (4)	1998	TRIAL	
TYLER JOHNSTON	WASHINGTON	ROB I (X2)	2015	PLEA	2 COUNTS (UUW (X2))
LAWAUN KENT	MULTNOMAH	ATT. A1 W/ FIREARM (DV); BURG I (DV); A1 W/ FIREARM (DV); UUV	2017	TRIAL	0
MARK LAWSON	WASHINGTON	ROB I ; UUV	2018	TRIAL	0

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NAME	COUNTY	CONVICTIONS	YEAR CONVICTED	PLEA / TRIAL	# DISMISSED
BRIAN MAURO	WASHINGTON	SEX ABUSE I (X2)	2013	PLEA	5
KEN LEE	LANE	ROB I (X5); BURG I; TAMPERING WITH EVIDENCE; FELON POSS. FIREARM	2012	PLEA	0
NICHOLAS MCELMURRY	DOUGLAS	ASSAULT II	2019	PLEA	2
KRISTOPHER MOE	WASHINGTON	ASSAULT I	2015	TRIAL	
BRANDON PAINE-SMITH	MARION	MANSLAUGHTER I; ASSAULT II; FTPD/D (X2)	2013	PLEA	1
TRAVIS POWERS	LINN	MURDER; THEFT I; ROB II	2014	PLEA	1 COUNT (AGGRAVATED MURDER)
BRADLEY QUILLEN	JACKSON	MANSALUGHTER I; UUW	2017	TRIAL	0
RICK RAYBORN	MULTNOMAH	SEX ABUSE I (X2)	2018	PLEA	2
WILLIAM RAY	MULTNOMAH	ROB I (X3)	2015	PLEA	2
GUY EHLER	MULTNOMAH-4 CASES	ATT RAPE I / SOD I X 2 / RAPE I X2	1979	NOT IN ECOURT	
PAUL REYES	JOSEPHINE	ASSAULT 3, CRIM MISTX 1 (X2), ASSAULT 1	2015	PLEA	0

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BRIAN RUSSELL	KLAMATH	SEX ABUSE 1 (X3)	2014	PLEA	3
ANTONIO SANDERS	MULTNOMAH	MANSLAUGHTER 1	2015	PLEA	1
SHELLY BARRERA	MARION	ROBBERY 1	2015	PLEA	1
DOUGLAS LUFT	LANE	RAPE 1, SEX ABUSE 1, SEX PEN 1	2019	PLEA	4
BRANDON SKJEIE	CLACKAMAS	SEX ABUSE 1 (4) (MENTIONS IN LETTER)	2015	PLEA	8
MARK SMITH	MARION	USING A CHILD IN A DISPLAY OF SEXUALLY EXPLICIT CONDUCT, ONLINE SEXUAL CORRUPTION OF A CHILD 1, LURING A MINOR (X4)	2019	PLEA	9
DAVID SPRADLEY	JOSEPHINE/JACKSON	ROB 1 (X2), ROB 1	2007/2009	PLEA	18
MALIKYE COX	MARION	ASSAULT II	2017	PLEA	4
GALVIN LOMBOY	MULTNOMAH AND CLACKAMAS	ROB 2 X 7, SEX ABUSE 1 X 2	2004	PLEA	68
ARMADINA RODRIGUES ON BEHALF OF MARCO VILLARREAL SID 14431659	MARION	ROBBERY 1 X 3, KID 2	2007	PLEA	10
SETH BURNETT	UMATILLA	ROBBERY 2	2018	PLEA	6

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NAME	COUNTY	CONVICTIONS	YEAR CONVICTED	PLEA / TRIAL	# DISMISSED
BOBBY JO JACKSON	MARION	ROBBERY 2 X 3	2014	PLEA	6
KEVIN LEE AGENBORD	DESCHUTES	USP I	2012	PLEA	0 (PRIORS FOR SEX ABUSE I X4)
RICKEY AND NORINE CABINE FOR SAMUEL MASON	MULTNOMAH	ASSAULT 2	2019	PLEA	6 (CCTO FEDERAL OFFENSE)
CALVIN CHASE	CLACKAMAS	SODOMY I X 4, SEX ABUSE I	2004	PLEA	2
DUSTIN GOVER	LANE	SEX ABUSE 1 X 2	2018	PLEA	2
WALKER OWEN HENNEKE	DESCHUTES	ASSAULT I X 2	2017	PLEA	15
TIMOTHY HOLYCROSS	WASHINGTON	ATT AGGRAVATED MURDER, ARSON I	2017	TRIAL	
SPENCER BLACKKETTER	DOUGLAS	SODOMY I / SEX ABUSE I X2	2011	TRIAL	5
RYAN THOMAS	YAMHILL	RAPE I X2 / SEX ABUSE I	2019	PLEA	12
TOBIN TERPENNING	MULTNOMAH	ATT SOD I / SEX ABUSE I X3	2010	PLEA N/C	3
ADAM HUNTER	WASHINGTON	ATT SOD I X2 / ATT RAPE I X2	2019	PLEA	4
DONALD SKELTON	KLAMATH	ASSAULT II	2015	TRIAL	3

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ZACHARY CRITCHETT	WASHINGTON / DESCHUTES / CLACKAMAS	SODOMY II / USE CHILD X2 - WASH RAPE II / USE CHID / SOD II - DESCH RAPE II - CLACK	2020	PLEA	3-WASHINGTON 21 - DESCHUTES 10 - CLACKAMAS
Niya Sosa-Martinez (Bennett)	Marion	Manslaughter I	2015	Plea	

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