

# R. Paul Frasier

## District Attorney for Coos County

### Office of the District Attorney

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### PRESS RELEASE

November 1, 2021

On September 28, 2021, Governor Kate Brown sent a letter to the Oregon Department of Corrections (DOC) asking DOC to identify youth who were "sentenced prior to the effective date of [2019] SB 1008 and did not benefit from its changes to our juvenile justice system". The letter then set forth certain criteria to be considered by the DOC in developing the list. The purpose of this list was to assist the governor in deciding whether these individuals should have their sentences commuted. This letter is attached to this press release.

The list was divided into two groups. One group contained the names of persons meeting the criteria in the Governor's September 28 letter and who had served 15 years or more of their sentence. The other group named those who will have served 50% of their sentence by the end of the year 2022.

On October 20, 2021, a copy of that list with its two groups, was given to the elected district attorneys of the State of Oregon. I personally hoped that before any action was taken by the governor, that the district attorneys for the counties where the youth were adjudicated would be consulted as to the facts of the case and more importantly, to

allow the district attorneys to notify the victims and their families that the governor was considering commuting the sentence of the youth that had victimized them.

Sadly my hope was misplaced. On the same day that the list was given to the elected district attorneys (October 20, 2021), the Governor issued a Commutation of Sentence order as it pertained to those persons who had served 15 or more years of their sentences. A copy is attached. There was no opportunity for district attorneys to provide information to the governor nor was there any time given to notify the victims and their families. By issuing this order virtually the same day as the list was made available to the district attorneys, notification to victims prior to the order being released was impossible. By so doing, the Governor has ignored the rights victims and their families have under the Oregon Constitution to be treated with due dignity and respect.

Those persons listed in the commutation order will now have the opportunity to petition the parole board to seek their release from their current sentence regardless of their crimes or time remaining to be served.

One of the persons listed in this commutation order is from Coos County. That person is Raymond Perkins. I headed the prosecution team on this case. Mr. Perkins was fourteen years of age at the time of his crimes. Mr. Perkins killed Doctor Judith Elman by beating her to death with a piece of driftwood as she was walking on the beach north of Seven Devils Wayside. She was also sexually assaulted. Because of his age, Mr. Perkins was not subject to the provisions of Measure 11. To be clear, he was not subject to the then automatic remand to adult court provisions of Measure 11, nor was he subject to the mandatory minimum sentences prescribed by Measure 11.

In August of 2002, over a period of several days, a hearing was held before the Honorable Richard Barron to determine if the case should remain in juvenile court or if the case should be decided in adult court. Testimony included professional opinions from psychologists and psychiatrists for both Mr. Perkins and the prosecution. All of the mental health professionals agreed that Mr. Perkins would need treatment and programs past his 25<sup>th</sup> birthday. Judge Barron ruled that it was in the best interest of not only society, but also of the youth, that the case be moved to adult court.

I realized that because of the age of Mr. Perkins and because the mandatory minimums of Measure 11 did not apply to him, that there would be some point when Mr. Perkins would be released. Considering his age at the time of the offense and in working with not only the defense attorneys in this case but also in consultation with the family of Dr. Elman, a resolution was reached where Mr. Perkins would serve a total of 30 years incarceration. One of the goals of this resolution was to bring some finality to the case on behalf of Dr. Elman's family. Under the terms of this plea agreement, Mr. Perkins is eligible to be released April 9, 2032.

It should be noted that Mr. Perkins began his sentence in the custody of the Oregon Youth Authority and was held at a juvenile facility. It was only after he had reached the age of 21 that he was then transferred to an adult prison.

Mr. Perkins applied three times for commutation of his sentence from the Governors of Oregon. The first occurred in 2008 and then Governor Kulongoski denied the request. The second request was made to Governor Kitzhaber in 2012, who did not make a decision on the case prior to his resignation from office. The third request was in



July of 2015 to Governor Brown. After having reviewed the case, Governor Brown declined to grant commutation of the sentence for Mr. Perkins.

As a result of the attached commutation order, Mr. Perkins can now apply to the parole board and asked to be released from prison. If granted parole, he could be released as early as next year. This means that he could be released ten years early.

My office intends to appear at any parole hearing for Mr. Perkins and will make an appropriate recommendation to the board based upon the facts of the case and the reports to be submitted by DOC concerning his behavior and programs he may have taken advantage of while in custody.

We have notified the family of Dr. Elman of this development so they too can be involved in the parole process. They are disappointed and hurt by the Governor's decision.

I have to question why Raymond Perkins is on this list. The Governor's Commutation of Sentence order talks about how youth convicted of Measure 11 offenses were not allowed a waiver hearing to adult court. The Governor overlooks the fact that Mr. Perkins was provided a waiver hearing as described above. Secondly, he was not subjected to the mandatory minimum sentences of Measure 11. Finally, I do not understand why the Governor would grant this type of order as to Mr. Perkins when the Governor has previously reviewed this case and decided that commutation of his sentence was not proper.

As mentioned above, this list is divided into two groups. The second group are those persons who will have served 50% or more of their sentence by the end of the year 2022. The governor, at least to my knowledge, has not indicated what process she intends

to follow concerning any commutation decision as to this group. Two individuals from Coos County are in that grouping.

One is Jerald Michael Brown. Mr. Brown is currently 19 years of age. He was convicted on Unlawful Sexual Penetration in the First Degree in 2017 and was given a sentence of 100 months incarceration. He currently is in the custody of the Oregon Youth Authority and can remain there until his 25<sup>th</sup> birthday. Mr. Brown could serve his entire sentence at a juvenile facility versus an adult prison.

On August 11, 2017, the victim, a four-year-old girl, was being babysat by Mr. Brown's parents at their home. Mr. Brown, then age 15, took the victim out to a trailer on the property. He sexually assaulted her in the trailer by bending her over the sink and inserting his fingers and his penis in her vagina, causing significant trauma to her vaginal area. After the assault, she was complaining of pain and bleeding vaginally. Mr. Brown claimed she had been bitten by a dog. She was taken to the hospital to be examined. Medical professionals found multiple areas of laceration and the complete breakdown of the anterior and posterior hymenal walls. The victim had bruises and petechiae (red or purple spots on the skin caused by minor bleeding from broken capillary blood vessels) on her abdomen and upper thighs. Her injuries were consistent with her explanation. Subsequent DNA analysis confirmed that Mr. Brown was the perpetrator of the sexual assault.

The second individual is Xavier Johnston. Mr. Johnston was never charged in juvenile court because he was nineteen years old when his offenses were reported to the police. (Under the law in effect at that time, the age of the individual at the time of the charging decision is used to determine whether the case is filed in juvenile court or adult



court. If the person is an adult at the time of the charging decision, then the case is filed in adult court.)

Mr. Johnston was accused of raping on two different occasions the same underage girl. The first rape occurred when she was fifteen, the second when she was sixteen. Mr. Johnston at the time of the first rape was seventeen years of age. At the time of the second rape he was eighteen years of age. Mr. Johnston and the victim knew each other through friends. In June/July 2012, the victim became sick at the mall and asked defendant to give her a ride home. Instead of taking her home, he took her to his house. She threw up in the car on the way. He told her she could lay down in his room while he went to do other things. He returned to the room and asked her for sex. She refused him. He forcefully had sex with her against her will. During the sex, she threw up again. Mr. Johnston told her that if she told anybody, he would do it again. He raped her a second time in October 2012. She was babysitting two children at that time. Mr. Johnston entered into the residence without permission. She told Mr. Johnston to leave. He grabbed her arm, pulled her into the children's bedroom, and pushed her down. He forced his penis into her mouth. When she bit down on it, he hit her. He forced her to have vaginal sex again. These incidents took place in front of two children, one of which was crying and scared. She was scared to report anything because she was afraid of Mr. Johnston. She finally reported the incident a year later on October 1, 2013. Mr. Johnston was interviewed and made some admissions about the incidents.

Mr. Johnston was charged with both of the alleged rapes. In plea negotiations, he agreed to plead guilty to one count in return for dismissal of the other charges. The charge he pled guilty to was the rape that occurred when Mr. Johnston was seventeen years of

age. He was sentenced to 100 months in prison. As he was nineteen years of age at the time the case was charged, Mr. Johnston has been serving his time in an adult prison. He is currently scheduled for release next year.

As indicated, I do not know what process the governor will use in deciding whether to commute the sentences of Mr. Brown or Mr. Johnston. It is my hope that the governor will consider input from not only my office but from the victims of their crimes before deciding whether or not to commute the sentences of these individuals. Victims and their families are entitled to that input. See the attached letter from the Oregon Crimes Victim Law Center to Governor Brown dated October 26, 2021.



R. Paul Frasier



KATE BROWN  
Governor

September 28, 2021

Colette Peters, Director  
Oregon Department of Corrections  
2575 Center Street, NE  
Salem, Oregon 97301

Director Peters,

I am requesting that the Oregon Department of Corrections (DOC) provide me a list of youth and adults in the custody of the Oregon Youth Authority (OYA) or DOC who were sentenced prior to the effective date of SB 1008 and did not benefit from its changes to our juvenile justice system, and who meet the criteria described below. Adults and youth in custody who meet those criteria may be eligible for consideration to have their sentences commuted and, if applicable, a parole hearing pursuant to my authority, as Governor, under Article 5, Section 14 of the Oregon Constitution.

The executive clemency power to commute the sentences of youth and adults in custody has traditionally been used in extraordinary circumstances, including in instances of significant rehabilitation. In 2019, with widespread support, the legislature passed SB 1008, which, among other important juvenile justice reforms, amended Measure 11. Now, as of January 1, 2020, those youth who commit Measure 11 offenses are afforded a waiver hearing in which the court determines whether it is appropriate to impose adult punishments for the crime and, even if the youth is sentenced in adult court, the individual is now entitled to a “second look” hearing half way through their sentence. As you know, SB 1008 did not apply retroactively to those youth sentenced prior to 2020.

In addition, juveniles convicted of Measure 11 offenses, for which SB 1008 would have impacted, are disproportionately people of color and typically have greater capacity for rehabilitation than their adult counterparts. These individuals have benefitted from and will continue to benefit from the additional rehabilitative programming that OYA is able to offer. SB 1008 takes into account the fact that these youth are capable of tremendous transformation. In fact, many of these young individuals pursue their education, fully engage in treatment or other skills-based programs, and become leaders within their institution prior to or before ever transferring to the custody of DOC. These circumstances are extraordinary. For these reasons, I have no doubt that the above-referenced list will be comprised of many individuals who have demonstrated exemplary progress and considerable evidence of rehabilitation, and who—unfairly—did not benefit from the effects of SB 1008. These individuals may be worthy of a commutation that is commensurate with the disproportionate impact of SB 1008.



Director Peters  
September 28, 2021  
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Youth and adults in the custody of OYA and DOC are eligible for review for a commutation of their sentence after they have served fifty percent of that sentence only if they meet the following criteria:

- Was a juvenile at the time of committing the offense for which they are in custody;
- Be serving a sentence that was ordered prior to January 1, 2020;
- Not be serving a sentence for which any convictions are for crimes that were committed as an adult; and
- Has served fifty percent of their sentence or will have served fifty percent of their sentence by December 31, 2022.

Youth and adults in the custody of OYA and DOC are eligible for a commutation that enables them to pursue a parole hearing, as described and provided for in ORS 144.397 and Section 25 of SB 1008, only if they meet the following criteria:

- Was a juvenile at the time of committing the offense for which they are in custody;
- Be serving a sentence that was ordered prior to January 1, 2020;
- Be serving a sentence of fifteen years or more of imprisonment;
- Not be serving a sentence for which any convictions are for crimes that were committed as an adult; and
- Not be serving a sentence with a current projected release date in 2050 or later. This criterion shall not exclude those serving life sentences without the possibility of parole.

Please provide me with two lists of youth and adults in custody who meet the two sets of criteria listed above by October 8, 2021.

Pursuant to my authority, as Governor, under Article 5, Section 14 of the Oregon Constitution, youth and adults in custody meeting the first set of criteria above may be granted a commutation of their sentence after they have served fifty percent of that sentence. Youth and adults in custody meeting the second set of criteria above may be granted a commutation of their sentence that enables them to pursue a parole hearing, as described and provided for in ORS 144.397 and Section 25 of SB 1008.

DOC shall follow its victim notification process for approved commutations.

Sincerely,



Governor Kate Brown

KB:smg



KATE BROWN  
Governor

## COMMUTATION OF SENTENCE

**WHEREAS**, in 2019, with widespread support, the legislature passed Senate Bill 1008, which, among other important juvenile justice reforms, amended Ballot Measure 11.

**WHEREAS**, now, as of January 1, 2020, those youth who commit Measure 11 offenses are afforded a waiver hearing in which the court determines whether it is appropriate to impose adult punishments for the crime and, even if the youth is sentenced in adult court, the individual is now entitled to a “second look” hearing half way through their sentence and, if applicable, a parole hearing after fifteen years.

**WHEREAS**, juveniles convicted of Measure 11 offenses, for which SB 1008 would have impacted, typically have greater capacity for rehabilitation than their adult counterparts and many have benefitted from and will continue to benefit from the additional rehabilitative programming that our corrections system is able to offer.

**WHEREAS**, SB 1008 takes into account the fact that these individuals—initially incarcerated as youth—are capable of tremendous transformation and, due to the age and immaturity at the time of their offenses and behavior thereafter, should be able to petition for release (on parole or post-prison supervision) by demonstrating maturity and rehabilitation.

**WHEREAS**, SB 1008 did not apply retroactively to those youth who were sentenced to fifteen years or more of incarceration prior to 2020 and, as a result, these individuals are unable to petition the Oregon State Board of Parole and Post-Prison Supervision (the “Board”) for future release consideration under the process described in ORS 144.397.

**WHEREAS**, in September of 2021, I asked DOC to help identify individuals who met the following commutation criteria: (1) Was a juvenile at the time of committing the offense for which they are in custody; (2) Be serving a sentence that was ordered prior to January 1, 2020; (3) Be serving a sentence of fifteen years or more of imprisonment; (4) Not be serving a sentence for which any convictions are for crimes that were committed as an adult; and (5) Not be serving a sentence with a current projected release date in 2050 or later, which shall not exclude those serving life sentences without the possibility of parole (collectively the “Commutation Criteria”).

**WHEREAS**, DOC has identified each individual listed in Exhibit A (collectively the “Commutees” and each a “Commutee”), attached hereto and incorporated herein by reference, as meeting the Commutation Criteria described above.

**WHEREAS**, in recognition of the unique and extraordinary circumstances of each Commutee, and in recognition of the determination that the Commutees each satisfy the Commutation Criteria described above, I have determined that each Commutee should be able to petition the Board for release on parole or post-prison supervision under the process described in ORS 144.397 and any rules promulgated thereunder by the Board.





**COMMUTATION OF SENTENCE  
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**NOW THEREFORE**, by virtue of the authority vested in me under Article V, Section 14, of the Oregon Constitution, I, Kate Brown, Governor of the State of Oregon, hereby commute the sentence of each Commutee, under the respective Judgment of Conviction referenced in Exhibit A, such that each Commutee—after serving 15 years of imprisonment as described in ORS 144.397(1)—has the opportunity to petition the Oregon State Board of Parole and Post-Prison Supervision for future release consideration under the process described in ORS 144.397 and any rules promulgated thereunder by the Board, effective as of the 4th day of December, 2021, immediately upon execution of this order. This order does not relieve any of the Commutees of parole, post-prison supervision, or incarceration. The Board shall make its own determination as to whether each Commutee, based on the consideration of their age and immaturity at the time of the offense and their behavior thereafter, has demonstrated maturity and rehabilitation pursuant to ORS 144.397 and any rules promulgated thereunder by the Board. Upon the Board's determination that a Commutee has demonstrated maturity and rehabilitation, it shall release that Commutee pursuant to ORS 144.397(7) and any rules promulgated thereunder by the Board.

Done before me at Salem, Oregon this 20<sup>th</sup> day of October, 2021.



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KATE BROWN  
GOVERNOR

ATTEST:

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SHEMIA FAGAN  
SECRETARY OF STATE



# EXHIBIT A

First Name	Last Name	County of Conviction	Age	Crime	Case Number	Conviction Date	Sentence Length in Months	PPS Length
Alejandro	Alarcon	Marion	15	Sodomy I	10C42029/06	5/12/2011	100	140
		Marion	15	Sodomy I	10C42029/11	5/12/2011	100	120
		Marion	15	Sodomy I	10C47310/01	5/12/2011	100	110
		Marion	15	Sodomy I	10C47310/02	5/12/2011	50	110
		Marion	15	Sodomy I	10C47310/06	5/12/2011	130	110
Casey	Alexander	Marion	15	Sodomy I	09C45606/02	12/28/2009	100	140
Joseph	Allen	Multnomah	16	Manslaughter I	070230865/01	6/1/2009	216	240
Carl	Alsup	Multnomah	17	Murder Aggravated	030632925/01	9/12/2005	Life w/ Parole	Life
		Multnomah	17	Murder Aggravated	030632925/02	9/12/2005	Life w/ Parole	Life
		Multnomah	17	Murder Aggravated	030632925/03	9/12/2005	Life w/ Parole	Life
		Multnomah	17	Murder Aggravated	030632925/04	9/12/2005	Life w/ Parole	Life
		Multnomah	17	Murder Aggravated	030632925/05	9/12/2005	Life w/ Parole	Life
		Multnomah	17	Murder Aggravated	030632925/06	9/12/2005	Life w/ Parole	Life
		Multnomah	17	Murder Aggravated	030632925/07	9/12/2005	Life w/ Parole	Life
		Multnomah	17	Murder Aggravated	030632925/11	9/12/2005	Life w/ Parole	Life
		Multnomah	17	Murder	030632925/12	9/12/2005	Life w/ Parole	Life
		Multnomah	17	Murder	030632925/13	9/12/2005	Life w/ Parole	Life
		Multnomah	17	Murder	030632925/14	9/12/2005	Life w/ Parole	Life
		Multnomah	17	Murder	030632925/15	9/12/2005	Life w/ Parole	Life
		Multnomah	17	Robbery I	050533107/01	9/12/2005	90	36
		Multnomah	17	Robbery II	050533107/02	9/12/2005	42	36
		Multnomah	17	Robbery II	050533107/02	9/12/2005	28	0
Multnomah	17	Assault II	050533107/03	9/12/2005	28	0		
Multnomah	17	Assault II	050533107/03	9/12/2005	42	36		
James	Anderson	Marion	17	Murder	96C21305/01	1/31/1997	Life w/ Parole	Life
Christopher	Baker	Multnomah	16	Attempted Murder Aggravated	16CR75101/01	10/31/2017	120	36
		Multnomah	16	Kidnapping I	16CR75101/07	10/31/2017	90	36
		Multnomah	16	Rape I	16CR75101/09	10/31/2017	100	240
		Multnomah	16	Sodomy I	16CR75101/11	10/31/2017	20	240
		Multnomah	16	Sodomy I	16CR75101/11	10/31/2017	80	0
		Multnomah	16	Sex Pen I	16CR75101/13	10/31/2017	100	240
		Multnomah	16	Assault I	16CR75101/14	10/31/2017	90	36

Parrish Robert	Bennette Brown	Multnomah Deschutes	16 17	Manslaughter I Murder Aggravated	110431522/02 88CR0328WE/2	1/17/2013 11/4/1988	216 Life w/ Parole	24 Matrix
Earl Charley Reynaldo	Carnahan Carnes Ceja	Lane Douglas Multnomah Multnomah	17 17 15 15	Murder Murder Manslaughter I Attempted Aggravated Murder	209817719/01 07CR1962FE/1 130733069/01 130733069/03	1/26/1999 11/16/2009 10/4/2017 2/12/2015	Life w/ Parole Life w/ Parole 216 120	Life Life 24 36
Gustavo	Chavez-Ramos	Marion	16	Assault I	09C44687/02	11/9/2009	90	36
Austin Samuel	Clark Cochran	Marion Douglas Marion Marion	16 16 16 16	Assault III Murder Rape I Unlawful Sexual Penetration I	09C51538/01 07CR1888FE/1 14C40283/04 14C40283/06	1/13/2010 2/16/2010 10/14/2014 10/14/2014	24 Life w/ Parole 100 100	12 Life 140 140
Martin Juan	Covarrubias-Rivera Cruz	Marion	16 17 17 17	Murder Sex Abuse 1 New Sex Abuse 1 New Sodomy II	10C46958/02 17CR83630/02 17CR83630/03 17CR83630/01	08/22/2011 2/8/2018 2/8/2018 2/8/2018	Life w/ Parole 75 75 75	Life 45 45 45
Cody	Dalton	Jefferson	17 17 17 17	Sex Abuse 1 New Sex Abuse 1 New Sex Abuse 1 New Sex Abuse 1 New	03FE0008/07 03FE0008/09 03FE0008/12 03FE0008/14	10/20/2003 10/20/2003 10/20/2003 10/20/2003	75 75 75 75	120 120 120 120
Todd Jamie	Davilla Davis	Clackamas Multnomah Multnomah Multnomah	16 17 17 17	Murder Manslaughter I Manslaughter I Manslaughter I	9200004/01 C880431892/02 C880431892/03 C880431892/05	3/6/1992 1/20/1988 1/20/1988 1/20/1988	600 360 360 360	Life Matrix Matrix Matrix
Miguel Timothy	Espinal Espinosa	Clackamas Marion	17 17	Murder Murder Aggravated Murder Aggravated	17CR75186/01 98C51963/01 98C51963/02	7/31/2018 5/5/1999 5/5/1999	Life w/ Parole Life w/ Parole	Life Life Life
Cayce Ellen	French Friar	Multnomah Jackson Jackson	17 15 15	Murder Criminal Conspiracy to commit an A Felony Criminal Conspiracy to commit an A Felony	061136448/03 17CR65627/01 17CR65627/02	8/8/2007 4/2/2019 4/2/2019	Life w/ Parole 240 60	Life Life 36
Thomas Christopher	Garcia Gonzalez	Lincoln Marion	15 17	Murder Attempted Murder	100548/01 07C51425/01	5/21/2013 3/21/2008	Life w/ Parole 90	Life 36
Brian	Hardegger	Lane	17	Murder	200118898/03	9/11/2002	Life w/ Parole	Life



David	Hauser	Lane	15	Sex Abuse 1 New	200827512/06	7/29/2009	75	120
		Lane	15	Sex Abuse 1 New	200827512/07	7/29/2009	75	120
		Lane	15	Sodomy I	200827512/02	7/29/2009	100	240
Nicolas	Hernandez	Marion	17	Attempted Aggravated Murder	15CR01109/01	6/8/2015	120	36
		Marion	17	Attempted Aggravated Murder	15CR01109/02	6/8/2015	96	432
		Marion	17	Attempted Aggravated Murder	15CR01109/03	6/8/2015	120	36
		Marion	17	Attempted Aggravated Murder	15CR01109/04	6/8/2015	120	36
Timothy Justin	Higgins Hubbard	Multnomah	15	Robbery II	031035086/01	4/9/2004	30	40
		Multnomah	17	Burglary I	14CR08336/09	11/24/2014	72	240
		Multnomah	17	Kidnapping I	14CR08336/01	11/24/2014	90	60
		Multnomah	17	Sex Abuse 1 New	14CR08336/14	11/24/2014	75	60
		Multnomah	17	Sodomy I	14CR08336/04	11/24/2014	100	60
		Multnomah	17	Unlawful Sexual Penetration I	14CR08336/07	11/24/2014	36	240
		Multnomah	17	Unlawful Sexual Penetration I	14CR08336/08	11/24/2014	300	240
Shayne	Jacobs	Clackamas	16	Murder	81413/02	7/1/1981	Life	Matrix
		Clackamas	16	Murder	81413/04	7/1/1981	Life	Matrix
		Clackamas	16	Murder	81413/02	7/1/1981	Life w/ Parole	Matrix
		Clackamas	16	Murder	81413/04	7/1/1981	Life w/ Parole	Matrix
Michael Elaine	Jasper Jeffers	Multnomah	17	Murder	051036460/01	12/11/2006	Life w/ Parole	Life
		Lane	17	Assault I	17CR08323/11	1/9/2018	90	36
		Lane	17	Robbery I	17CR08323/01	1/9/2018	90	36
		Lane	17	Robbery I	17CR08323/03	1/9/2018	90	36
		Lane	17	Robbery I	17CR08323/05	1/9/2018	10	36
		Lane	17	Robbery I	17CR08323/05	1/9/2018	80	0
		Lane	17	Robbery I	17CR08323/07	1/9/2018	90	36
		Lane	17	Robbery I	17CR08323/09	1/9/2018	90	36
		Lane	17	Robbery I	17CR08323/12	1/9/2018	90	36
		Lane	17	Robbery I	17CR08323/14	1/9/2018	90	36
		Lane	17	Unauthorized Use of a Vehicle	17CR08323/16	1/9/2018	50	10
Michael	Jenkins	Multnomah	16	Kidnapping I	791134298/02	7/30/1980	240	Parole
		Multnomah	16	Rape I	791134298/01	7/30/1980	240	Parole
		Multnomah	16	Rape I	791134298/04	7/30/1980	240	Parole
		Multnomah	16	Robbery III	791134298/05	7/30/1980	36	Parole
		Multnomah	16	Sodomy I	791134298/03	7/30/1980	240	Parole
Andrew Delaine	Johnson Jones	Clackamas	17	Murder	CR1202005/01	3/18/2014	Life w/ Parole	Life
		Multnomah	17	Robbery I	880432918/01	9/13/1988	360	Matrix



		Multnomah	17	Robbery I	880432919/01	9/13/1988	360	Matrix
Kenneth	Jones	Marion	15	Sodomy I	09C44446/02	12/7/2009	100	140
Michael	Jump	Multnomah	17	Robbery I	080431997/04	12/15/2009	90	36
		Multnomah	17	Robbery I	080431997/05	12/15/2009	66	36
David	Keever	Lane	17	Robbery I	200020673/04	12/20/2000	70	36
Seth	Koch	Deschutes	15	Murder Aggravated	01FE0367AB/3	8/14/2003	No Parole	
		Deschutes	15	Murder Aggravated	01FE0367AB/4	8/14/2003	No Parole	
Morgan	Larsen	Marion	15	Rape I	08C48507/06	5/19/2009	100	140
Justin	Link	Deschutes	17	Murder Aggravated	01FE0371AB/4	9/26/2003	Life w/ Parole	Life
		Deschutes	17	Murder Aggravated	01FE0371AB/5	9/26/2003	Life w/ Parole	0
		Deschutes	17	Criminal Conspiracy A Felony	01FE0371AB/6	9/26/2003	Life w/ Parole	0
		Deschutes	17	Criminal Conspiracy A Felony	01FE0371AB/7	9/26/2003	Life w/ Parole	0
		Deschutes	17	Criminal Conspiracy A Felony	01FE0371AB/8	9/26/2003	Life w/ Parole	0
		Deschutes	17	Criminal Conspiracy A Felony	01FE0371AB/9	9/26/2003	Life w/ Parole	0
		Deschutes	17	Criminal Conspiracy A Felony	01FE0371AB/10	9/26/2003	Life w/ Parole	0
		Deschutes	17	Robbery I	01FE0371AB/15	9/26/2003	Life w/ Parole	0
		Deschutes	17	Robbery I	01FE0371AB/16	9/26/2003	Life w/ Parole	0
		Deschutes	17	Robbery I	01FE0371AB/17	9/26/2003	Life w/ Parole	0
		Deschutes	17	Murder Attempt	01FE0371AB/11	9/26/2003	Life w/ Parole	0
		Deschutes	17	Murder Attempt	01FE0371AB/12	9/26/2003	Life w/ Parole	0
		Deschutes	17	Assault II	01FE0371AB/13	9/26/2003	Life w/ Parole	0
		Deschutes	17	Burglary I	01FE0371AB/19	9/26/2003	36	0
		Deschutes	17	Burglary I	01FE0371AB/20	9/26/2003	36	0
		Deschutes	17	Theft I	01FE0371AB/21	9/26/2003	Life w/ Parole	0
		Deschutes	17	Theft I	01FE0371AB/22	9/26/2003	Life w/ Parole	0
Emanuel	Lopez-Delgado	Marion	16	Murder Aggravated	05C45367/02	2/10/2006	Life w/ Parole	Life
		Marion	16	Murder	05C45367/06	2/10/2006	Life w/ Parole	Life
		Marion	16	Burglary I	05C45367/07	2/10/2006	Life w/ Parole	Life
Edward	Makarenko	Lane	17	Attempted Robbery I	17CR81347/03	5/3/2018	36	36
		Lane	17	Robbery I	17CR81347/01	5/3/2018	90	36
		Lane	17	Robbery I	17CR81347/02	5/3/2018	90	36

Mason	Meeker	Multnomah	16	Criminal Conspiracy to commit an A Felony	16CR79955/02	12/19/2017	72		36
Alberto	Mejia- Espinoza	Multnomah	16	Manslaughter I	16CR79955/01	12/19/2017	204		36
		Marion	17	Unlawful Sexual Penetration I	09C45610/02	3/15/2012	100		140
Sintorri	Miranda	Marion	17	Assault I	15CR22375/02	10/7/2015	90		36
		Marion	17	Assault I	15CR22375/04	10/7/2015	90		36
		Marion	17	Attempted Murder	15CR22375/01	10/7/2015	90		36
		Marion	17	Unlawful Use of a Weapon	15CR22375/05	10/7/2015	60		0
Medero	Moon	Multnomah	17	Murder Aggravated	000937205/01	7/10/2003	Life w/ Parole		Life
Deandrae	Patten	Multnomah	17	Murder Aggravated	960936839/01	3/20/1998	Life w/ Parole		Life
Jessie	Payne-Rana	Clatsop	16	Murder Aggravated	991056/02	11/8/2000	No Parole		
		Clatsop	16	Murder Aggravated	991056/02	11/8/2000	No Parole		
Manuel	Perez	Marion	15	Robbery I	08C46805/03	7/13/2009	27		36
		Multnomah	17	Assault II	960633656/02	12/18/1996	70		36
		Multnomah	17	Assault II	960633656/03	12/18/1996	70		36
Raymond	Perkins	Coos	14	Murder	02CR1474/07	4/10/2003	240		Life
		Coos	14	Unlawful Sexual Penetration I	02CR1474/09	4/10/2003	120		Life
Anthony	Richardson	Marion	16	Criminal Conspiracy to commit an A Felony	98C46600/04	3/22/1999	300		Life
Andy	Santana-May	Marion	16	Murder	98C46600/03	3/22/1999	300		Life
		Multnomah	17	Criminal Conspiracy to commit an A Felony	16CR80360/02	12/19/2017	46		36
Juanito	Sebastian	Multnomah	17	Manslaughter I	16CR80360/01	12/19/2017	204		36
		Multnomah	15	Rape I	14CR23489/01	4/1/2016	100		140
		Multnomah	15	Rape I	14CR23489/02	4/1/2016	100		140
		Multnomah	15	Rape I	14CR23489/03	4/1/2016	40		140
		Multnomah	15	Rape I	14CR23489/04	4/1/2016	100		140
		Multnomah	15	Rape I	14CR23489/05	4/1/2016	100		140
		Multnomah	15	Sex Abuse 1 New	14CR23489/06	4/1/2016	75		45
		Multnomah	15	Sex Abuse 1 New	14CR23489/07	4/1/2016	75		45
		Multnomah	15	Sex Abuse 1 New	14CR23489/08	4/1/2016	75		45
		Multnomah	15	Sex Abuse 1 New	14CR23489/09	4/1/2016	75		45
Multnomah	15	Sex Abuse 1 New	14CR23489/10	4/1/2016	75		45		



Matthew	Sexton	Polk	17	Murder	98P3243/01	12/16/1998	Life w/ Parole	Life
		Polk	17	Murder	98P3243/02	12/16/1998	Life w/ Parole	Life
Brian	Smeltzer	Deschutes	17	Attempted Sodomy I	18CR15369/03	9/12/2018	40	120
		Deschutes	17	Sodomy I	18CR15369/01	9/12/2018	100	240
		Deschutes	17	Sodomy I	18CR15369/02	9/12/2018	100	240
Donevin	Smith	Washington	15	Attempted Sex Abuse 1 New	17CR57409/07	5/10/2018	10	60
		Washington	15	Attempted Sex Abuse 1 New	17CR57409/07	5/10/2018	20	0
		Washington	15	Attempted Sodomy I	17CR57409/05	5/10/2018	36	120
		Washington	15	Sex Abuse 1 New	17CR57409/01	5/10/2018	75	120
		Washington	15	Sex Abuse 1 New	17CR57409/02	5/10/2018	75	120
		Washington	15	Sex Abuse 1 New	17CR57409/03	5/10/2018	75	120
		Washington	15	Sex Abuse 1 New	17CR57409/04	5/10/2018	75	120
		Washington	15	Sex Abuse 1 New	17CR57409/06	5/10/2018	75	120
Justin	Sol	Marion	15	Sodomy I	06C47554/02	8/29/2006	100	240
Ashley	Summers	Deschutes	15	Robbery I	01FE0368AB/G	2/10/2003	90	36
Jason	Tapken	Yamhill	15	Attempted Rape I	CR020346/07	2/21/2006	45	36
		Yamhill	15	Attempted Sexual Penetration I	CR020346/09	2/21/2006	18	36
		Yamhill	15	Attempted Sodomy I	CR020346/08	2/21/2006	18	36
Trevelle	Taylor	Multnomah	17	Manslaughter I	040431946/01	9/23/2005	240	36
Samuel	Vasquez	Multnomah	17	Manslaughter I	120130260/01	6/10/2013	204	36
		Multnomah	17	Unlawful Use of a Weapon	130532184/01	6/10/2013	60	0
Kendall	Vedder	Douglas	17	Sodomy I	02CR1734FE/J	7/15/2003	100	240
		Douglas	17	Sodomy I	02CR1734FE/K	7/15/2003	100	240
Joseph	Ventris	Columbia	16	Murder	961155/07	6/5/1997	300	Life
		Columbia	16	Robbery I	961155/08	6/5/1997	300	Life
Vladys	Volynets-Vasylichenko	Washington	17	Sex Abuse 1 New	C080575CR/05	3/6/2009	16	120
		Washington	17	Sodomy I	C080575CR/02	3/6/2009	100	Life
Dustin	Wallace	Douglas	16	Murder Aggravated	10CR1291FE/01	11/13/2012	No Parole	
		Douglas	16	Rape I	10CR1291FE/07	11/13/2012	100	140
Truett	Watts	Lane	17	Murder	200312821/01	9/27/2004	Life w/ Parole	Life
		Lane	17	Murder	200312821/01	9/27/2004	Life w/ Parole	Life
Bradley	Werder	Umatilla	17	Assault III	CF010224/03	8/6/2001	45	24
Stephen	Withrow	Deschutes	17	Manslaughter I	04FE0532ST/2	4/11/2005	240	0
Alek	Wright	Klamath	17	Rape I	17CR56698/01	8/25/2017	60	0
		Klamath	17	Rape I	17CR56698/01	8/25/2017	40	240
		Klamath	17	Murder	17CR00193/01	8/25/2017	Life w/ Parole	Life
Edward	Yeoman	Umatilla	17	Sex Abuse 1 New	CF100003/05	6/24/2010	75	120
		Umatilla	17	Sex Abuse 1 New	CF100003/14	6/24/2010	25	120



Tyler	Younk	Polk	15	Sodomy I	17CR19169/01	1/3/2018	100	240
		Polk	15	Unlawful Sexual Penetration I	17CR19169/05	1/3/2018	100	240



## Oregon Crime Victims Law Center

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October 26, 2021

Governor Kate Brown  
Office of the Governor  
900 Court Street NE, Suite 254  
Salem, OR 97301-4047

Dear Governor Brown:

The Oregon Crime Victims Law Center is a nonprofit organization that provides free legal representation to crime victims throughout the state to assist victims in asserting their constitutional and statutory rights in the criminal justice system. OCVLC's mission is to ensure that victims' voices are heard and that the rights guaranteed to victims by the Oregon Constitution and by statute are protected.

As you know, the criminal justice system is undergoing changes regarding equity, racial disparity, and juvenile justice reform. While these changes are welcome and necessary, the rights of crime victims must be taken into consideration when making decisions that will impact victims as well as society as a whole. OCVLC asks that you simultaneously consider and honor the rights of the victims of those crimes as your office considers the release of hundreds of juvenile offenders who were convicted of Ballot Measure 11 crimes,

Under the Oregon Constitution, crime victims have the right to be notified of the future release of a convicted defendant. OR Const, Art I §42(1)(b). That same right is provided by statute. ORS 147.421(1) (providing that upon the victim's request a "public body" that is the custodian of information "about the defendant or convicted criminal" must provide the victim with information about defendant's "future release from physical custody").

Unfortunately, a number of victims first learned that the person who harmed them is being considered for early release through an article in *The Oregonian* on October 22<sup>nd</sup>. The victims that clicked on that list of offenders being considered for commutation unfortunately learned in the least trauma-informed manner possible that the person who caused their harm is now being considered for release. Some of those on the list are not even half-way through their sentences, and others are serving life sentences. This insensitive manner of communication of significant changes in release dates seems contrary to the Oregon Constitution's guarantee that victims will be treated with "due dignity and respect." Or Const, Art I §42. Further, OCVLC is concerned that the victims' statutory and constitutional rights to notification of early release, mentioned above, were not honored before the article was published.

This right to notification is critically important. Not only does it provide the victim with information that they are constitutionally entitled to, but it gives victims time to prepare themselves and their family members for the impending release, and to make important decisions regarding their safety.

The Oregon Constitution guarantees victims "(t)he right to be reasonably protected from the criminal defendant or the convicted criminal throughout the criminal justice process and from the alleged youth offender or youth offender throughout the juvenile delinquency proceedings." Or Const Art I, § 43.

For the remaining inmates on the list who will not be going before the Board of Parole, careful consideration needs to be given both to victim notification as well as a victim's right to protection. It is very important for victims to receive notification from a trained advocate rather than through media sources. Each victim should be given the opportunity to be heard regarding the effects of the harm that was done to them as well as their safety concerns if the offender is released.

Victims' rights are a critical part of the administration of justice, and are protected as such by the Oregon Constitution, which promises victims a "meaningful role in the criminal justice system." Or Const, Art I §42. We ask that when considering the release of inmates who have caused enormous harm that careful thought is put into the question regarding notification and victim safety. It is critical that victims be notified sufficiently in advance of an inmate's release to make necessary plans for the protection of themselves and their families. We hope that victims' voices are heard when making these commutation decisions that will have such a significant impact.

Thank you for your attention to this matter.

Sincerely,

*Rosemary W. Brewer*

Rosemary W. Brewer  
Executive Director