

Judge upholds evidence seizure

By Bill Bishop, *Register Guard*, November 9, 2000

A judge ruled Wednesday that police lawfully seized evidence implicating two self-proclaimed anarchists in a June 16 arson at Romania Motors and a May arson attempt at an oil company in the Whiteaker neighborhood. Craig Andrew Marshall, 27, and Jeffrey Michael Luers, 21, face at least 7 1/2 years in prison under Measure 11 if convicted for the fire at the auto dealership on Franklin Boulevard. Fire destroyed a 2000 Chevrolet Silverado half-ton pickup truck and damaged two other trucks.

Each man is charged with nine felonies stemming from the two incidents. In the May 27 arson attempt, intruders left a firebomb near fuel trucks at the Tyree Oil Inc. that did not ignite. After the Romania fire, police charged the men in both incidents based on evidence they said they found at a storage unit. About 30 spectators, police investigators and reporters attended the 4 1/2 -hour hearing. The rulings by Lane County Circuit Judge Lyle Velure clear the way for a trial, which starts with jury selection Tuesday. The men were arrested two days before the culmination of a series of street protests billed as "The Seven-Week Revolt" ended with dozens of arrests during the weekend of June 17-18. Demonstrators protested against a variety of issues from economic globalization to police authority.

Defense lawyers Brian Barnes, representing Marshall, and Ken Morrow, representing Luers, argued that police lacked the legally required "probable cause" to believe the pair were involved in the June crime when they searched their car that night. Both Luers, who goes by the street name "Free," and Marshall, who goes by "Critter," testified that they gave police only limited permission to search the car for drugs after an officer said he thought he saw a baggie of marijuana. No drugs were found. The car search led to a search warrant for a storage unit that turned up incense sticks, thread, matches and containers similar to those used to build delayed-ignition fire bombs in the two arson cases, according to police documents and court records. Defense lawyers argued that because the search warrant was issued as a result of an illegal police search of the car, all evidence from the searches should be withheld from the jury.

Deputy District Attorney Caren Tracy put three police officers on the witness stand to explain how they determined that Luers and Marshall were suspects in the June arson case. Eugene police Sgt. Chuck Tilby said a number of officers were assigned to keep track of a large group of people associated with the protest. Luers and Marshall were of no special interest, he said. A police surveillance team, expecting the pair might lead them to a larger group, followed the men from the storage unit at 1395 Cross St. the night of June 15, Tilby said.

The two drove a roundabout way to a side street near Romania, where they got out of the car and walked down a darkened bike path near the business, said Tilby. In cross-examination and legal arguments to the judge, Barnes indicated the defense will focus on gaps in police observation of the men near the Romania fire. Barnes also indicated that the defense will try to show jurors that everyday articles seized in the storage unit aren't

linked to either fire. No one was injured in either incident. Damage was estimated at nearly \$50,000.