

Jeffrey Luers' Sentence Comparison to other Oregon State Cases

When Jeffrey "Free" Luers was sentenced to 22 years and 8 months, it was clear that the judge was basing his decision on Jeff's politics and not on the crime. Setting a small fire that resulted in damage to three SUVs—two of which were repaired for resale—would not typically result in such an egregious sentence. As it can be seen in the examples below, rapists, murderers and even arsonists setting much larger fires than the one Jeff was convicted of, have received much more lenient sentences.

Jeff was known in the local community as an activist involved in various campaigns from forest activism to Food Not Bombs to a local Copwatch chapter. During the course of his trial, statements were made by the police and prosecuting attorney that indicated it was Jeff's political views on trial, not merely his actions. Yet, Judge Lyle Velure chose to hand down a sentence that would send a message to environmental and social justice activists that even a merely symbolic act of property destruction would now be equated with terrorism and punished more harshly than many crimes against persons.

The following are cases in Oregon State that demonstrate the clear absurdity of Jeff's sentence.

- Jimmie Douglas Davis, who attacked two Dunes City residents with an axe, plead guilty to attempted murder on April 10 and was sentenced to 15 years in prison ("Man receives 15 year sentence for ax attack", City/Region, *Register Guard*, 4-11-02).
- *The Register Guard* reported on Aug. 2, 2001, that 26-year old Ruben Patterson, a basketball player with the Portland Trailblazers, recently received a suspended sentence of one year in prison for attempted rape on his children's 24-year-old nanny. Patterson ended up serving 15 days in jail -- for coercing a young woman to perform oral sex on him.
- Conrad Milton Baker Jr., 47, plead guilty to First Degree Arson in August of 2001. In September of 2001, Lane County Circuit Judge Eveleen Henry sentenced Baker to three years in prison. ("Man gets jail for burning home", City/Region, *Register Guard*, 9-6-01).
- Kristian Villa, 24, was convicted of attempted murder, five counts of first-degree arson, and witness tampering in May of 2001. He was sentenced to 20 years by Lane County Circuit Judge Karsten Rasmussen. ("Man given 20 year sentence for arson", in City/Region, *Register Guard*, 5-4-01).
- Craig Anthony Curry, 35, plead guilty to one count of 2nd degree rape involving a girl under the age of fourteen, three counts on 3rd degree rape involving girls under the age of 16, contributing to the delinquency of a girl under the age of 18, one count each of 2nd degree sexual abuse, and two counts of delivering drugs to a minor. Curry had previously served four years of a ten year sentence for a murder he committed as a teen in Texas in 1980. He also had a history of assault, robbery, and other violent and nonviolent offenses. Curry was sentenced to 13 years by prosecutor Karen Tracey (the

same prosecutor in Jeffrey Luers' case).

- Robert Uriah Brown, 22, plead guilty to kidnapping, attempted rape, two assault charges, and resisting arrest in three separate incidents. In exchange, prosecutors dropped a robbery charge against him. He was sentenced to 18 years. Brown forced his way into a disabled man's home and cut off his two fingers, and later on the same night attempted to rape a teenage girl. During the first month of his imprisonment, this man instigated a fight with Jeffrey Luers after Luers warned others of his history. Luers suffered a broken nose as a result. (City/Region, *Register Guard*, June of 2000).
- Robert Segura Anderson, 24, plead guilty to first degree rape and two counts of attempted unlawful sexual penetration in a plea deal with prosecutors. He was sentenced by Lane County Circuit Judge Karsten Rasmussen to 14 years in prison ("Ex-fugitive sentenced for abuse", City/Region, *Register Guard*, June of 2000).
- On January 21, 1998, a jury convicted Terrell Leland Thomas, 30, of one count of 1st degree kidnapping and two counts each of 1st degree sexual abuse and attempted rape. Judge Lyle Velure (the judge who sentenced Jeffrey Luers) sentenced the man to 20 years under Measure 11.
- After describing convicted rapist Adam Seth Anderson as a "miserable excuse for a human being" Judge Jack Billings sentenced the 22 year old to 25 years in prison without parole. Anderson was convicted of kidnapping, robbing, raping and sodomizing a 21 year old woman, stabbing her 19 times, and leaving her for dead after throwing her body into a tributary of the Siuslaw River west of Walton. ("Rapists gets 25 years in prison" - City/Region, *Register Guard*, 12-5-96).
- Clarence Davenport and Sherry & Lee Armstrong were convicted on 21 counts of arson, fraud, and making false statements. The three were found guilty of setting fire to the building they lived and worked in to collect insurance, then claiming that the fire was an anti-Semitic hate crime aimed at them. The article I obtained this information from was written prior to the sentencing of these three individuals, but it did state that these individuals could receive from five to 20 years in prison. Judge Hogan did not apply Measure 11 to these individuals, and promised that they would be sent to a minimum-security facility. ("Arsonists to remain free until sentencing", City/Region, *Register Guard*, April 4, 1996).
- Shawn Leroy Tyler, 19, was ordered by Lane County Circuit Judge Greg Foote to serve 97 months (eight years) in prison after pleading guilty to two counts of first degree arson for his role in firebombing a home and torching a halfway house ("Man gets eight years in prison for fires", City/Region, *Register Guard*, 11-19-94).

June 17, 2005

[22 Years For Millennium Bomb Plot](#)

Associated Press

SEATTLE, July 27, 2005

The man convicted of plotting to blow up the Los Angeles airport on the eve of the millennium was sentenced Wednesday to 22 years in prison. Ahmed Ressam's sentence reflected his cooperation in telling international investigators about the internal workings of terror camps in

Afghanistan.

"There is no doubt about it. With this sentence, Ressay caught a bit of a break from this judge, mostly because the would-be bomber DID help the feds as an informant for many years following his arrest," said CBS News Legal Analyst Andrew Cohen. "I think the judge wanted to reward that behavior and he probably did."

But Ressay, 38, could have received a shorter sentence had he not stopped talking to investigators in early 2003. Prosecutors argued that his recalcitrance has jeopardized cases against two of his co-conspirators.

"This still isn't a light sentence but it is not nearly as long as a lot of people expected. Essentially, the judge gave Ressay time off in advance for his good behavior over many years of providing good information to the feds following his arrest and conviction," Cohen said.

Ressay was arrested in Port Angeles in December 1999 as he drove off a ferry from British Columbia in Canada with a trunk full of bomb-making materials. Prosecutors recommended a 35-year sentence; Ressay's lawyers asked for 12 1/2 years. "I'm sure prosecutors are disappointed but they surely shouldn't be surprised," Cohen added. Ressay had been scheduled for sentencing in April. After more than two hours of arguments, U.S. District Judge John C. Coughenour called it off, giving Ressay three more months to resume cooperation. Coughenour and federal prosecutors want Ressay to testify against his two co-conspirators, Samir Ait Mohamed and Abu Doha, who are awaiting extradition from Canada and Britain, respectively.

Coughenour said he hoped to balance the United States' resolve to punish potential terrorist acts with Ressay's cooperation, while reflecting the government's pretrial offer of 25 years. He also said he hoped to send a message that the U.S. court system works in terrorism cases. "We did not need to use a secret military tribunal, detain the defendant indefinitely or deny the defendant the right to counsel ... our courts have not abandoned the commitment to the ideals that set this nation apart," the judge said in court.

June 17, 2005

Two teens held as suspects in school fire

By Rebecca Nolan, *The Register-Guard*

Eugene police arrested two teenagers in connection with a fire that destroyed the gymnasium at Santa Clara Elementary School this week. Evidence at the scene and tips from the public led detectives to arrest 15-year-old Danny Ross Hale and 17-year-old Nicholas Joseph Ingram, both of Eugene, late Wednesday. The boys were being held at the Lane County Juvenile Justice Center on arson and burglary charges.

Prosecutors had yet to review the case on Thursday, and they had not decided whether to try the boys as juveniles or as adults. "We're going to be taking a look at that to see whether it's a Ballot Measure 11 arson," said Kent Mortimore, Lane County chief deputy district attorney. If so, the boys could be facing a mandatory sentence of 7 1/2 years.

Police had been investigating reports that two teens were seen near the school property at 2685 River Road shortly before the fire alarm sounded before midnight Tuesday.

Eugene firefighters responding to the alarm found smoke coming from the gymnasium of the

vacant school. They called for more crews from Eugene and Santa Clara after they forced open the doors and found the main floor fully engulfed in flames. The fire had spread to the second floor and the attic. The ferocity of the blaze forced firefighters to retreat and attack the fire from outside the building. The gym roof finally collapsed and crews worked to put out "hot spots." They had the fire under control by 2:24 a.m. The fire marshal called Eugene police arson investigators to the scene after determining that the fire was suspicious. Together, they pieced together the information and evidence that led to the teens' arrest.

The school has been closed since June 2002. The Eugene School District plans to sell the property.

June 9, 2005

Man who hit deputy gets five years

By Bill Bishop, *The Register-Guard*

A man who drove a stolen pickup truck into a Lane County sheriff's deputy in March, injuring the deputy's shoulder, was sentenced Wednesday to five years in prison. Lloyd Raymond Frach III, 22, pleaded guilty to five counts of car theft, third-degree assault for injuring deputy Aaron Hoberg, criminal mischief and drunken driving. Hoberg and an Oregon State Police trooper got out of their cars and drew their guns on Frach after they cornered him in a stolen pickup truck on a rural road outside of Florence on March 11. Frach acted as though he would surrender, but accelerated and struck Hoberg, Deputy Lane County District Attorney David Schwartz said. Frach, a resident of Kerby, eluded police that night, and the next morning outran Josephine County sheriff's deputies in a chase with speeds reaching 110 mph, according to a sheriff's report. Josephine County deputies caught Frach later that day when they investigated a report of a suspicious vehicle. Frach was jailed in Lane County and was released under electronic surveillance, Schwartz said. However, Frach cut off the surveillance bracelet, stole another vehicle and was caught again in the Florence area, he said. Defense lawyer Judith Yablonski said Frach had no criminal record until January of this year. She said the crime spree resulted from Frach falling back into drug use after he experienced some family problems. As part of the sentence, **Lane County Circuit Judge Lyle Velure** [ed: *Jeff Luers' sentencing judge*] entered a legal judgment for more than \$10,000 against Frach to pay for damage to stolen vehicles and other losses from his crimes.

January 28, 2005

Driver gets 30 months in ramming

By Bill Bishop, *The Register-Guard*

There is more than one way to look at the nightclub fight last August that turned into a parking lot riot, culminating in a Portland man ramming his car into a crowd, injuring nine people while up to 200 others watched. The man, Jermaine Anthony Nelson, 21, was sentenced Thursday to 30 months in prison in a plea deal with the prosecutor.

February 25, 2005

Victims tell arsonist they forgive him

By Bill Bishop, *The Register-Guard*

Two arson victims faced Springfield serial arsonist David Robert Franz in Lane County Circuit Court on Thursday and forgave him. Both urged Franz, 30, to get help in prison to be a better person after he serves his sentence - which will be at least 7 1/2 years, but could run as long

as 15 years if he behaves badly or fails prison treatment programs.

"Please work at getting well," Gayle Sheller told Franz, adding that the fire he set in her husband's shop burned heirloom tools that had belonged to Sheller's grandfather and father and were to have been passed to Sheller's sons. Sheller also told Franz that his fires terrified elderly neighbors on the block. Nylotis Davis, 82, told Franz the fire at her home was "a great inconvenience" and cost her money for damage not covered by insurance. But she said she has no anger and wants no retribution. Instead, Davis said she wished there was another way to resolve the crime other than locking Franz behind bars. "I bear you no grudge," she told him.

Franz, whose criminal record includes 91 arrests since 1996, apologized to both women and said the recent birth of his daughter has motivated him to change his ways. "It has really hit me into reality," Franz said. "If I could turn back the clocks, I'd wish none of this would have happened so I could be there for my kid. I do need help." Franz was convicted last week on 17 first-degree arsons and eight second-degree arsons in a deal with prosecutors that gives him a shot at prison treatment programs, and a possible sentence reduction. But the first 7 1/2 years fall under Measure 11 and cannot be reduced for any reason, according to court records.

Wearing green jail clothing, Franz hung his head as Deputy Lane County District Attorney Tom Hermens reviewed how Franz's arson spree consumed efforts of fire investigators for eight months. No one was injured, but several people were threatened in the fires, he said. Investigators got some tips that led them to put word out on the street that they were interested in talking to Franz, who voluntarily came in for questioning.

"Ultimately, Mr. Franz sat down and admitted starting these fires," Hermens told Lane County Circuit Judge Maurice Merten. "What he said was he acted often out of simple frustration." Springfield Deputy Fire Marshal Brian Parmelee said he worked closely with Hermens to devise a sentence that will give Franz a chance to reform and no longer be a public danger when he is released. "Putting somebody in jail won't do any good if they aren't rehabilitated," Parmelee said.

September 23, 2003

[Eugene man given 18 years for aiding teen sexual acts](#)

A Eugene man was sentenced Monday to almost 18 years in prison for inducing a 15-year-old boy to engage in sexual acts after showing him child pornography downloaded from the internet.

Kurt Allen Downs, 53, entered a plea deal in the case last week to avoid a possible prison term of up to 67 years for sodomy, sexual abuse and 50 counts of encouraging child sexual abuse, according to court records. Downs' defense lawyer indicated that the case will be appealed to challenge the Oregon Supreme Court's rulings that make downloading and sharing child pornography a crime. Recent U.S. Supreme Court rulings indicate that the activity may be protected as free speech under certain circumstances. Deputy District Attorney Bob Lane said Downs possessed thousands of child pornography images on his home computer and was charged for only a small fraction of them. He said Downs also was convicted of molesting two boys in 1984. Lane said the current case came to light after the 15-year-old victim was prosecuted in the juvenile court system for molesting a 4-year-old boy and told investigators he did so at the behest of Downs. The teenager and Downs met on the Internet, Lane said. Lane County Circuit Judge Lyle Velure invoked laws that allow him to double the usual

sentences for Downs' convictions. The sentence totals 17 years and eight months.

September 23, 2003

Man sentenced to four years in school arson

Cara Roberts Murez, *Statesman Journal*

The second man sentenced for a firebombing at North Salem High School will spend nearly four years in prison. Robert Duane Miller, 21, was sentenced Monday on charges of arson, burglary, identity theft and violating probation for the school incident and earlier crimes.

Miller told Judge John Wilson that he was a "punk" at the time that he committed the crimes, and in the past four months, he has thought a lot about what he did. His attorney, Lester Seto, said Miller is involved in several jail programs, including narcotics and alcoholics anonymous and anger management.

"He's a substantially different person than when I first met him," Seto said. Deputy District Attorney Courtland Geyer said even though Miller didn't throw a bomb into North High, he made his bomb with the others and was the first to set his off, damaging a school concession stand that he had set it on, Geyer said. Wilson ordered Miller to serve three years and 11 months in prison. He also ordered Miller to pay more than \$12,000 in restitution together with his two co-defendants and \$1,000 in restitution for the other crimes. Wilson said he wanted to acknowledge that Miller took responsibility for the crimes by pleading guilty to them but also to consider Miller's lengthy criminal history.

Miller's co-defendants, his brother Magnum Miller and Jeffery Freitag, are accused of throwing two Molotov cocktails at the high school May 29. One of the bombs went through a Junior ROTC classroom window. Freitag, 20, was sentenced last week to two years and eight months in prison. Magnum Miller, 20, will be sentenced Oct. 9. Geyer has previously said in court that he plans to recommend a 13-month prison sentence for the younger brother. Magnum Miller and his mother, Margaret Hagemann, sat behind Robert Miller at the sentencing Monday. Hagemann said her son, Robert, had wanted to get clean before but couldn't secure coverage to get the alcohol and drug treatment that he needs.

Man gets prison term for arson

The Associated Press

McMinnville- A man who set his house on fire after an argument with his son was sentenced this week to 18 months in prison. Larry Keeney, 44, of Willamina pleaded guilty to charges of arson and tampering with a witness. Prosecutor Alicia Eagan said Keeney arrived home Dec. 29 to find his son's dog had urinated in his bedroom. Eagan said Keeney's overreaction to the incident led Adam Keeney to leave his father's home for a friend's place. Keeney went to the friend's home and told Adam that if he didn't come home, he was going to burn down the house, Eagan told the court. The younger Keeney refused to leave, so the father returned home and set a couch on fire. Shortly thereafter, Keeney called 911 to report both the fire and his intent to commit suicide. Firefighters arrived to find him in his front yard, covered with soot but unharmed. The house didn't fare so well. Damage was estimated at \$70,000.

October 2, 2004

Police arrest suspect in arsons

By Rebecca Nolan, *The Register-Guard*

SPRINGFIELD - A 29-year-old Springfield man with an extensive criminal record has been charged with setting 17 fires at homes and outbuildings in the past eight months.

Police said Friday that David Robert Franz is the elusive Springfield serial arsonist. He was arrested late Thursday and jailed on 12 counts of first-degree arson and five counts of second-degree arson.

Franz, a Springfield native, has been arrested 91 times since 1996, mostly on theft and drug charges as well as parole violations and failing to appear at court hearings, Springfield Police Chief Jerry Smith said. He has been released from the Lane County Jail 26 times under the jail's system to relieve overcrowding, and placed on felony probation six times. Franz and two others were arrested in 1995 for a series of Springfield fires that burned an office building, a grocery store, two trash bins, a newspaper box and a car. In that case, he pleaded guilty to a burglary charge and served probation. A charge of conspiring to commit second-degree arson was dropped, court records show.

Deputy fire marshal Brian Parmelee said he has been looking at Franz and his associates since the first fire was set Jan. 30 at 144 West E St. He said Franz lived in the Washburne Historic District of downtown Springfield when 12 fires tied to him were set in that neighborhood. When Franz moved east near 41st and Camellia streets, fires started breaking out in that neighborhood. "Your guts can say one thing, but as an investigator I have to prove it," Parmelee said.

He undertook the time-consuming process of building a case against Franz. Parmelee said arson is hard to prosecute because the arsonist sets the fire and walks away a good 15 to 20 minutes before people realize something is wrong. Getting witness statements is difficult and physical evidence is often destroyed by flames. And because Franz lived in the neighborhoods where the fires were set, he wouldn't seem suspicious to other residents, Parmelee said. Slowly over the past eight months the case developed. A Lane County sheriff's deputy investigating a burglary talked with some people who mentioned Franz as a possible suspect in the Springfield arsons.

Last Friday, Parmelee visited a house near 41st and Camellia and left his business card with a resident. The card got passed around and ended up in Franz's hands. Franz called Parmelee and agreed Thursday to come to City Hall to talk. At first, he denied any involvement, investigators said. But after police confronted Franz with the evidence, they were able to make an arrest, which came at 10:30 p.m. Investigators declined to describe evidence that links Franz to the fires, but they said the fires were all very similar. Parmelee described Franz as mild-mannered and polite. He said the young man has used methamphetamine for years, as his criminal record attests. Franz's father, attorney Robert Franz Jr., has handled high-profile legal cases throughout the state. He defended Chief Smith in a federal civil rights lawsuit filed against the city, the police department and two detectives by two men cleared in a 1983 murder for which they had been convicted and sentenced to life in prison. The city settled the suit for \$2 million.

A message left at Robert Franz's law office was not returned Friday. Mayor Sid Leiken used Thursday's arrest to urge voters to approve a \$28.7 million bond measure to fund a new 100-bed city jail, police services building and municipal court. City councilors voted unanimously last month to put the measure on the Nov. 2 ballot. "We have a serious issue here that we have to deal with," Leiken said. The mayor vowed to call the Lane County Jail personally and

demand that Franz be kept behind bars this time. "We pay \$165,000 a year for five beds" at the county jail, he said. "One will go to this guy."

Fire Chief Dennis Murphy said that Franz may be behind bars, but other arsonists are still at work in the city. So far this year, 66 arson fires have been set in the Springfield, accounting for about 10 percent of all fires in the city. The city's police and fire personnel have suggested starting a reward fund to encourage future witnesses to come forward with information. The idea is still in the preliminary stages, the fire chief said.