

THE BEACON'S OPINION:

Bernice Barnett On Trial!

Ed Johnston, the Toledo hell-raiser, has decided to get the jump on Bernice Barnett, the hard-charging district attorney who reportedly has her eyes fixed on the upcoming retirement of Judge Littlehales and his still-warm seat on the 17th Circuit Court.

Barnett enjoys immense popularity among geriatric voters. An astute campaigner, she has a busy P.R. schedule that includes council meetings and chamber luncheons from Lincoln City to Yachats. Her "annual reports" are based on nebulous statistics and a page or two of vague narrative, but it's enough for most folks that she shows up to pitch coleslaw at fund-raising dinners.

But people who write-off Ed Johnston as a mere hillbilly activist with an axe to grind for Barnett, forget that he single-handedly recalled the Lincoln Co. school board and has made a career of putting cozy politicians under embarrassing and not always unfair scrutiny.

Recently, Johnston started an ad campaign exposing one of Barnett's many gaffes — the vigorous prosecution of an innocent man on charges that might have sent him to prison for 24 years but for his attorney, the talented Stephan A. Lovejoy of Otis. As the county's chief law enforcement officer, Barnett failed to see obvious flaws in the case that should have stopped the costly debacle early on. The case was so inadequate that the jury foreman apologized to the defendant, a marine biologist free of any criminal history who was accused of rape and other grievous felonies.

The case left three victims in its wake, including the accused man, who was wrongfully jailed and saddled with the massive costs of a criminal defense. Then there was the alleged victim, who was used as a pawn in a derelict prosecution. Her life, now part of Ed Johnston's ad campaign, has been ruined. Finally, taxpayers will bear the final burden of these errors for years to

come.

This case alone should be enough to call Barnett on the carpet, but we've seen one ridiculous mistake after another coming from the D.A.'s office, dating back to her first year in office. Just off the tops of our heads we recall:

- the time a Depoe Bay businessman was accosted on his own property by a gang of under-18 skateboard punks, then charged with assault by the child-friendly D.A. After a copious amount of grandstanding, Barnett dropped the charges;
- how a Native American citizen of Depoe Bay who spotted a nifty papier-mache' dragon left amid debris at City Park was charged with multiple felonies after he cut the head off to use in his native rituals. The charges were dismissed in a fit by the judge;
- how Bernice is prosecuting a shivering, broken-down transient for burning wooden crosses he found abandoned on a public beach with a law that carries a \$50,000 fine. See

the story in this issue;

- how Bernice failed to bring any charges at all in the case of a young Depoe Bay man who was shot and killed in his own home by another young man. See Oregon Revised Statutes 166.180, "Negligently wounding another;"
- or how Bernice helped turn the Longo murder trial into a media circus that will cost taxpayers millions in death-penalty appeals. Nobody gets the poison Kool Aid in Oregon that doesn't want it, anymore; Bernice could have wrapped up the horrible matter overnight with a plea bargain, as did the Tillamook D.A. in a shockingly-similar family murder.
- It's one thing for a D.A. to prosecute ne'er do wells with ruthless efficiency; it's quite another to prosecute people with sloppy police work and feeble evidence.
- We think Ed Johnston may have a point, and shudder to think what a Bernice on the Bench would mean for defendants' rights.

Case 120600



Letters to the Editor

Send your correspondence to: The Editor, Depoe Bay Beacon, P.O. 947, Depoe Bay, OR 97341; E-Mail, news@depobaybeacon.com; Fax, 541-764-5211

Here's the \$100 I owe you plus \$20 for a new bottle of Rebel Yell. I got hammered by the flu 36 hours after I got home — probably mixed it in a revhound. I

soon — we'll try to get a picture of the core if it's allowed. I'll fax or email both to you when they're written, and we can settle up after you publish.