



# COURT OF APPEALS

## Media Release

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**CONTACT:**

Lora Keenan  
(503) 986-5660

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The Court of Appeals issued these opinions:

- State of Oregon v. Jason Paul Hite  
(A150288 - Lane County Circuit Court)
- State of Oregon v. Craig Alan Pumphrey  
(A153140 - Washington County Circuit Court)
- State of Oregon v. Raymundo Marquez-Vela  
(A152189 - Multnomah County Circuit Court)

The Court of Appeals affirmed these cases without opinion:

- Bobby Lee Hillman v. Mark Nooth  
(A149209 - Malheur County Circuit Court)
- Clayton L. Howard v. Mark Nooth  
(A150521 - Marion County Circuit Court)
- Robert Cordell Stice v. Jeff Premo  
(A150921 - Marion County Circuit Court)
- Jason Servo v. Department of Public Safety Standards and Training  
(A152300 - Department of Public Safety Standards and Training)
- Kodjo Ananouko v. Liberty Northwest Insurance Corporation  
(A152474 - Workers' Compensation Board)
- State of Oregon v. A. R.  
(A152937 - Multnomah County Circuit Court)
- State of Oregon v. Jason Edward Cole  
(A153558 - Hood River County Circuit Court)
- Wells Fargo Bank, N. A. v. Timothy Hermach  
(A153908 - Lane County Circuit Court)
- State of Oregon v. J. A. K.  
(A154232 - Deschutes County Circuit Court)
- State of Oregon v. Trevor Allie Burnam  
(A154604 - Clackamas County Circuit Court)

Kent Seida v. City of Lincoln City  
(A155230 - Lincoln County Circuit Court)

Department of Human Services v. P. S.  
(A156534 - Polk County Circuit Court)

Department of Human Services v. M. M. S.  
(A156659 - Baker County Circuit Court)

Scott Ashcom v. Columbia Collection Service, Inc.  
(A156732 - Multnomah County Circuit Court)

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**State of Oregon v. Jason Paul Hite**

(Hadlock, J.)

In this criminal case, defendant moved to suppress evidence found in his backpack after he was arrested on an outstanding warrant, arguing that the police unlawfully searched the backpack. The trial court denied the motion, ruling that the police were required to inventory the backpack before taking defendant to jail. On appeal, defendant argues that the search was not conducted pursuant to a facially valid inventory policy that sufficiently limited the scope of the inventory. Held: The inventory policy requires officers conducting an inventory to look for a broad range of items, including food and alcohol, and to open all closed containers that are designed to or likely to hold any of those items. Such an inventory extends well beyond that which would be reasonably related to the stated purposes of the policy, namely, to protect prisoner property, to protect Lane County against liability, and to protect police officers and jail employees against hazards that may arise from uninventoried property. It follows that the inventory policy is overbroad and that the inventory of defendant's backpack violated Article I, section 9, of the Oregon Constitution. In Case Number A150288, Counts 1, 13, 14, and 15 reversed and remanded; otherwise affirmed. In Case Number A150289, Counts 2, 3, 4, 6, 7, 8, 9, and 10 reversed and remanded; otherwise affirmed.

**State of Oregon v. Craig Alan Pumphrey**

(Hadlock, J.)

Defendant pleaded guilty to two counts of violating a court's stalking protective order, and the trial court entered convictions on that plea. Defendant appeals from a supplemental judgment in which the trial court imposed restitution for expenses incurred by the victim. Defendant contends that the state's evidence as to five items of restitution was insufficient to establish economic damages, and therefore provided an inadequate basis for restitution. Held: The trial court did not err in imposing restitution, because evidence in the record supported the trial court's determination that the victim's economic damages resulted from defendant's criminal activities. Affirmed.

**State of Oregon v. Raymundo Marquez-Vela**

(Tookey, J.)

Defendant, who was convicted of fourth-degree assault (Count 2) and murder (Count 1), appeals a judgment of conviction for murder, arguing that the trial court erroneously allowed a police detective to comment on his credibility. The state argues that the detective's testimony was admissible to rebut an issue that defendant raised during cross-examination and that any error was harmless. Held: The trial court erred when it admitted the detective's testimony and its error was not harmless. Conviction on Count 1 reversed and remanded; remanded for resentencing; otherwise affirmed.

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