

Testimony of Joshua Marquis, District Attorney of Clatsop County - May 27^h 2015

Bill #HB2317

Senate Judiciary Committee

Chair (Senator) Prozanski

Vice-Chair (Senator) Kruse

My name is Joshua Marquis. I have practiced law for more than 30 years in the state of Oregon, primarily as a prosecutor. In 1994, then-Governor Barbara Roberts appointed me District Attorney of Clatsop County. Since then, I have been reelected to that position six times.

I write today in support of the amendment to HB2317 to extend Oregon's criminal statute of limitations for sex abuse and sexual assault (rape, sodomy and other major sex felonies) to a minimum of 20 years.

I would point out that Oregon is very much an outlier, in that the vast majority of states either have much longer statutes of limitations, or none at all for this particular type of crime.

Opponents of extending Oregon's current statute of limitations point to the length of time and the difficulty in getting people to remember correctly incidents that happened so long ago. While memories may fade, they in fact are a much greater impediment to prosecution than to defense.

Despite some others' opinions, most serious rape cases are not simply "he said, she said" cases between angry ex-lovers. Most of these crimes are cases of brutal assault, often by serial rapists like Richard Troy Gillmore, against young and particularly vulnerable victims.

I would ask the Committee to consider whether you would ever place such a low limit or "statute of limitations" on the *exonerat*ion of someone accused of such a serious crime. The same arguments apply. In most of these cases, many years, if not decades, have gone past, memories have faded, and evidence has been lost. Yet none of us would deny an accused person's exoneration if justice calls for it.

I'll close by telling you a very real case of a perpetrator who escaped justice solely because of Oregon's current statute of limitations on sexual abuse.

In 1982, a man named Joel Terence Abbott was accused of sexually abusing his own then-very young daughter. At the time, the child was considered too young to testify, so the District Attorney's office in Deschutes County dismissed the indictment

before it went to trial.

In 1985, Joel Terence Abbott murdered Carolann Payne in Deschutes County. Her body was never found. In 1992, I prosecuted and convicted Joel Terence Abbott for the murder of Carolann Payne.

By then, the victim of Abbott's sexual assault was both older and no longer terrified of her father, who was now an adjudicated killer. I refiled the sex-abuse charges and went to trial. The jury found Abbott guilty of sex abuse in the first degree. Yet seven years after I took my new job in Clatsop County, I discovered that Abbott had been granted post-conviction relief because his appellate attorneys had failed to raise the legal issue of statute of limitations. His conviction was erased.

Put simply, a convicted murderer got away with the sexual abuse of a child, of which a jury found him guilty, solely because of Oregon's statute of limitations. The only justice in this case is that he remains in prison on a life sentence for the murder he committed.

Please adopt the same statute of limitations that Senate President Peter Courtney and Senate Judiciary Committee Vice Chair Jeff Kruse proposed in Senate Bill 8.

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