

March 7, 2017

Senate Judiciary Committee
Oregon State Legislature
Salem, Oregon

Re: SB 496

My name is Joseph Schmidt, a single father of my 5-year-old daughter. I have been an active parent to my daughter, co-parenting with her mother for most of our daughter's life. I graduated in 2015 Magna cum laude research fellow and am now in graduate school at OSU working on a master's degree.

On July 23rd, 2016, Corvallis PD came to my door in the middle of the night and arrested me. They took me to the police station where they charged me with four felonies, two counts of sex abuse and two of sodomy- all Jessica's Law felonies. I am innocent of all these charges.

My daughter's mother made multiple reports against me and I fully cooperated with all aspects of the many investigations. Nonetheless, I was arrested my mugshot was put online where it remains today, written in indelible ink, where it will remain for posterity, along with the foul charges for which I was arrested.

I spent three grim days in jail, isolated and terribly afraid of what lay ahead for me and my daughter. I sat alone in my cell with nothing to do but think and try to control my fear. I knew that, if I was convicted, I would grow old and probably die in prison, where I would be marked as a child molester and tormented by other inmates. I knew that, if I was convicted, my life was essentially over and, by far the worst of it was I knew that my daughter would grow up without her father, being taught that I had abused her. I thought about missing her first day of kindergarten, never helping her with her homework or teaching her to ride her bike. I was going to miss her childhood, and everything else. This was an unbearable thought but one which I could not avoid thinking endlessly. I was sure all of this would happen if I was convicted, though I couldn't see how I would be convicted of something I did not do; I still had faith in the justice system- quickly diminishing faith.

If I was *not* convicted, my life would still be ruined. The newspapers would publish the charges with my mugshot, if indeed they hadn't already. The results of this alone would be devastating. All my work at OSU over the past six years would be for nothing. Even if I was welcomed back and could finish my degree, which I knew was a terribly unlikely, there was no chance at all of my getting a job in the competitive job market of botanical research. The world would see me as something I was not, my reputation would forever be tarnished and I would be a pariah.

My mind always came back to this question: How could this happen? How could they have gotten a grand jury to indict me? And why would the DA want to when she was in possession of the facts of the case? My attorney once told me that one can indict a ham sandwich, and I guess that must be true because they indicted me when there was no evidence of my guilt and ample evidence of my innocence. This question remains, and will always remain because these grand jury indictment proceedings are not only secret, but there is no record of them either.

I was released after three days, minutes before my arraignment hearing, because my attorney brought the facts of the case to the elected DA. For several months, I could not return home to sleep in my bed for fear of being wrongfully arrested again. Every day after work I drove out on the logging roads and slept in my car. When I was at work, I stayed by the window, always looking out to see if there was a police vehicle. Every time the lab door opened, I was paralyzed with fear that someone had come to take me back to jail. I knew then as well as I know now that these fears were irrational, but they were my constant companion nonetheless.

I understand the secrecy of grand jury proceedings, and understand why those proceeding need to be kept secret at least until the arrest, but that does not mean that there should be no record of them. Without a record, prosecutors can say or do anything without fear of consequences, as they did in my case. My liberty was taken from me when I was wrongfully arrested, and my future, all my goals and my hard work is now in jeopardy. My life will never be the same. If there were a record of the GJ proceedings, the DA would not have had the audacity to withhold information, and none of this would have happened. Please vote yes on SB 496 requiring the recording of GJ proceedings so others' lives won't be ruined like mine could have been.

Sincerely,

Joseph Schmidt
Albany, Oregon