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PRESS RELEASE

Measure 11 Sentences Found Excessive by Oregon's Supreme Court

Mandatory minimum sentences were called into question by the Oregon Supreme Court today in a ruling that affirmed two trial court decisions to impose sentences less than what is required by Measure 11. The Oregon Supreme Court ruled today that imposing a mandatory minimum sentence in the cases was unconstitutional. The Court based its decision on the conduct of the each of the defendants and their lack of a prior criminal history.

Veronica Rodriguez and Darryl Anthony Buck were both charged and convicted of First Degree Sexual Abuse. The court affirmed the convictions of both but disagreed that each should receive the 75-month mandatory minimum sentence required by Measure 11. In each case the court determined that the conduct of the defendant, while criminal, was less serious than other conduct that is covered under the statute for First Degree Sexual Abuse. That, combined with the lack of any prior convictions, made the 75-month sentence “*so disproportionate as to shock the moral sense of all reasonable persons as to what a right and proper sentence should be.*”

David Rogers, Executive Director of the Partnership for Safety and Justice, called the ruling historic. “*Measure 11’s mandatory minimum sentencing scheme destroyed the most critical aspect of an effective criminal justice system: the ability to consider the individual circumstance of every case when determining sentences. Today’s Oregon Supreme Court’s decision is a profound acknowledgment that mandatory minimum sentences can be deeply problematic.*”

Since Ballot Measure 11’s passage in 1994, thousands of Oregonians have publicly critiqued the Measure for moving Oregon to a one-size-fits-all justice system that leaves justice poorly served. Vocal critics like Partnership for Safety and Justice contend that judges should have the discretion to determine the length of criminal sentences based on the specific circumstances of each case as well as what would create the best public safety outcome.

Indeed, Justice Paul de Muniz, in a part-dissent part-concurrence opinion wrote that he would, “*...prefer a more enlightened sentencing scheme that would permit courts to sentence an offender in accordance with evidence-based practices that, in each case, are more likely to reduce offender recidivism and further community safety than does a mandatory sentencing scheme...*”

Although Partnership for Safety and Justice welcomes the decision of the Oregon Supreme Court, the circumstances of the cases are concerning, says Rogers.

“Certainly when children are harmed, people need to be held accountable, but Measure 11 is not the most effective way to stop children being hurt. Oregon needs to increase its support for prevention work and for services to crime survivors; mandatory minimum sentences do not make our communities more safe,” Rogers said.

Partnership for Safety and Justice (PSJ) is a statewide, non-profit advocacy organization dedicated to making Oregon’s criminal justice system more just and better equipped to strengthen public safety.