

SUPREME COURT OF OREGON

State v. Benton

375 Or. 334 (2026) · No. SC S072292; CC CR1201792 · Decided June 4, 2026

SUMMARY

The Oregon Supreme Court reversed a circuit court order excluding a witness from testifying under OEC 601 about whether a coworker left work on the day of a murder. The court held that OEC 601 concerns a person's general capacity to perceive, recollect, and communicate so as to be a witness, not the person's ability to recall a specific fact. Concerns about particular testimony and memory reliability must be addressed under other evidentiary rules.

CASE DETAILS

COURT	Supreme Court of Oregon
WRITING FOR THE COURT	Flynn, C.J.; Flynn, Chief Justice; Duncan, Justice; Garrett, Justice; DeHoog, Justice; Bushong, Justice; Masih, Justice; Nakamoto, Senior Judge, Justice pro tempore
JURISDICTION	Supreme Court of Oregon
DECIDED	June 4, 2026
DOCKET	SC S072292; CC CR1201792
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	The State took an interlocutory appeal under ORS 138.045(2) from a pretrial order of the Clackamas County Circuit Court excluding a witness's testimony in a murder case under OEC 601.
STANDARD OF REVIEW	The court reviews competency determinations under OEC 601 in two steps: whether the trial court applied the correct legal standard, reviewed for legal error, and, if it did, whether the trial court abused its discretion.
PRECEDENTIAL VALUE	binding
PARTIES	State of Oregon v. Lynn Edward Benton

TOPICS

- evidence
- criminal procedure
- interlocutory appeal
- standard of review
- statutory interpretation

PRACTICE AREAS

Evidence

Criminal procedure

Appellate procedure

Statutory interpretation

QUESTIONS PRESENTED

1. Whether OEC 601 permits a trial court to find a witness incompetent to testify about a particular fact based on the witness's inability to recall that specific fact.
2. Whether the circuit court applied the correct legal standard when it excluded Smith's testimony under OEC 601.
3. Whether the Supreme Court should reach Benton's alternative arguments under OEC 401, 402, 403, 602, or 701 when the trial court based its ruling solely on OEC 601.

HOLDINGS

1. OEC 601 concerns whether a person possesses the general capacities necessary to be a witness at all—namely, the capacity to perceive, recall perceptions generally, and communicate them. It does not permit a trial court to find a generally competent witness incompetent to testify about a particular fact solely because the witness cannot recall that fact.
2. The circuit court erred by applying OEC 601 to determine that Smith was incompetent to testify about whether Jaynes left work on the murder date, because the court found Smith generally competent but excluded testimony concerning only a specific fact.
3. The Supreme Court declined to decide Benton's arguments under OEC 401, 402, 403, 602, and 701 because the circuit court based its ruling solely on OEC 601 and had not addressed those alternative grounds in the first instance.

KEY QUOTATIONS

"The competency requirement in OEC 601 depends on whether a person has sufficient capacity to perceive, recollect, and communicate to be a witness at all." (at 336)

"Concerns regarding the quality of the person's memory of particular facts, or other concerns bearing on the admissibility of testimony regarding a particular fact, are addressed through other rules of evidence." (at 336)

"The text of OEC 601, which states that any "person" who "can perceive" and "make known" their perceptions "may be a witness," indicates that OEC 601 concerns whether a person has the general capacities necessary to be a witness at all." (at 349)

FACTUAL BACKGROUND

Benton was accused of conspiring with Jaynes and Campbell to kill his wife, who was killed on May 28, 2011, between approximately 4:30 p.m. and 8:40 p.m. Jaynes's coworker, Smith, initially told police that Jaynes had remained at work, but after repeated interviews, polygraph examinations, and coercive or suggestive interrogation tactics, Smith gave varying accounts, including that Jaynes had left work twice. Smith later

reported memory problems and inability to remember whether Jaynes had left work, although in 2025 he told a state investigator that he remembered Jaynes leaving during his shift but could not recall details.

PROCEDURAL HISTORY

Benton was charged with murder based on allegations that he solicited Campbell and her son, Jaynes, to kill his wife. Before retrial, the circuit court ruled that witness Smith was generally competent to testify about events on the murder date but was not competent under OEC 601 to testify specifically about whether Jaynes had left work, based on concerns that police interrogation had contaminated Smith's memory. The State appealed directly to the Oregon Supreme Court. While the appeal was pending, Benton pleaded guilty to first-degree manslaughter; the parties agreed the appeal was not moot until sentencing. The Supreme Court reversed and remanded.

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

The case is remanded to the Clackamas County Circuit Court for further proceedings. The Supreme Court did not decide whether Smith's testimony should be excluded under OEC 401, 402, 403, 602, or 701.

CASES CITED

- State v. Benton, 371 Or. 311, 534 P.3d 724 (2023)
- State v. Milbradt, 305 Or. 621, 756 P.2d 620 (1988)
- State v. Sarich, 352 Or. 601, 291 P.3d 647 (2012)
- State v. Hightower, 361 Or. 412, 393 P.3d 224 (2017)
- State v. Gaines, 346 Or. 160, 206 P.3d 1042 (2009)
- PGE v. Bureau of Labor and Industries, 317 Or. 606, 859 P.2d 1143 (1993)
- State v. Blue, 374 Or. 439, 580 P.3d 826 (2025)
- State v. Cloutier, 351 Or. 68, 261 P.3d 1234 (2011)
- Equitable Life Assurance v. McKay, 306 Or. 493, 760 P.2d 871 (1988)
- State v. Hickman, 355 Or. 715, 330 P.3d 551 (2014), modified on reconsideration, 356 Or. 687, 343 P.3d 634 (2015)
- State v. Lawson/James, 352 Or. 724, 291 P.3d 673 (2012)
- In re J.H., 326 Or. App. 640, 533 P.3d 363 (2023)
- State v. Pace, 187 Or. 498, 212 P.2d 755 (1949)
- State v. Jensen, 70 Or. 156, 140 P. 740 (1914)
- State v. Jackson, 9 Or. 457 (1881)
- State v. Stich, 5 Or. App. 511, 484 P.2d 861 (1971)

