

SUPREME COURT OF OREGON

State v. Gonzalez-Valenzuela

358 Or. 451 (2015) · No. SC S061751; CA A146278; CC C100316CR · Decided December 24, 2015

SUMMARY

The Oregon Supreme Court held that illegal drug possession may constitute unlawful activity involving controlled substances under ORS 163.575(1)(b). However, a brief, isolated incident of drug possession does not make a location a place where such activity is maintained or conducted, so the defendant was entitled to acquittal on the child-endangerment charges.

CASE DETAILS

COURT	Supreme Court of Oregon
WRITING FOR THE COURT	Linder, J.
JURISDICTION	Oregon
DECIDED	December 24, 2015
DOCKET	SC S061751; CA A146278; CC C100316CR
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	Defendant sought review of a Court of Appeals decision affirming convictions for two counts of child endangerment under ORS 163.575(1)(b).
STANDARD OF REVIEW	On review of a denial of a motion for judgment of acquittal, the court views the facts in the light most favorable to the state and asks whether a rational trier of fact could have found the essential elements beyond a reasonable doubt. When the dispute concerns the meaning of statutory elements, the court determines legislative intent through statutory construction before assessing evidentiary sufficiency.
PRECEDENTIAL VALUE	Published Oregon Supreme Court en banc decision; binding precedent in Oregon.
PARTIES	Jackelin Gonzalez-Valenzuela v. State of Oregon

TOPICS

- statutory interpretation
- legislative intent
- legislative history
- criminal procedure

PRACTICE AREAS

criminal law

statutory interpretation

criminal procedure

QUESTIONS PRESENTED

1. Whether illegal possession of controlled substances constitutes "unlawful activity involving controlled substances" under ORS 163.575(1)(b).
2. Whether a brief, isolated incident of drug possession in a location is sufficient to make that location "a place where unlawful activity involving controlled substances is maintained or conducted" under ORS 163.575(1)(b).
3. Whether the evidence was legally sufficient to support defendant's two child-endangerment convictions.

HOLDINGS

1. Illegal drug possession may constitute "unlawful activity involving controlled substances" under ORS 163.575(1)(b).
2. The statutory phrase refers to a place where a principal or substantial use of the place is to facilitate unlawful drug activity; a brief, isolated incident of drug possession in a car is legally insufficient.

KEY QUOTATIONS

"We agree with defendant, however, that when, as here, the possession of the drugs in the car is a brief isolated incident of illegal drug activity, the car is not, within the meaning of the statute, "a place" where unlawful activity involving controlled substances "is maintained or conducted."" (at 453)

"Therefore, the phrase "a place where unlawful activity involving controlled substances is maintained or conducted," ORS 163.575(1)(b), refers to a place where a principal or substantial use of the place is to facilitate unlawful drug activity." (at 473)

"No evidence in this record would permit a reasonable inference that the car in which defendant was riding was used for drug activity in a way that would make that activity more than an incidental characteristic of the car itself." (at 474)

FACTUAL BACKGROUND

Defendant rode in a borrowed car with her five-year-old daughter while her seventeen-year-old daughter drove. During a traffic stop and consent search, police found small amounts of heroin, methamphetamine, and methadone in defendant's purse. The state charged defendant with several drug-possession offenses and two counts of child endangerment under ORS 163.575(1)(b), alleging that she knowingly permitted minors to remain in a place where unlawful controlled-substance activity was maintained or conducted.

PROCEDURAL HISTORY

After a bench trial, the circuit court convicted defendant of drug-possession offenses and two counts of child endangerment based on her possession of drugs while riding in a car with her daughters. The Court of Appeals

affirmed the child-endangerment convictions. The Oregon Supreme Court reversed the Court of Appeals and the circuit court judgment and remanded for further proceedings.

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

The Court of Appeals decision and circuit court judgment were reversed, and the case was remanded to the circuit court for further proceedings. The court stated that the circuit court should have entered a judgment of acquittal on the child-endangerment charges.

CASES CITED

- State v. Zweigart, 344 Or. 619, 188 P.3d 242 (2008)
- State v. Walker, 356 Or. 4, 333 P.3d 316 (2014)
- State v. Daniels, 348 Or. 513, 234 P.3d 976 (2010)
- In re Carini, 354 Or. 47, 308 P.3d 197 (2013)
- Eastham v. Oregon Automobile Insurance Co., 273 Or. 600, 540 P.2d 364 (1975)
- Comcast Corp. v. Department of Revenue, 356 Or. 282, 337 P.3d 768 (2014)
- State v. Cloutier, 351 Or. 68, 261 P.3d 1234 (2011)
- Cuff v. Department of Public Safety Standards, 345 Or. 462, 198 P.3d 931 (2008)
- Baker v. City of Lakeside, 343 Or. 70, 164 P.3d 259 (2007)
- Kohring v. Ballard, 355 Or. 297, 325 P.3d 717 (2014)
- State v. Murray, 340 Or. 599, 136 P.3d 10 (2006)
- State v. Clemente-Perez, 357 Or. 745, 359 P.3d 232 (2015)
- State v. Smith, 31 Or. App. 749, 571 P.2d 542 (1977)
- State v. Sam, 14 Or. 347, 13 P. 303 (1887)
- Stevens v. Czerniak, 336 Or. 392, 84 P.3d 140 (2004)
- State v. McBride, 352 Or. 159, 281 P.3d 605 (2012)
- State v. Hodges, 254 Or. 21, 457 P.2d 491 (1969)
- State v. Nease, 46 Or. 433, 80 P. 897 (1905)
- State ex rel. Bloom v. State Board of Dental Examiners, 96 Or. 529, 190 P. 338 (1920)
- Riley Hill General Contractor, Inc. v. Tandy Corp., 303 Or. 390, 737 P.2d 595 (1987)

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