

SUPREME COURT OF OREGON

State v. Benoit

354 Or. 302 (2013) · No. SC S060858 · Decided October 3, 2013

SUMMARY

The Oregon Supreme Court considered whether a prosecutor's election under ORS 161.566(1) to treat a misdemeanor criminal-trespass charge as a violation deprived the defendant of the jury-trial right under Article I, section 11, of the Oregon Constitution. The court held that the proceeding remained a criminal prosecution because the offense was statutorily defined as a crime and the defendant had been arrested, booked, and detained before the charge was reduced. The court dismissed the state's petition for a writ of mandamus.

CASE DETAILS

COURT	Supreme Court of Oregon
WRITING FOR THE COURT	Brewer, J.
JURISDICTION	Oregon
DECIDED	October 3, 2013
DOCKET	SC S060858
DISPOSITION	dismissed
PROCEDURAL POSTURE	The State petitioned the Oregon Supreme Court for an alternative writ of mandamus challenging a circuit court order granting the defendant's motion for a jury trial after the State elected to treat a misdemeanor criminal-trespass charge as a violation.
STANDARD OF REVIEW	The Supreme Court reviewed the legal issue presented in the mandamus proceeding concerning the constitutional character of the prosecution and the right to a jury trial.
PRECEDENTIAL VALUE	published precedential opinion
PARTIES	State of Oregon v. Laurie Ann Benoit

TOPICS

- criminal procedure
- constitutional law
- statutory interpretation

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether a misdemeanor criminal-trespass prosecution that began with the defendant's arrest, booking, and incarceration remains a 'criminal prosecution' under Article I, section 11, of the Oregon Constitution after the prosecutor elects to treat the charge as a violation under ORS 161.566(1).
2. Whether the defendant is constitutionally entitled to a jury trial despite the statutory procedures for violation proceedings under ORS chapter 153.

HOLDINGS

1. When a proceeding begins as a criminal prosecution with the defendant's arrest, booking, and incarceration for conduct legislatively defined as a crime, the State's unilateral election under ORS 161.566(1) to treat the charge as a violation does not transform it into a noncriminal proceeding without further constitutional consequences.
2. Because the prosecution remained a criminal prosecution for constitutional purposes, Benoit was entitled to a jury trial, and the circuit court correctly granted her motion.

KEY QUOTATIONS

“There is no textual, historical, or logical support for the proposition that, for purposes of Article I, section 11, what began as a criminal proceeding with defendant’s arrest, booking, and incarceration for a crime can, in the absence of her consent, be transformed without further constitutional consequence into a noncriminal proceeding.” (354 Or. at 317)

“No subsequent election by the state to purportedly decriminalize the charge can change the fact that defendant was subjected to those uniquely criminal procedures and their stigmatizing effect.” (354 Or. at 317)

FACTUAL BACKGROUND

On October 11, 2011, Laurie Ann Benoit was arrested, handcuffed, booked, and held in jail with other Occupy Portland protesters. She was charged by information with second-degree criminal trespass, a Class C misdemeanor. At arraignment, the State elected to treat the misdemeanor as a Class A violation under ORS 161.566(1), after which Benoit sought a jury trial.

PROCEDURAL HISTORY

Benoit was arrested and charged with second-degree criminal trespass, a Class C misdemeanor. At arraignment, the State elected under ORS 161.566(1) to treat the charge as a violation. The Multnomah County Circuit Court concluded that the resulting proceeding remained a criminal prosecution under Article I, section 11, of the Oregon Constitution and granted Benoit's motion for a jury trial. The State sought mandamus relief in the Oregon Supreme Court, which dismissed the petition.

DISPOSITION

dismissed

CASES CITED

- State v. Fuller, 252 Or. App. 391, 287 P.3d 1263 (2012)
- Brown v. Multnomah County Dist. Court, 280 Or. 95, 570 P.2d 52 (1977)
- Priest v. Pearce, 314 Or. 411, 415-16, 840 P.2d 65 (1992)
- Wong v. City of Astoria, 13 Or. 538, 545, 11 P. 295 (1886)
- Cranor v. City of Albany, 43 Or. 144, 148, 71 P. 1042 (1903)
- State v. Selness, 334 Or. 515, 535, 54 P.3d 1025 (2002)
- Apodaca v. Oregon, 406 U.S. 404, 410, 92 S. Ct. 1628, 32 L. Ed. 2d 184 (1972)
- City of Portland v. Tuttle, 295 Or. 524, 530-31, 668 P.2d 1197 (1983)
- Martin v. Reynolds Metals Co., 221 Or. 86, 99, 342 P.2d 790 (1959), cert. denied, 362 U.S. 918 (1960)
- City of Portland v. Erickson, 39 Or. 1, 7-8, 62 P. 753 (1900)
- State v. Mayes, 245 Or. 179, 184, 421 P.2d 385 (1966)
- City of Salem v. Read, 187 Or. 437, 441, 211 P.2d 481 (1949)
- Easton v. Hurita, 290 Or. 689, 625 P.2d 1290 (1981)
- State v. Porter, 312 Or. 112, 817 P.2d 1306 (1991)
- Pierson v. Multnomah County, 301 Or. 48, 52, 718 P.2d 738 (1986)
- State v. Freeman, 487 A.2d 1175, 1178 (Me. 1985)