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Verified Correct Copy of Original 3/1/2022

IN THE CIRCUIT COURT OF THE STATE OF OREGON
FOR THE COUNTY OF MARION

DOUGLAS R. MARTEENY, District Attorney for Linn County, Oregon, and PATRICIA W. PERLOW, District Attorney for Lane County, Oregon, on behalf of all Oregonians,
AND
RANDY TENNANT, an individual victim, SAMUEL WILLIAMS, an individual victim, AMY JONES, an individual victim MELISSA GRASSI, an individual victim,

Plaintiffs-Relators,

v.

KATHERINE BROWN, Governor of the State of Oregon; COLETTE PETERS, Director of Oregon Department of Corrections; OREGON DEPARTMENT OF CORRECTIONS; DYLAN ARTHUR, Executive Director of Oregon Parole Board and Post-Prison Supervision; MICHAEL HSU, Chairperson of Oregon Parole Board and Post-Prison Supervision, OREGON PAROLE BOARD AND POST-PRISON SUPERVISION; JOE O'LEARY, Director of Oregon Youth Authority; OREGON YOUTH AUTHORITY,

Defendants-Respondents.

Case No. 22CV02609
Honorable David E. Leith

PEREMPTORY WRIT OF MANDAMUS

ORS 20.140 - State fees deferred at filing

The Court having been fully advised in regard to this matter,

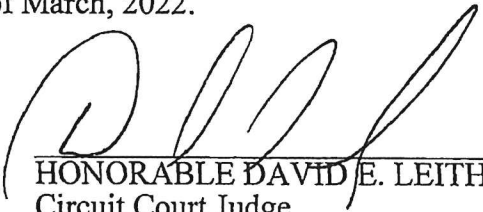
IT IS ORDERED that a Writ of Mandamus shall be promptly entered and shall remain in full force and effect pursuant to the provisions presented herein.

Dylan Arthur, Michael Hsu and the Oregon Board of Parole and Post-Prison Supervision shall not ~~exercise authority purportedly provided by executive commutation order to~~ conduct any release hearing or carry out any early release process for any offender who

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was found guilty of an offense committed while the offender was a juvenile, but whose offense was not within the prospective scope of SB 1008 (2019).

IT IS SO ORDERED this 1st day of March, 2022.



HONORABLE DAVID E. LEITH
Circuit Court Judge

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DYLAN ARTHUR, Executive Director of Oregon Parole Board and Post-Prison Supervision; MICHAEL HSU, Chairperson of Oregon Parole Board and Post-Prison Supervision, OREGON PAROLE BOARD AND POST-PRISON SUPERVISION; JOE O'LEARY, Director of Oregon Youth Authority; OREGON YOUTH AUTHORITY,

Defendants-Respondents.

Case No. 22CV02609
Honorable David E. Leith

ORDER ON APPLICATION FOR WRIT AND MOTION TO DISMISS

ORS 20.140 - State fees deferred at filing

The claims in this matter came before the Court on plaintiffs-relators' application for a writ of mandamus and defendants-respondents' motion to dismiss. The Court heard oral argument on February 28, 2022. The Court has reviewed the memoranda submitted by the parties. The Court finds that, except as set forth below, plaintiffs-relators have not carried their burden and that defendants-respondents are entitled to dismissal as to the remaining claims.

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1 The Governor’s constitutional clemency power—including the authority to grant pardons,
2 commutations, reprieves, and remissions—is plenary. The Board of Parole and Post-Prison
3 Supervision does not have the authority to provide parole hearings and consider sentence
4 reduction for offenders who were found guilty of offenses while they were juveniles, but whose
5 offenses are not within the prospective scope of SB 1008 (2019).

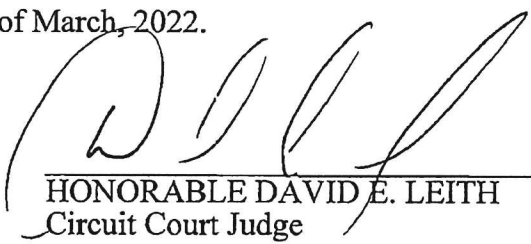
6 Accordingly, plaintiffs-relators’ application for a writ of mandamus is GRANTED in
7 part, only as to the Oregon Board of Parole and Post-Prison Supervision, its Executive Director,
8 Dylan Arthur, and its Chairperson, Michael Hsu, as provided in the accompanying writ of
9 mandamus issued to Dylan Arthur, Michael Hsu, and the Oregon Board of Parole and Post-
10 Prison Supervision. Plaintiffs-Relators’ application is DENIED as to all other parties in all other
11 respects (no power of the Governor is limited or impacted by this ruling), and

12 It is hereby ORDERED that the motion of defendants-respondents to dismiss all claims in
13 this action is GRANTED with prejudice as to Governor Katherine Brown, Collette Peters, the
14 Oregon Department of Corrections, Joe O’Leary and the Oregon Youth Authority, and those
15 defendants-respondents are entitled to the entry of a General Judgment in this action, dismissing
16 the matter as to them with prejudice, and

17 It is further ORDERED that the motion to dismiss is DENIED as to Dylan Arthur,
18 Michael Hsu and the Oregon Board of Parole and Post-Prison Supervision, and

19 It is further ORDERED that the application for writ of mandamus is DENIED except as
20 provided in the accompanying peremptory writ of mandamus.

21 IT IS SO ORDERED this 1st day of March, 2022.


HONORABLE DAVID E. LEITH
Circuit Court Judge

Submitted by: Kevin L. Mannix
Attorney for Plaintiffs-Relators
Senior Assistant Attorney General