

Entered/Docketed

Date 9/20/13

SER-1

FILED

Malheur County Circuit Court

SEP 20 2013

Time: 10:00 a.m. By WA

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

Bob Eugene West Jr,

Petitioner,

vs.

MARK NOOTH, Superintendent,
Snake River Correctional Institution,

Defendant.

)
)
) Case No 08-09-6840P
)

)
) GENERAL JUDGMENT
)
)
)

The above-entitled matter came before the Court on September 17, 2013, for a hearing on post conviction TRIAL TO THE COURT.

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ORDER(S)

NOW, THEREFORE, IT IS HEREBY ORDERED THAT:

☒ The Petitioner for Post Conviction Relief ☐ The Petitioner for Writ of Habeas Corpus Relief is
☐ allowed ☐ denied based upon the following findings and conclusions:

1. *Transc. shows insufficient legal basis to challenge any jury verdicts. for cause*
2. *Insufficient evidence trial att. assisted D/A or worked against pet.*
3. *No proof of any other D. units who were available, helpful, willing & whose testimony would have been helpful.*

GENERAL JUDGMENT

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AG ☒ ATY ☒ EPF ☐ SSCI ☐ FC ☐ COA ☐

SEP 20 2013

Page 1

Appendix F.

4. Insufficient evidence that case not well investigated.
5. Ct believes pet was told of his right to testify and that it was his choice although att. recommended against it. Pet made his choice freely & voluntarily after the state closed its case. Pet didn't disagree when att told he could not testify.
6. No evidence that memory comment by trial att. was an indication of incompetence.
7. At the close of the state's case there was sufficient evidence that a count would have charged the nation.
8. No proof att. couldn't obtain discovery that was within his power to obtain.
9. Insufficient evidence att. not prepared to handle issues raised in late discovery.
10. Pet has raised many issues he believes implicate various witnesses, but many are not in fact impeachment, are collateral, ~~do not~~ or do not comport with the actual evidence.
11. Despite pet's emphasis on discrediting his ex wife, the real issue is whether the jury believed the boys.
12. No proof jury saw a different version of the interview than what was submitted in evidence. The CD was selected to take

out inadmissible evidence.

13. Pet presents no affidavits from other potential witnesses

14. ~~After~~ DA got Ct's permission for Det to stay in courtroom as advisor.

15. Pet's argument largely ignores the trial testimony of the two boys.

16. Appellate Ct raised the issues that had legal merit. The other issues raised by pet would not have prevailed.

17. Boys were clearly competent to testify.

18. Issues of decision not to testify and consecutive sentences affirmed on appeal.

19. Ct has evaluated all of pet's claims and finds insufficient proof of any inequity or any prejudice.

note. Pet did a good job presenting the issues that he felt mattered.

This matter involves a ☒ Federal ☒ State Constitutional issue(s). All questions were presented and decided.

This order shall constitute a final judgment for purposes of appellate review and for purposes of res judicata.

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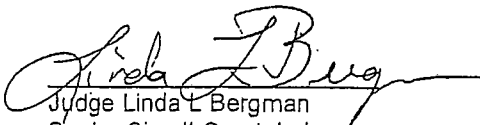
GENERAL JUDGMENT

FOR THE REASONS STATED ON THE RECORD, IT IS FURTHERED ORDERED THAT JUDGMENT BE, AND HEREBY IS GIVEN IN FAVOR OF:

☐ PETITIONER;

☒ DEFENDANT.

DONE AND DATED this 17th day of September, 2013.


Judge Linda L. Bergman
Senior Circuit Court Judge

GENERAL JUDGMENT

Appendix F

**Additional material
from this filing is
available in the
Clerk's Office.**