

State v. Jon Siegrist

by Susan Elizabeth Reese

Case: *State v. Jon Siegrist*

Defense Counsel: Jason Thompson

Investigator: Peter De Muniz

Court: Polk County Circuit Court

Judge: The Honorable Monte S. Campbell

Prosecutor: Max R. Wall

Date: December 6-7, 2011

Charges: Two cases tried simultaneously to the court: No. 11P3105 alleged one count of Sexual Abuse in the First Degree and three counts of Sexual Abuse in the Third Degree against daughter

No. 11P3414 alleged one count of Rape in the First Degree, three counts of Sexual Abuse in the First Degree, and one count of Incest against daughter

Verdicts: Not guilty on all charges in case no. 11P3105. Judgment of acquittal on two counts of sexual abuse at the close of the evidence in case no. 11P3414; not guilty of the remaining counts at the conclusion of the trial.

Mr. Siegrist and his wife have five children. Two had moved away by the end of 2010. In January 2011, a third, Jenny Harra, left home permanently. The remaining two teenage daughters, _____ and _____, resented the strict discipline imposed by their parents, who refused permission even for such activities as attending football games.

On January 28, 2011, DHS and a police officer investigated _____'s claim that her father had physically abused her. DHS determined that _____'s claim was unfounded. Three days later, _____, who was 17, met with a school counselor and asked about the process of becoming an emancipated minor. She was extremely upset when she learned that such a step was impossible as long as she had no means of supporting herself financially.

In March, however, _____ claimed that Mr. Siegrist had been sexually abusing her "as long as she could remember." She said the last incident occurred on March 13. On March 16, when school authorities learned of the complaint and alerted law enforcement, both _____ and _____ were removed from the Siegrist home. Jon Siegrist was charged with the crimes against _____ on March 13, 2011, and arraigned on March 31.

Initially, _____ (who was interviewed during the investigation of _____'s claims) told DHS that her father "didn't do anything to me, but I had a dream that he did."

The girls remained in various foster homes throughout the summer as the case progressed through the juvenile court system. At one point, _____ spent time in a psychiatric hospital in Portland.

The dependency case was set for a hearing in October. Instead of bringing the girls to court in that matter, the prosecutor took _____ before a grand jury. There, she changed her story; no longer did she simply say she had dreams about being abused. Now she claimed that her father not only abused her sexually but also raped her. On October 5, the grand jury returned a second indictment which charged Mr. Siegrist with the counts of rape, sexual abuse and incest involving _____.

Because of the DHS involvement, the defense knew about and subpoenaed many pages of case records. These records included notes from a woman whom _____ saw at the Mid-Valley Women's Crisis Center. After defense counsel Thompson subpoenaed the counselor, Kristen Heydel, she agreed to speak with him. She explained that the funding her agency received had, as a condition, a requirement that they keep confidential any claims of abuse which they might learn in the course of working with clients at the crisis center. In effect, the agency was a *mandatory non-reporter*.

In this context, Ms. Heydel said she had met with _____ in January, 2011, and the girl reportedly said that her father "repeatedly had sex with her" in her bedroom. This astonishing claim was completely inconsistent with the story _____ told police and the school in March and, as it happened, inconsistent with her testimony at trial.

The charges involving each girl were tried together. _____ testified that she had *never* told anyone that her father had sex with her, "because he didn't want to leave evidence." The defense offered

Continued on next page

OCDLA Life Member Susan Elizabeth Reese practices law in Portland. She serves on OCDLA's Education Committee.

OCDLA Sustaining Member Jason Thompson practices law in Salem.

OCDLA member Peter De Muniz is an investigator with the Public Defender of Marion Co., Inc., Salem.

proof that [redacted] was obsessed with the television show, "Law and Order, Special Victims Unit." She had actually taped many broadcasts. Based on things she heard there, she believed that a rape kit could prove whether someone had had sexual intercourse. She insisted that there had not been intercourse, the defense pointed out, because she needed to alter her story to explain the lack of physical evidence. The story she told at trial, and the one she adamantly reported to Detective Sean Kelly in March, was that her father had been angry with her because she was late leaving work. He had picked her up there and [redacted] claimed, began fondling her in the driveway when they returned home. The act which she described seemed not even sexual. She said her father was upset, accused her of "messing around" at work, but described nothing that could have been considered "grooming" behavior.

[redacted] on the other hand, claimed simply that she had awakened in bed on one occasion and her father was having sexual intercourse with her. The evidence showed that both girls slept in a room on the second story of the house, a bedroom reached by treading on creaky stairs. The family dog, Jack, also slept there. When questioned about why [redacted] didn't awaken during the incident with her father, [redacted] asserted that [redacted] had "taken sleeping pills." Defense counsel then whimsically asked whether Jack, the dog, had taken the same pills, because he did not awaken either.

The defense called Dr. Kirk Johnson from the Vancouver Guidance Clinic who explained to the judge the importance of a complete and thorough investigation, particularly when teenagers might find secondary gain -- getting away from the home -- as a result of making accusations against a parent.

The defense criticized the inadequate DHS investigation: neither that agency nor the detective interviewed other family members who were living in the home at the time or explored any alternative explanation. DPSS/T records showed that Detective Kelly, who had participated in over 1900 hours of police training, had received only 20 hours in child abuse work. He admitted that his complete investigation lasted about an hour and included simply interviewing the girls, Mr. Siegrist and his wife, and then making the arrest.

[redacted] who had claimed that she had been raped by a boy in school, admitted that this allegation was a lie, and then accused another person of sexually assaulting her. The defense was allowed to introduce evidence of these prior false allegations.

The defense also offered testimony from three of the teenagers' siblings. They included that of Jon Siegrist, Jr., a former Salem police officer, and Jenny Hatra, who had been living in the home until December of 2010. Neither saw anything unusual. All testified that a light in the driveway (where the abuse against supposedly occurred) would turn on automatically whenever a car entered the area. Jenny noted that both teenagers had made exaggerated statements in the past. They described the condition of the stairs and the habits of the dog. Taylor Paul, a cousin who

was slightly older than [redacted] testified that [redacted] was jealous of her freedom and talked to her about wanting to move away from the home.

Finally, the defense showed that in January Mr. Siegrist and his wife, Avis, had been in a huge argument. As a result, Avis left the home to stay in a motel for the night. Both [redacted] and [redacted] chose, however, to stay in their home with their father instead of accompanying their mother -- a curious choice, Mr. Thompson pointed out, if, indeed, Mr. Siegrist had been regularly abusing either of the girls.

[redacted] testified that there was only one incident of intercourse. The state had charged, however, a touching of her vagina as a "separate criminal episode." As a result, Judge Campbell found Mr. Siegrist not guilty of two sexual abuse counts after a defense motion for judgment of acquittal at the close of the state's case. At the conclusion of all the evidence, Judge Campbell took some time to deliberate. He then acquitted Mr. Siegrist of all remaining charges involving both girls. He ruled that the girls clearly wanted to get away from the home -- which the allegations allowed them to do -- and the state had failed to meet its burden of proof on any of the charged sexual crimes.

In granting permission for his story to be told, Mr. Siegrist said that he "hopes it helps others who unfortunately find themselves in the same position." [redacted]

ONLINE
Legal Document Library

OCDLA.ORG
 Go to **Members Only**, then
Legal Document Library

<i>Appellate Issues</i>	<i>Merger</i>
<i>DUII</i>	<i>Property Crimes</i>
<i>Evidence</i>	<i>Stalking</i>
<i>Grand Jury</i>	<i>and more.</i>

ONLINE JOB SEARCH
Find a job!
 Go to *ocdla.org*,
 click *Jobs/Resumes*