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Seeking to Restore Integrity and Public Trust in Our Justice System

April 15, 2020

General Counsel
Oregon State Bar Association
16037 SW Boones Ferry Road
Tigard, OR 97224

Dear Sir/Madame:

Please know that I am not associated with or related to any of the parties in the matter of *State vs. Kenneth Ketchem*. I am an independent journalist and advocate for the Rights of Man and principles embodied in the U.S. Constitution, a purpose I have served for more than 40 years.

I write to appeal the March 23 findings of Assistant General Counsel Sarra Yamin dismissing the February 24, 2020 complaint I filed on Marion County District Attorney Paige Clarkson.

I wish to have my original complaint accepted. I had complained that Ms. Clarkson has egregiously violated the Oath of Office when she swore:

That I will faithfully and honestly conduct myself in the office of an attorney in the courts of the State of Oregon; that I will observe and abide by the Rules of Professional Conduct approved by the Supreme Court of the State of Oregon; and that I will support the Constitution and laws of the United States and of the State of Oregon. To the court, opposing parties and their counsel, I pledge fairness, integrity, and civility, not only in court, but also in all written and oral communications.

Source: [Oath of Office for Admission to the Practice of Law in Oregon](#)

I provided ample documentation, which apparently Ms. Yamin did not read. Thus Ms. Yamin did not acquaint herself with the facts before she made her decision.

By way of background: Please review the enclosed seven-part expose I published concerning a situation that occurred in my neighborhood last year. Ms. Yamin was referred to it, but apparently ignored the reference.

On January 22, 2019, the Salem SWAT Team conducted a four-hour incendiary barrage of 1050 Summer Street NE. The house suffered severe fire damage. The police called for a “criminal”

investigation of the fire, but before the Fire Marshal's office could inspect, police officers removed evidence of the SWAT barrage from the fire scene.

District Attorney Paige Clarkson possesses the reports that the police tampered with the evidence, yet she is prosecuting a man named Kenneth Ketchem on the basis of tampered evidence. She is charging him with arson.

The Indictment states only Ketchem "started a fire" but does not explain how. A BIC cigarette lighter was found in the ruins -- perhaps Clarkson will accuse Ketchem of starting the fire with the BIC?

In my complaint, I referred to documentation that Clarkson knew or should have known the prosecution was based on tampered evidence: I provided full documentation to the Oregon State Bar Association in a 7-part analysis of Clarkson's case:

<http://www.everyones-business.org/SummerStreet>

Part 6 of that report, in part, states the following:

=== Begin except ===

What We Expect of Crime Scene Investigations

Let's think back on detective shows we have seen.

1. The crime scene is kept inviolate. No evidence is removed, except by forensic experts during investigation of the scene.
2. The coroner works independently. No one tells her what to do — she is the expert.

But as we shall see:

1. The Salem police removed exculpatory evidence from a scene of alleged arson
2. The Salem Deputy Fire Marshal (DMF) took direction from—and acted as a proxy for—the Salem police
3. The DMF concluded her investigation as directed by the police.

Note: Exculpatory evidence is anything that might cause the jury to doubt the charges against the accused.

Tampering with Crime Scene: Removal of Evidence

Officer Scott Kofoid, reported that "Ketchem eventually revealed himself off the North-East Corner of the home." After the injured Ketchem was taken to the rear of the armored vehicle and Ketchem was given medical aid, Kofoid stated:

"For the remainder of my time on scene, I assisted with storing gear and cleaning up spent ordnance. Included in the ordnance retrieved were the two spent FSDD hulls. At the request of Lt. Adams, the operators and I remained on-scene until being ordered back to the Salem Police Department."

Source: *Incident Supplement, Ofc. Scott Kofoid, Pg. 2 of 3, Bates 00135.*

Removal of evidence from the scene is also documented in a report cited earlier: The Salem Police Department Property Report Source states that

- Two 40 MM CS gas canister cartridge casings from neighbor yard 945 E Street NE. (#31, #32, Pg. 5)
- Four 40 MM CS gas canister cartridge casings from "[redacted] back yard near fence." (#33, #34, #35, #36, Pg. 6 of 15)
- Two pieces 40 MM fired round from under deck in rear of house (#41, Pg. 7 of 15)
- Three spent smoke canisters, inert (#52, Pg. 8 of 15)
- 13 spent gas round bases collected from within and around (one exterior) ground floor and upper floor by Det. Curtis Abel (#52, Pg. 8 of 15)

Source: *Salem Police Department Property Report, Pg. 5 of 15, Bates 00413; Pg. 6 of 15, Bates 00414; Pg. 7 of 15, Bates 00415; Pg. 8 of 15, Bates 00416.*

We find it hard to believe this removal of evidence and alteration of the scene before the fire marshal inspection was without purpose. Of all people, police officers know the importance of the integrity of an (alleged) crime scene. Why did they remove these plausible causes of fire, leaving only vague verbal descriptions of where they were found?

Oregon State Law is clear on this matter:

[2017 ORS 162.295 Tampering with physical evidence](#)

(1) A person commits the crime of tampering with physical evidence if, with intent that it be used, introduced, rejected or unavailable in an official proceeding which is then pending or to the knowledge of such person is about to be instituted, the person:

(a) Destroys, mutilates, alters, conceals or removes physical evidence impairing its verity or availability; or

(b) Knowingly makes, produces or offers any false physical evidence; or

(c) Prevents the production of physical evidence by an act of force, intimidation or deception against any person.

(2) Tampering with physical evidence is a Class A misdemeanor. [1971 c.743 §204]

Recently, a Marion County Sheriff's detective was charged with evidence tampering, among other crimes. See "Charges against Marion County detective put criminal cases in jeopardy, some dismissed," in [Statesman Journal, March 21, 2019](#).

==End excerpt==

Again, note that Clarkson's office has the documentation of the tampering (see cited Bates stamp numbers from the District Attorney's office.)

Yet Ms. Yamin ignored this evidence. In the third paragraph of her rejection letter, Ms Yamin states:

While the information you outline may reduce the strength of the State's case against Mr. Ketchem, it does not necessarily negate probable cause. It is not uncommon for a defendant to offer a contradictory version of events to the one offered by the prosecution, and sometimes a trail is required to access the strength of the contradictory evidence. A prosecutor is entitled to rely on the information provided by witnesses and law enforcement when determining whether probable cause exists.

Several points need to be raised: (1) In this case, Clarkson possess law enforcement's own documentation that police officers removed evidence of SWAT Team incendiary ordinance from the fire scene before the Fire Marshal's office had conducted "criminal" its investigation and (2) Kenneth Ketchem has in no way, shape, or form challenged law enforcement's report that police officers removed evidence of SWAT ordinance before the Fire Marshal inspection. (3) Nor does Mr. Ketchem deny Clarkson's possession of this information.

So Ms. Yamin's assertion of a "contradictory version of events" is untrue.

Ms. Yamin goes on to state:

"Because we find no professional misconduct ..."

But police records in Clarkson's possession clearly show she relying upon tampered evidence. She has been caught *in flagrante!* She is violating her oath of integrity.

How much more evidence *would* be necessary to show that Clarkson has engaged/was engaging in professional misconduct?

Clarkson is also ignoring evidence that the four hours of incendiary barrage may have caused the damage to the house, and the police reports of the nature, location, and timing of the fire. Those factors provide compelling exculpatory evidence in Ketchem's favor. Certainly Clarkson has violated/is violating her pledge of "fairness.

Clarkson also promised to "support" the Constitution, yet is violating the Sixth Amendment of the U.S Constitution and the Oregon Constitution, Article 1 Sec. 11, both of which guarantee the accused to the right to a speedy trial. She is coercing Ketchem to plead guilty to arson, and has held him without trial for approximately 15 months because he refuses to confess to something he says he did not do.

How fair is that?

According to your webpage, the goal of the Oregon State Bar Association is

"to protect the public by ensuring competence and integrity and by promoting professionalism in the legal profession ... to protect and advance the quality, integrity, and impartiality of the judicial system ... to foster trust in, respect for, understanding of, and access to the justice system."

<https://www.osbar.org/docs/resources/OSBMissionStatement.pdf>

Ms. Yamin's dismissal of the complaint strongly suggests that the Bar is primarily concerned with protecting the interests of its members (especially its politically prominent members). The dismissal announces the Bar and not interested in protecting "the public by ensuring competence and integrity" of lawyers nor advancing and "the quality, integrity, and impartiality of the judicial system."

Ms. Yamin's dismissal of the complaint against District Attorney Clarkson holds the Oregon Bar Association up as a laughing stock, and subverts the judicial process in this State.

For your reading convenience, I enclose a print out of all seven parts of "The Siege on Summer Street," so you can consider what Ms. Yamin did not.

Sincerely,

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