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September 3, 2009

Governor Ted Kulongoski
160 State Capitol
900 Court Street
Salem, Oregon 97301-4047

Re: State v. Jeremy Keith Jordan
08-05-32268

Dear Governor Kulongoski:

Mr. Jordan recently wrote to you and media members, portraying his case in an incomplete and inaccurate manner. He implies that he is new to the criminal system and that his serious crimes are, at heart, the result of an "accident" fueled by an alcohol problem he did not know he had. This is far from the truth. Many issues in his letter to you and others need to be addressed. This letter attempts to do so. I will not use the victim's name in order to provide him some degree of privacy.

On May 10th, 2008, Mr. Jordan committed a robbery at a Portland Safeway store. When a clerk refused to sell him an 18-pack of beer at 2:25 am due to his obvious intoxication, he grabbed the beer without paying for it and ran for the door. Two employees tried to grab the beer, but he ripped it out of their hands in an effort to steal it, committing the crime of Robbery III (two counts) because he used force in an effort to take property. The beer fell and broke on the floor, and defendant ran out of the store into the nearby neighborhood to escape. An older security guard with health problems was one of the two victims of this robbery.

Jordan returned about ten minutes later, jumped into his car and floored it out of the lot, with his headlights off so the security guard could not see his license plate. He reached a speed of 25 mph as he crossed the sidewalk and entered the street. He hit the victim, a passing bicyclist, so hard that the victim was vaulted headfirst into the windshield. The impact tore the mountain bike the victim was riding completely in half. The victim had his bike light turned on and, despite his intoxication, was seen on Safeway security video riding legally (close to curb, traveling straight, normal speed, etc). The victim suffered

devastating head-injuries, internal injuries, and many broken bones, including his legs. He was in a coma for several days, and the doctors believed he would die. He spent about six months in various medical and rehab facilities, including a month in Emanuel, and had to re-learn how to talk, walk and recognize his wife and family (he still has overwhelming cognitive issues, speech problems, and uses a cane or walker--this is a man who was an outdoor enthusiast, a hiker, biker, and world traveler). He is now a completely different person and will have a caregiver for the rest of his life. (To get the victim's perspective, read his wife's blog at HYPERLINK "mailto:aceanderic@wordpress.com" aceanderic@wordpress.com.)

Defendant fled the scene, leaving the victim lying helpless in the road after he fell off defendant's hood onto the pavement. Note that there were three impacts here: defendant's grill to victim's legs, his windshield to victim's head, and then victim to pavement. Each successive impact occurred at a higher speed since defendant accelerated right through the victim. Further, the victim was directly in front of Mr. Jordan, so this was not a glancing blow but a full-on center-strike of an unprotected, vulnerable human being. Defendant kne immediately what he had done. He did not miss a beat but fled the scene to avoid responsibility.

Defendant was drunk at the time of the crash (conservatively a .20 blood alcohol level) and still under the influence when caught hours later. He was .12 almost five hours post-crash per his blood draw at 7:15 am. Stated another way, five hours after the crash, he was still 1.5 times the maximum legal limit. At crash-time he was 2.5 times the .08 limit. And, as you surely know, .08 is the level at which nobody may drive. It is entirely possible to be "under the influence," and therefore DUII, at a level less than .08.

The only reason we learned of his intoxication is because the victim's body or bike tore the plate off Jordan's car in the crash and it fell to the street, so officers were able to find him at home within a few hours. He had hidden his car in his locked garage. Had it not been for the license plate, he would probably have successfully escaped. Jordan drove about 8 miles to get home, from NE Portland to Happy Valley, all the while looking out his driver's side window because his windshield was destroyed, having been completely fractured by the victim's head. In doing this, Mr. Jordan also endangered the occupants of other cars as he drove. Mr. Jordan never called 911 to be sure the victim got help instead of being hit by the next car to come along. Hours later, he had still done nothing except tell his wife what he had done.

Remarkably, throughout this case Jordan showed no concern for the victim, focusing on himself alone, and expressed no remorse; he's never made any but the most superficial "apology." It was always "all about him," and what would happen to him. He never asked how the victim was doing despite the fact that he destroyed the man's life, leaving a married, healthy and active 36 year-old husband, friend and business-owner with overwhelming cognitive deficits and emotional problems due to the brain damage, and huge physical challenges. The victim now lives with his mother, who is his caregiver and

guardian.

The Multnomah County Grand Jury charged defendant with Robbery III, two counts; Assault II, Felony Hit and Run, two counts (leaving a seriously injured victim); Driving Under the Influence of Intoxicants (DUII); Recklessly Endangering Another Person; and Reckless Driving. After lengthy negotiations assisted by a judge, he pled guilty to Assault II and DUII, receiving the prescribed Measure 11 sentence of 70 months, receiving no added time beyond the Assault II, and obtaining dismissal of the remaining six charges. Had he gone to trial and lost, which was almost certain, he could have received more than twice that amount of time (his exposure was up to 196 months).

After supposedly "taking responsibility for his actions," defendant then tried—against his lawyer's advice— to withdraw his plea on the day of sentencing because he felt it wasn't a good enough deal. This was after a plea hearing when he finally seemed ready to take some responsibility for his terrible conduct and its consequences. He then tried to take it back. The judge refused to let him do this.

As you can imagine, the victim's losses were enormous, so restitution for the victim was a critical part of defendant's responsibility. The victim's and medical providers' expenditures were $877,000 and the hearing was, of course, hotly contested by defendant. The victim got virtually all he requested, but only after a fight. The victim is permanently unable to work or support himself, and his wife was his full-time caregiver at that time. This award includes only about one year of lost income (the full amount legally available), with $673,000 owed to the medical providers.

Defendant states in his August 2009 letter to Oregonian columnist Susan Nielsen that he was unaware of his "alcohol problem" until after the crash. First, this misses the point. The "problem" is not the alcohol, but instead Mr. Jordan's violent and reckless acts that night directed at three victims, starting with the robbery and ending with his driving into a vulnerable human being and leaving him lying in the road. He claims in his letter to you not to have acted violently, yet clearly he did, and the alcohol is his excuse. While he has an alcohol problem, and I'm sure he knew that, he claims that, after his 2004 arrest for DUII, Reckless Driving, Recklessly Endangering Another Person, Speed Racing, and Refusing a Breath Test, and receiving the privilege of entering a DUII diversion program to treat this alcohol problem (with dismissal of all the charges) he failed to take the program seriously, choosing instead to treat it as "a joke." Well, it was not a joke. Instead, while he had the chance to get treatment and get sober, attend the Victims' Panel (which involves victims of DUII drivers telling them what other DUII drivers did to them), and take his problem seriously, he chose instead to call this second-chance "a joke," with devastating results for our victim.

Apparently to prove his point that his prior diversion was a "joke," defendant had posted on his MySpace page before the crash photos of him drinking, including one of him drinking beer while at the wheel of a car. The page was taken down quickly after his arrest,

but the victim's family downloaded the photos before the page was removed. These photos clearly prove defendant's view that drinking and driving itself is "a joke." These photos are available should you care to see them.

Defendant also makes the surprising claim in his letter to you that "I have no history of violence." His criminal record proves otherwise. First, there is his prosecution for Assault IV in 2002 in Washington. Like his 2004 DUII, it was diverted and ultimately dismissed, as was a charge of Obstructing a Law Enforcement Officer, but he pled to the assault and was supervised for one year on probation. In 2000 he was arrested for Resisting Arrest, Disorderly Conduct, and Criminal Mischief. He pled guilty to Resisting Arrest, was placed on 18 months probation, and the other two charges were dismissed. In addition to this criminal history, Jordan has a juvenile record that includes Theft I in 1995, Unauthorized Use of a Vehicle in 1991, and Burglary I in 1989. These juvenile charges were all felonies. So despite his claim of probity (MBA, business owner) and newness to the justice system, his criminal and juvenile records tell a story of prior violence and many second-chances, given and ignored.

I went to the scene of the crash that night to assist with the investigation. As the supervisor of the trial unit handling vehicular homicides and assaults, and a career prosecutor since 1985, I have seen plenty of utterly callous acts, but rarely ones as extreme as Mr. Jordan's. As was done here, this office will continue to vigorously prosecute cases such as his, and in doing so to consider the circumstances of each crime, victim and defendant.

In the end, the victim's family fully supported this reduced sentence for defendant (the victim himself could not meaningfully participate in the sentencing discussion), as did the settlement judge. The parties felt it struck a reasonable balance between punishment and yet another second-chance for Mr. Jordan. In 70 months Jordan will emerge and resume his life in society with his family and friends. The victim will not. He will never live independently, never have the children he and his wife were planning, and likely never work. There is unfairness here, but not to Jeremy Jordan.

Very truly yours,

MICHAEL D. SCHRUNK
District Attorney
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By:

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cc: Susan Nielsen, The Oregonian
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