

Free Appealing

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Jeffrey Free Luers, the activist who was sentenced to more than two decades in prison for starting a fire that burned three trucks, has started the long, winding process of appealing his sentence and convictions on multiple counts of arson and attempted arson. The majority of it is trying to get my sentence reduced down to a reasonable amount of time, Free told EW during an interview inside the Oregon State Penitentiary. Free said he and his attorney, public defender Shawn Wiley, are confident the sentence could be reduced by about half, to 11 to 13 years. That, hes almost 95 percent positive about, the inmate said. As far as going below that, we don't have any expectations.

Free and his co-defendant, Craig Critter Marshall, were arrested in June 2000 for starting a fire at Romania Chevrolet on Franklin Blvd. Critter pleaded guilty to two lesser charges and is serving a 5-year sentence at the Snake River Correctional Institute in Ontario, Ore. Frees case went to trial, where he was linked to an attempted arson at Tyree Oil on West 1st Ave. He denies being involved in or knowing about the Tyree incident.

His Jan. 14 filing before the Oregon Court of Appeals raises a number of issues beyond the length of his sentence. For example, Frees attorney argues that police searches of a car and a storage room Free used were illegal, and that he had been illegally detained before the searches. The brief also deconstructs the legal logic that led to the 266-month sentence. One point of contention is the judges declaration that the risk of injury or death posed by a fire justifies a long prison term. Wiley says that is erroneous the judge should only have considered what actually happened, not what could have happened. No one was injured in either incident. The state has until March 4 to file a response. The entire appellate process is expected to take a year to 18 months.