



Governor Vic Atiyeh
State Capitol
Salem, Oregon
378-3121

September 3, 1981

STATEMENT BY GOV. VIC ATIYEH:

On November 3, 1980, I commuted the murder sentence of Duane Samples from life to twenty years. I was advised that if Mr. Samples continued as a model prisoner, he would probably be paroled in 1989.

The decision to commute was based on materials and statements from sources available at that time including those from the prosecuting attorney, psychologists and psychiatrists. There was unanimous recommendation for early release.

Because of new information since then, lack of legally required notice, and recent previously unrevealed evidence of an additional violent act, I have concluded that there are far too many uncertainties in this case. My original decision was premature and an error. Therefore, on this date I rescind my commutation of Duane Samples.

This has been a difficult personal decision. Time was taken to investigate all allegations in this case.

-MORE/OVER-

On August 20, 1981, this office learned that Mr. Samples had committed an assault against a Salem woman on about June 25, 1971, and she had been severely beaten about the face, arms and body, although hospitalization was not required. On August 24, 1981, Mr. Samples was interviewed by Mr. Jim Russell, Legal Assistant to the Governor, and asked whether, in addition to the crimes involving Diane Ross and Fran Steffen, had he ever been guilty of other violent or aggressive conduct in his past. Mr. Samples then admitted that he had been involved in such an incident. He then recounted the incident of the Salem woman consistent with that reported by the victim and others. We have subsequently interviewed most of the psychiatrists and psychologists who have submitted reports concerning Mr. Samples and only one was aware of this incident. I regard this as an important development. My decision in November 1980 was based upon, among other reasons, my belief that Mr. Samples had never committed any other violent acts or crimes. Furthermore, it had been represented to me that Mr. Samples was a candid, open individual who had made disclosure of all the pertinent facts of his past and present. Whether deliberate or inadvertent, his failure to have previously disclosed this incident undermines his credibility.

I am advised that regardless of my commutation decision, under present Parole Board policy Mr. Samples would not under any circumstances be paroled or released before 1986. The Parole Board and Corrections Division should continue to objectively evaluate Mr. Samples so that the board and, if necessary, the governor, can determine an appropriate release date.

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STATE OF OREGON
OFFICE OF THE GOVERNOR


IN THE MATTER OF THE)
CONDITIONAL COMMUTATION) RESCISSION OF
OF SENTENCE OF) CONDITIONAL COMMUTATION
DUANE EDWARD SAMPLES)

WHEREAS a conditional commutation of sentence was granted to Duane Edward Samples on November 3, 1980; and

WHEREAS it now appears to my satisfaction that said conditional commutation was granted prematurely;

NOW, THEREFORE, IT IS ORDERED AND DIRECTED that the conditional commutation of Duane Edward Samples is rescinded, with said rescission being effective immediately.

In Testimony Whereof, I have hereunto subscribed my name and caused to be affixed the Seal of the State of Oregon. Done at Salem, the Capitol, this 3rd day of September, 1981.



Governor

By the Governor

Secretary of State