



OCVLC NEWSLETTER



From the Executive Director

BY: EMILY LA BRECQUE, EMILY@OCVLC.ORG

OCVLC ended 2025 having opened more than 450 cases in 33 counties and federal court, and began the New Year by preparing to file as amicus curiae in three separate Oregon Supreme Court Cases. I look forward to sharing the outcomes of those cases with you in the coming year!

This year will be the eighth annual Hardy Myers Dinner, and we are delighted to honor the work of Robyn Masella, the Victims' Specialist for the Oregon Board of Parole and Probation, who has been serving crime victims across the state of Oregon in that role since 2015. Robyn's passion, empathy, and honesty have impacted the lives of hundreds of victims as they navigate the often challenging post-conviction process of parole board hearings and release of adults in custody on parole or post-prison supervision. Join us at Amaterra Winery on April 22, 2026, to celebrate Robyn's extraordinary work and impact in our state. Seating will be slightly more limited at this new venue, so please register early!

OCVLC still needs your ongoing support. We are currently in the 2026 Legislative Short Session, during which we are requesting critical funding. If you support and value our services, now is the time to reach out to your state representatives on our behalf. If you need help finding your senator or representative, you can find that information at <https://www.oregonlegislature.gov/>.



EIGHTH ANNUAL HARDY MYERS DINNER

**Please join the
Oregon Crime Victims Law Center
in celebrating the work of our
2026 Hardy Myers Victim Advocacy
Award honoree.**

**Robyn Masella
Victims' Specialist
Oregon Board of Parole & Post-Prison
Supervision**

Named for former Attorney General and OCVLC co-founder Hardy Myers, the award recognizes those who advance the interests of crime victims through advocacy, ingenuity, and courage.

**Wednesday, April 22, 2026
Amaterra Winery
8150 SW Swede Hill Dr, Portland
Valet parking available**

**5:30 PM Cocktails and Silent Auction
7:00 PM Dinner and Program**



Use QR code to buy event or
raffle tickets or for online
auction registration

Protecting Victims' Rights in Post-Conviction Proceedings: Case Spotlight

BY: SARAH LECLAIR

In September 2025, OCVLC was retained to represent the parent of a child-victim ("Guardian Victim") seeking to challenge a court order authorizing a subpoena for the child-victim's therapy records. OCVLC routinely represents crime victims in opposing similar discovery requests in criminal prosecutions. What made the case different from ones OCVLC is commonly involved with was that the defendant sought to compel production of the records as part of his petition for post-conviction relief (PCR), years after his criminal convictions.

In Oregon, defendants may challenge their conviction and sentence through direct appeal, PCR, and federal habeas corpus petitions. Direct appeals are continuations of the criminal case and may be used to challenge legal errors but not to retry the case or introduce new evidence. In contrast, PCR challenges are separate civil actions filed in the circuit court in the county where the defendant is imprisoned. In PCR cases, defendants (called petitioners for purposes of the PCR proceedings) may provide new evidence and assert constitutional claims not addressable on direct appeal, including claims of ineffective assistance of counsel.

In the case OCVLC was involved in, the defendant had been convicted of multiple counts of sex abuse in the first degree against two child-victims, including the Guardian Parent's child. In his initial pro se PCR petition, defendant asserted ineffective assistance of counsel claims relying on, inter alia, his trial counsel's failure to subpoena and/or move for production and in camera review of the child-victim's therapy records. Defendant also filed a motion to produce the therapy records for in camera review by the circuit court in the PCR case, which was immediately granted, despite the Guardian Parent's objections.

After filing into the case, OCVLC filed objections to the defendant's motion to produce and subpoena, asking the court to reconsider and vacate its order granting the motion. OCVLC made a number of arguments in opposition to defendant's motion, including that the victims' state constitutional right to refuse discovery requests applied, that the psychotherapy-patient privilege protected the records and that no exception to the privilege applied, and that considered under either the criminal or civil rules relating to discovery and production of evidence, defendant failed to meet the showing required to access the protected records. The State also filed in support of the Guardian Victim's motion.

Ultimately, after a hearing, the circuit court granted the Guardian Victim's motion, vacated its earlier order, and denied the defendant's motion. The circuit court's holdings included that the records were privileged; that no exception to the privilege applied; and that trial counsel had elicited testimony at trial about the therapy records and defendant did not demonstrate that further investigation (in the form of attempting to subpoena the therapy records) would have yielded information his counsel could have used and/or that he was prejudiced as a result of counsel's failure to seek the records.

In its ruling, the circuit court did not address the Guardian Victim's argument that the victims' constitutional right to refuse discovery requests provided a separate basis to deny the defendant's motion. See Or. Const., art. 42(1)(c) (providing for victims' rights "in all prosecutions for crimes and in juvenile court delinquency proceedings,]" including "[t]he right to refuse an interview, deposition or other discovery request by the criminal defendant or other person acting on behalf of the criminal defendant"). Additionally, there are no Oregon appellate court decisions addressing whether PCR proceedings constitute "prosecutions for crimes" such that the victims' state constitutional right to refuse discovery requests would apply.

Although it is unclear if victims' state constitutional rights extend to PCR proceedings, victims do have other rights that explicitly apply. Oregon Revised Statutes 138.625(1) provides that "[a] petitioner in a post-conviction relief proceeding may not compel a victim to testify, either by deposition, hearing, or otherwise, unless the petitioner moves for an order of the court allowing a subpoena." The statute also requires the circuit court to make specific findings before permitting the issuance of a subpoena for the victim's testimony. If it is issued, upon the victim's request not to have contact with the petitioner, the victim can "appear by telephone or other communication device approved by the court." ORS 168.625(3),(4). Further, petitioner or any agent for the petitioner must clearly identify themselves in any contacts with the victim, and must inform the victim that they can refuse to speak "to the petitioner's attorney, or other agents of the petitioner, or provide other discovery unless the victim wishes, and that the victim may have a district attorney, assistant attorney general or other attorney or advocate present during any interview or other contact." ORS 168.625(5).

Victims' rights do not end when a defendant is sentenced. It is critically important that victims are empowered to exercise their rights as they choose at all stages of the criminal process, including in direct appeals, PCR proceedings, and federal habeas petitions. Only when we honor and protect victims' rights at all stages of the process do we fulfill the state constitutional mandate "to ensure crime victims a meaningful role in the criminal and juvenile justice systems" and "to accord crime victims due dignity and respect."



THE CASE ISN'T OVER AT SENTENCING: WHAT VICTIMS SHOULD KNOW ABOUT POST-CONVICTION PROCEEDINGS

BY: JACK STAUNTON

Sentencing often feels like the end of a criminal case. The defendant has been convicted, the victim has given their victim impact statement, the court has imposed a sentence, and there is a sense of resolution. But often, this isn't the true end of the case. By understanding what may happen after sentencing, victims can avoid surprises and ensure that their rights remain protected.

Below are three examples of post-conviction issues that directly affect victims.

Restitution:

Crime victims have a right to "prompt restitution" under Article 1, Section 42(1)(d) of the Oregon Constitution. While restitution can be ordered as part of the resolution at sentencing, it is often kept open after sentencing, particularly if the parties disagree about the amount of restitution or more time is needed to document expenses.

ORS 137.106(1) gives the district attorney 90 days from the date of sentencing to file a motion requesting that the judgment be amended to require restitution. The statute allows the court to extend the 90-day period for "good cause," but this is discretionary, and victims should not rely on this 90-day period being extended due to a delay in a victim getting their paperwork to the DA's office or a mistake by the DA's office failing to file a motion.

To avoid an issue with the 90-day deadline, victims can submit their expense documentation to the DA's office well before the deadline. They can also check in with the DA's office throughout the 90-day period to ensure that a motion requesting restitution has been filed and a hearing has been set.

Appeals:

Post-conviction, it is common for defendants to file motions to set aside a conviction or to appeal.

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Victims have a constitutional right to be notified of an appeal. However, under ORS 147.433(1)(b), that right must be requested. A victim must affirmatively request notice of appellate proceedings in order to receive updates.

Without that request, a victim may not receive notice when an appeal is filed. Requesting notification ensures that victims remain informed and prepared in the event of additional proceedings.

Expungement and Restitution:

Expungement can also intersect with restitution. In *State v. Grant* (2025), the Oregon Court of Appeals addressed whether a conviction could be set aside when doing so would impair a victim's constitutional right to prompt restitution. In *Grant*, the defendant pleaded guilty to theft in 2007 and was ordered to pay \$37,000 in restitution. In 2022, the defendant moved to set aside his conviction, while he still owed over \$25,000 in restitution. The Court determined that restitution is part of the defendant's criminal sentence; therefore, unpaid restitution means the defendant has not fully completed the sentence and is not eligible for expungement.

When a person applies for the expunction of their juvenile records, ORS 419A.262(13)(b) requires the district attorney to mail a copy of the application for expunction to the victim if the victim requests. Unfortunately, there is no analog in adult cases, and victims in adult cases do not have an express right to be notified of a motion to set aside. But victims can request that the DA's office notify them if the defendant seeks to expunge the charge. If a case is expunged, it becomes much more difficult for a victim to get information and records about the proceedings.

Although sentencing is a significant milestone, it is not always the final chapter in a criminal case. Restitution issues, appeals, and expungement motions can arise months or even years later. By staying informed, communicating with the District Attorney's Office, and understanding the procedural deadlines that apply, victims can better protect their rights and avoid unexpected developments after conviction.

Advocacy Spotlight: Oregon Youth Authority Victim Engagement Program

BY: MICKEY KARNAS



Victims of crime often feel confused, unsupported, and retraumatized before, during, and after criminal proceedings. When the offender is a juvenile whose case is adjudicated in an Oregon state juvenile court, victims may feel even more uncertain about their role than they would in adult proceedings. Oregon Victims' rights still apply, but some must be actively asserted by the victim. How can a victim assert those rights within a juvenile case? What rights do they have if the youth offender has been sent to a youth correctional facility, and what rights does the victim have after release? These questions and more are answered every day by the victim advocates with Oregon Youth Authority Victim Engagement Program (VEP)

The VEP provides essential advocacy, including information about victims' rights, support with restorative justice programs, notification concerns, dispositional questions, Crime Victims Compensation (CVC), restitution issues, and post-adjudication matters. Their victim services specialists work to demystify a confusing process, offering victim's clarity, support, and the meaningful role they are legally afforded in Oregon. The department recently expanded its staff and services, connecting with juvenile court victims both remotely and in person across the state. They have advocates dedicated to specific areas - South region, North Bend/South Valley, Central/Eastern region, and North Valley/Metro region. The team includes several bilingual advocates and an advocate dedicated primarily to supporting family members of homicide victims. OYA's confidential victim advocates receive specialized, trauma-informed training and work to provide answers, direction, and the resources victims often need.

Many victims report that victim services seem to disappear once the court case ends, even though their need for support and answers continues. Oregon Youth Authority Victim Services helps fill that gap by providing ongoing, crucial support.

To learn more resources for juvenile court victims, please visit:
<https://www.oregon.gov/oya/pages/victims.aspx>

For more information about juvenile court victim rights:
<https://www.ocvlc.org/crime-victims-rights-juvenile-court.html>

Join Our Team

OCVLC is seeking a Staff Attorney for our Portland office to provide services to crime victims across Oregon. Staff Attorneys gain experience in an interesting and varied practice area in a collaborative work environment while improving access to justice for some of Oregon's most vulnerable individuals.



Candidates must be graduates of an accredited law school and members of the Oregon Bar in good standing. This position is not eligible for the SPPE program.

For a job description and application instructions, visit ocvlc.org/join-our-team

Case Summaries

BY: RACHEL GARRETT

A victim recently reached out to OCVLC for assistance in obtaining a permanent stalking protective order. The victim had been targeted by a stranger at his workplace who repeatedly made threats to harm the victim. An OCVLC attorney assisted in ensuring the offender was properly served with the order, and at the hearing, the attorney utilized video evidence to help obtain the permanent stalking order. The victim stated that he felt much more confident knowing he had the attorney's support and representation.

An OCVLC staff attorney represented a survivor in a contested restraining order case in a rural county involving severe domestic violence and sexual assault. The case presented high-lethality risks, including strangulation, repeated physical abuse, threats involving weapons, and abuse occurring in front of a young child. The opposing party's history of repeated restraining order violations, substance abuse, and aggressive behavior required heightened safety measures. OCVLC provided representation to the survivor, including hearing preparation, witness support, and detailed safety planning, and worked with court staff to ensure the survivor's and the witness's safety in and around the courthouse. The protective order was ultimately upheld.

Our victim advocate assisted a stalking survivor who needed to leave their apartment safely. The survivor had been targeted by the stalker at their residence, making it impossible for them to remain there without ongoing fear and risk. Our advocate helped them assert their rights under ORS 90.453, which allows victims of stalking, domestic violence, and sexual assault to give a 14-day notice of their intent to terminate a lease early for safety reasons. As a result, the client was able to break their lease without penalty and move to a safer location.

An OCVLC attorney recently represented an older couple in a rural area who suffered years of abusive behavior from their neighbor. Due to the danger of the situation, they eventually moved out of the home they loved. The attorney defended the couple against having to pay the neighbor's attorney's fees in the rural county and argued for the new county's restraining orders to be upheld. Ultimately, they did not have to pay their neighbor's fees, and one of their orders was successfully upheld. After years of inadequate responses by law enforcement, the couple felt validated by the judge and relieved to have the one order upheld.

A victim recently reached out to OCVLC for assistance in obtaining a permanent stalking protective order. The victim had been targeted by a stranger at his workplace who repeatedly made threats to harm the victim. An OCVLC attorney assisted in ensuring the offender was properly served with the order, and at the hearing, the attorney utilized video evidence to help obtain the permanent stalking order. The victim stated that he felt much more confident knowing he had the attorney's support and representation.



How can I help Oregon Crime Victims Law Center's continued support of crime victims?



DONATE

ONLINE: [OCVLC.ORG/DONATE](https://ocvlc.org/donate)

OR

BY MAILING A CHECK TO:

*OREGON CRIME VICTIMS LAW CENTER
7412 SW BEAVERTON-HILLSDALE HWY.
SUITE 209
PORTLAND, OR 97225*

CALL

*YOUR OREGON STATE SENATORS AND REPRESENTATIVES -
VOICE YOUR SUPPORT FOR OCVLC FUNDING
IN THE 2026 LEGISLATIVE SHORT SESSION*

NEED HELP FINDING YOUR SENATOR OR REPRESENTATIVE?

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