

# R. Paul Frasier

## District Attorney for Coos County

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July 6, 2020

### **Statement Regarding the Juvenile Delinquency Matter Involving Saraya Rees**

This office has received multiple inquiries regarding this case. Unfortunately there has been a lot of misinformation about the case that has been on social media. Below are the facts that were developed by the police which we were prepared to prove had there been a trial in this case.

#### **FACTS**

In the early morning hours of July 8, 2019, Shannon Rees, the mother of Saraya Rees, called Coos County Mental Health and reported that her daughter Saraya had poured gasoline in their home and was threatening to set the house on fire. Coos County Mental Health, believing persons were in danger, and as is standard practice, contacted the police. The police responded, which included an officer from the Myrtle Point Police Department and a deputy from the Coos County Sheriff's Office.

In the subsequent investigation it was discovered that Ms. Rees had taken a quantity of gasoline and spread it on the floor of her home. So much gasoline had been used that the home was filled an overwhelming odor of gasoline which required the fire department to vent the home. The family had to spend the night in a motel because the odor was so strong.

Ms. Rees had spread gasoline inside the entrance to the bedroom shared by her mother, stepfather and three year old sister. Gasoline was also spread near the bedroom window. Had the gasoline been ignited, the fire in front of the door and window would have prevented the occupants from escaping. Shannon Rees told the police that Saraya told her that Saraya was going to lock the bedroom door and ignite the gasoline. Two gas cans were found in the laundry room of the home as part of the investigation. According to the stepfather, each gas can had one gallon of gasoline or other fuel inside. When the police located the gas cans, one can was empty. Another still had fuel in it but it had less than a gallon inside. After she had spread the gasoline, Saraya was interrupted by her stepfather and ran to the laundry room (the same room where the gas cans were found).

Of concern were two candles that the police located. Shannon Rees told the police that the candles were new and had not been used and were kept in a cabinet in the kitchen. According to Shannon Rees, one candle and a lighter were found on the couch next to Saraya. That candle and lighter were moved to the kitchen table and eventually seized by the police. Another candle was found hidden in the garbage can in the room where Saraya had fled after being interrupted by her stepfather. That candle appeared to be burnt on one end. Based upon the statements made by Shannon Rees, and by the process of elimination, the only person who could have removed those candles from their storage place was Saraya. As the candles were new, the only person who could have tried to light one of the candles was Saraya.

Saraya was interviewed by the police. Shannon Rees consented not only to the police interviewing Saraya but also consented to the interview being conducted at the

Myrtle Point Police Department. During a legally permissible interview which was recorded, Saraya told police that she had intended to set the house on fire. She admitted she intended to kill her mother and her stepfather. She admitted that she knew that her sister would also die in the fire. Upon consultation by the police with the Coos County Juvenile Department, the juvenile department made the decision to place her in the juvenile detention center in Douglas County. This office does not have a role about whether a youth is detained and we are not part of that decision making process. (Coos County does not have a juvenile detention center and contracts with Douglas County to hold juveniles accused of serious acts.)

Under Oregon law a person commits the crime of attempted murder when that person intentionally attempts to cause the death of another human being. To attempt to cause the death of another person the person in question must take a substantial step toward causing the death of the other person. In this case, Ms. Rees, admitted she wanted to set the house on fire and that she intended for her mother, stepfather and sister to die in that fire. She took a substantial step toward committing those crimes by spreading the gasoline and then having a candle that had been burnt in her possession. Her admissions and actions clearly support the charges that were filed. It is our opinion that had we gone to trial she would have been found to have committed these offenses.

### **Process and Procedure in the Case**

As required by law, the police prepared what is referred to as a probable cause affidavit and submitted it to the Coos County Juvenile Court. The Court reviewed the affidavit and found that probable cause existed showing that Ms. Rees had committed



the offenses. The Court ordered that Ms. Rees be held in detention during the pendency of the case. A juvenile delinquency petition was filed with the Court alleging multiple crimes, including the charges of attempted murder as to each member of her family mentioned above.

Contrary to what is being represented on social media, the attorney for Ms. Rees, Kate Dyer, was not a state or court appointed lawyer. The family of Ms. Rees obtained her services. At no time during the pendency of the juvenile petition did the family complain about the services provided by Ms. Dyer. Ms. Rees was represented by counsel throughout the whole proceeding.

It was clear from the beginning of this case that Ms. Rees had some sort of mental health issues. This office was prepared to explore some sort of mental health resolution of the matter. However, under Oregon law, such a resolution requires certain criteria be met. The juvenile equivalent for a mental disease or defect defense requires that the juvenile in question have a qualifying mental disorder and that because of that disorder, at the time of event in question, the juvenile lacked substantial capacity either to appreciate the nature and quality of the act or to conform the juvenile's conduct to the requirements of law. This requires that there be a psychological evaluation of the juvenile. We indicated to counsel that if such an evaluation showed that the defense applied we would entertain a resolution that would have placed Ms. Rees in the juvenile equivalent of a mental health program that is similar to adult criminal situations where the adult defendant is placed under the jurisdiction of the Psychiatric Security Review Board.

The defense obtained the services of a qualified psychologist. The following information has not been shared by the family of Ms. Rees on social media. Two issues were raised by defense counsel. The first was whether Sarya was competent to aid in her own defense. The second was whether the mental disease or defect defense applied to Saraya. The psychologist arranged for by the defense did an evaluation of Ms. Rees as to both issues.

**The defense psychologist found that Saraya was mentally competent to assist in her defense. The defense psychologist also opined that Ms. Rees did not meet the requirements for the mental disease or defect defense. Consequently, both on a factual and legal level, the option for doing a mental health defense and resolution were not possible.** That report was given the the juvenile court judge as part of the proceedings.

According to her own expert, the mental disease or defect resolution was no longer feasible. The only solution we had to this situation was to handle the case as a juvenile delinquency matter.

Since the mental defense was not feasible, Ms. Rees through her counsel, negotiated a resolution of the case where Ms. Rees admitted she attempted to kill her mother and stepfather. The attempted murder charge as to her sister was reduced to attempted assault in the first degree. Other charges that had been filed (such as attempted arson) were dismissed. In October of last year, as part of the process, Ms. Rees, in open court, admitted to the juvenile judge that she had in fact committed these crimes. Part of that process requires the court to be satisfied that the juvenile understands the charges and the juvenile is not be coerced or pressured into making

any admission. The juvenile court judge, as part of that colloquy with Ms. Rees, determined that in fact Saraya understood the charges and that she was not being coerced or pressured into making any admissions.

After admitting the charges, the juvenile court ordered Ms. Rees to the custody of a youth correctional facility for a period not to exceed her 25<sup>th</sup> birthday. Contrary to what is being reported on social media, **this is not a mandatory sentence with no hope of parole**. Ms. Rees did file an appeal with the Oregon Court of Appeals, but later dismissed the appeal on motion of her defense.

It is important to realize that the goal of the juvenile system is reformation. At the youth correctional facility she is receiving treatment. In addition, the Oregon Youth Authority has the authority, as soon as Ms. Rees is able, to parole her from the youth correctional facility to other types of treatment facilities and less secure situations. We believe if Ms. Rees responds appropriately to the treatment programs available and that will be made available to her that it is more likely than not she will be released from any form of custody well before her 25<sup>th</sup> birthday. (We have had other cases where the juvenile was sent to the youth correctional facility until their 25<sup>th</sup> birthday and who were paroled in as little as three months to six months.)

### **Conclusion**

Ms. Rees had the benefit of counsel retained by her family throughout these proceedings. She was evaluated by a psychologist chosen by her defense to do a comprehensive psychological evaluation. The results by her own expert showed that she was competent to proceed and did not have a mental defense to the charges. Her

case was heard and decided by an impartial judge. There were checks and balances throughout this case.

Given the nature of the evidence in this case, we believe that Ms. Rees needs to begin her treatment in a secure juvenile facility. The juvenile court judge agreed with that conclusion. Frankly, we believe the evidence shows that had she not been interrupted by her stepfather, that she would have ignited the gasoline, potentially resulting in the death of her family. The resolution of this case, under the totality of the circumstances, was proper.