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MEDIA RELEASE

For Immediate Release – February 19, 2014
From Daniel Primus
Umatilla County District Attorney

On February 4, 2014 at approximately 1:00 p.m, David Wayne Newton, a 51 year old resident of Hermiston, Oregon, delivered his friend, 25 year old Daniel Leonard Dechand, also of Hermiston, to Good Shepard Hospital to be treated for multiple gunshot wounds. Newton informed hospital staff that Dechand had been shot. As doctors and medical staff at Good Shepherd Hospital treated Dechand's injuries, law enforcement was notified of the shooting. Officers from the Hermiston Police Department responded immediately to Good Shepard Hospital to begin investigating the shooting. Medical staff at Good Shepherd Hospital treated Dechand's injuries until Dechand passed away at approximately 2:03 p.m.

Preliminary information gathered by law enforcement at the hospital established that the shooting took place outside the city of Hermiston, and within the jurisdiction of the Umatilla County Sheriff's Office. Shortly before Dechand's death, members of the Umatilla/Morrow County Major Crime Team were dispatched to investigate the shooting, with the Umatilla County Sheriff's office acting as the lead agency. Law enforcement from both Umatilla and Morrow Counties including the Umatilla County Sheriff's Office, Morrow County Sheriff's Office, Oregon State Police, Umatilla Tribal Police Department, Pendleton Police Department, Hermiston Police Department, Umatilla Police Department, Boardman Police Department, as well as investigators from the Blue Mountain Enforcement Narcotics Team (B.E.N.T.) and scientists from the Oregon State Police Crime Laboratory worked together to investigate the shooting.

Early on in the investigation, Timothy Allen Kelly, a 22 year old man from Irrigon, Oregon, was identified as the man that shot Dechand. Investigators began attempting to locate Kelly shortly after the shooting. Although investigators interviewed and re-interviewed Kelly's friends, family, and acquaintances, and also searched locations Kelly was known to frequent, law enforcement was unable to locate Kelly.

At the same time that investigators were attempting to locate Kelly, they also worked through the night and into the next several days to secure evidence, apply for and execute search warrants, locate and interview witnesses, and follow up on leads to gather potential evidence.

By the end of the day on February 7, 2014, even though investigators had still not been able to locate Kelly, they had compiled sufficient evidence to apply for and receive an arrest warrant for

Kelly's arrest for the murder of Dechand. After the arrest warrant was signed by the Court, investigators continued to gather evidence and follow up on leads.

On February 10, 2014, Kelly contacted a Morrow County Sheriff's Office narcotics detective assigned to B.E.N.T. and requested the detective's assistance in turning himself in to be interviewed by law enforcement. Multiple members of B.E.N.T. travelled to Hood River, Oregon to pick Kelly up to transport him back to Umatilla County. On the way back to Umatilla County, B.E.N.T. detectives were able to interview Kelly about the events that led to Kelly shooting Dechand. Kelly was very emotional, crying throughout the interview, and explaining to the detectives that Dechand was his friend and he did not want to hurt him. Kelly explained that Dechand was robbing him, and after Kelly advised Dechand that he was armed, Dechand told Kelly that he had a gun, too. Kelly said that when he refused to turn over his property, Dechand reached under his seat as if to grab the gun he claimed to have, and Kelly fired his gun. Upon arriving at the Umatilla County Jail, investigators interviewed Kelly a second time before lodging him on the arrest warrant signed by the Court on February 7, 2014.

On February 11, 2014, Kelly was arraigned on one count of murder for causing the death of Dechand. Judge Christopher R. Brauer set Kelly's bail at \$1 million, and set a preliminary hearing for February 19, 2014.

Following Kelly's second interview, investigators analyzed all of the information gathered up to that point, to include not only physical and scientific evidence, but also witness's statements, paying particular attention to the statements of the eye witness to the shooting, David Wayne Newton, and the defendant, Timothy Allen Kelly. At that point in the investigation, even though the physical evidence and witness statements established that Kelly shot and killed Dechand, the statements from the only witnesses present during the shooting also indicated that Dechand was attempting to rob Kelly during the shooting.

Over the course of the next several days, investigators continued to investigate, re-interviewing several witnesses including both Newton and Kelly, as well as comparing the witness's statements to the physical evidence. On February 17, 2014, at the Umatilla County Jail, investigators conducted a third interview of Kelly. During the interview Kelly agreed to show investigators where he had hidden the firearm he used to shoot Dechand in what he claimed was self-defense. Following Kelly's third interview, Kelly lead a team of investigators to the firearm he had claimed that he had hidden in a rock pile off of Sunshine Road after he shot Dechand.

Based on the totality of the evidence gathered by law enforcement up to that point, even though it appeared clear that Kelly had in fact shot and killed Dechand, there was also substantial evidence establishing that at the time of the shooting Dechand was attempting to rob Kelly and Kelly may have shot Dechand in self-defense.

On February 18, 2014, Umatilla County District Attorney Daniel Primus presented the evidence gathered by law enforcement surrounding Dechand's shooting to the Umatilla County Grand Jury. The Grand Jury considered the testimony of the eye witness to the shooting, David Wayne Newton, as well as testimony from Hermiston Police Department Detective Randy Studebaker, Morrow County Sheriff's Office Detective Brian Snyder, and the lead Detective, Umatilla County Sheriff's Office Detective Kacey Ward. The issue presented to the Grand Jury was, whether, "when all evidence before it, taken together, is such as in its judgment would, if unexplained or uncontradicted, warrant a conviction by the trial jury." If the Grand Jury were to

answer yes, it would issue a "TRUE BILL." If the Grand Jury were to answer no, it would issue a "NOT TRUE BILL." After considering all the evidence presented to it, the Umatilla County Grand Jury returned a "NOT TRUE BILL," indicating that they did not believe there was sufficient evidence to indict Timothy Allen Kelly for the murder of Daniel Leonard Dechand. Since the Grand Jury returned a "NOT TRUE BILL" the Umatilla County District Attorney's office must file the "NOT TRUE BILL" with the clerk of the court, thereby dismissing the charge of murder against Kelly.

From the time Dechand's shooting was reported to law enforcement on February 4, 2014 up until the time the case was presented to the Grand Jury, investigators from both Umatilla and Morrow Counties, including the Umatilla/Morrow County Major Crime Team, B.E.N.T, and the individual agencies listed above worked diligently to conduct a complete and thorough investigation. Although the nature of the shooting resulted in a very complex investigation, investigators were able to pool their resources and work together to ascertain the circumstances surrounding Dechand's death.

Any further inquiries please contact the Umatilla County District Attorney's Office.

Daniel R. Primus
District Attorney