

**From:** Daniel.R.MURPHY@ojd.state.or.us  
**Subject:** State v. Arick Sundberg 05102194  
**Date:** August 30, 2011 3:50:57 PM PDT  
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Counsel:

We had a telephone conference this afternoon on the defendant's motion for continuance based on a calendar conflict with a case set in federal court subsequently to this case being set.

I listened to all sides in this case very carefully. The state here in Albany opposed the continuance because this is a difficult sexual abuse case involving a child who was 5 when the alleged acts occurred, is 16 now, and desperately needs to have this case resolved and out of her life. This case is a 2005 case, now over six years old. It was delayed due to appeal.

The defense is involved in another case in federal court involving conspiracy to commit arson involving a number of wild fires in Eastern or Central Oregon where property damage was sustained but no physical injury or death.

The US Attorney does not want the federal case continued because a member of that staff will be going out on maternity leave.

When I balance the prejudices and concerns in this case it appears clear to me that the sex abuse case here in the Circuit Court needs to remain as set. This is especially true considering that the federal case was scheduled for trial after this state court case was set on the docket for five days in January. It is especially true considering that the mental health of a 16 year old child is at stake here and our case is over six years old. It also appears there is no prejudice to the parties in the federal case to have that case continued other than an inconvenience to the US Attorney's Office.

The motion to continue this case is denied. Ms Yardumian may submit the order.

**DANIEL R. MURPHY**  
Circuit Judge  
Linn County Circuit Court  
23rd Judicial District  
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EXHIBIT A  
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