

Criminal Law

State v. Hasedahl, 247 Or.App. 285 (2011)
Oregon Court of Appeals.

FACTS

The victim was walking in a crosswalk across a busy intersection when the occupants of a car that was stopped at the traffic light began to verbally harass him. Defendant (Hasedahl) then leaned out of the car's rear window, and said, "Hey, it's me, Big D." The victim did not recognize defendant or the other three occupants of the car and continued walking through the crosswalk and down the street without responding to the harassment. The driver turned the car around and pulled up next to the victim. Three people, including defendant, got out and approached the victim on the sidewalk. Defendant started beating the victim—delivering approximately 30 blows to his head and body, tackling him, and hitting his head against a concrete wall.

One of defendant's companions, Cruz, stood behind defendant and encouraged him to continue the assault by saying, "That's right, b****" and similar remarks. Another companion, Turner, stood behind defendant and encouraged him to stop the assault. The victim did not fight back. The victim said that he did not want to fight defendant, asked defendant to stop beating him, and tried to get away. However, defendant replied, "Hell, no," and continued the beating. After the assault, the victim tried to retrieve his hat, which had fallen onto the ground, but Cruz put the hat on his own head and refused to return it. The defendant and his companions returned to the car, laughing and yelling obscenities at the victim, and then drove away. The victim went to the hospital, where it took four staples to repair a laceration on his head.

HANDOUT QUESTIONS

1. If you were the State, what arguments would you make in order to prevail?
2. If you were Hasedahl, how would you defend your actions?
3. If you were on the Oregon Court of Appeals, how would you rule? Explain.
4. In your deliberation as a judge, explain how the following facts would or would not affect your decision:
 - a. The fact that Hasedahl was the only one who physically hit the victim.
 - b. The fact that Cruz was standing behind Hasedahl and within his reach.
 - c. The fact that Cruz said “That’s right b****” and other remarks when Hasedahl was beating the victim.
5. Do you think that Hasedahl would have hit the victim if Cruz did not say his remarks?
6. After reading the actual case, answer the following questions:
 - a. How did the Oregon Court of Appeals actually rule?
 - b. What reasons did the Oregon Court of Appeals give for its decision?
 - c. Do you agree with the decision? Explain your answer.

ISSUE

Did the trial court err in finding that verbal encouragement to continue an assault constituted “aiding” the assaulter?

WHAT HAPPENED AT TRIAL?

Hasedahl moved for a judgment of acquittal, arguing that the State failed to prove that he was “aided” by another person actually present. The state contended that the victim testified to all elements of the crime, and the jury could believe him. The trial court found that Cruz actually aided Hasedahl and encouraged him to continue the assault on the victim. The trial court dismissed Hasedahl’s motion of acquittal.

HOW DID CASE REACH THE OREGON COURT OF APPEALS?

Hasedahl appealed the trial’s court decision.

ARGUMENTS

State's Arguments:

1. Per the definition of "aid," when another person present encouraged the defendant to beat the victim, the defendant was "aided" by that person.
2. Verbal encouragement by defendant's companion satisfied that definition because that verbal encouragement gave support to and furthered or facilitated defendant's attack.

Hasedahl's Arguments:

1. The definition does not encompass mere verbal encouragement.
2. What Cruz said does not constitute aiding.

WHO WON?

The State won. The court held that verbal encouragement to continue an assault constituted aid by another person, for the purpose of offense of assault in the third degree.

HOW THE COURT EXPLAINED ITS DECISION

The Court of Appeals looked at legislative intent by examining the text and context of various criminal statutes to conclude that Hasedahl was "aided" by Cruz. The court examined ORS 163.165(1)(e) and ORS 161.155(2)(b) to interpret the meaning of "aided" and concluded that the term "aids or abets" as used in that statute mean "advises, counsels, procures, or encourages another to commit a crime." The court also concluded that the statutes do not require a subjective intent by the aider to promote or facilitate the assault.

The Court of Appeals concluded that a jury could reasonably find that another person standing by encouraged defendant and therefore aided the defendant in the assault of the victim. Under the totality of circumstances, the state provided sufficient evidence for a rational trier of fact to find beyond a reasonable doubt that the defendant was "aided by another person actually present."

APPLICATION

1. This opinion is significant for the following reasons:
 - a. It demonstrates how the Court of Appeals discerns legislative intent by considering the text, context, and any helpful legislative history of the statute.
 - b. Though Cruz did not physically “aid” Hasedahl, the court found his verbal actions to be aiding Hasedahl in committing the crime.

2. The holding of the Court of Appeals holds out that verbal encouragement to continue an assault constituted aid by another person. This holding is now the rule of law and lower courts in Oregon will refer to it whenever faced by a similar situation.