

1  
2 **In the Circuit Court of the State of Oregon for Lane County**

3 THE STATE OF OREGON,

4 Plaintiff,

5 vs.

6 MICHAEL ANTHONY VAUGHAN,

7 Defendant.

Case no. 200801554  
and Case no. 200824086

**Plea Petition**

8 DA No. 07-269 and  
9 DA No. 08-6705

10 The defendant represents to the Court:

- 11
- 12 1. My true and complete name is MICHAEL ANTHONY VAUGHAN. My date of  
13 birth is 10/09/1983.
  - 14 2. My attorneys are Daniel H Koenig and Brad Cascagnette.
  - 15 3. I have received a copy of the Indictment in case number 2008-01554 and the District  
16 Attorney's Information in case number 2008-24086 charging Arson in the First  
17 Degree. I have read the two charging instruments and I have discussed them both  
18 fully with my attorneys. I have also discussed the substantial investigation which has  
19 been conducted on my behalf.
  - 20 4. My lawyers have counseled and advised me on the nature of the charges I am facing,  
21 and all possible defenses that I might have in these cases. I fully understand every  
22 charge made against me. I am satisfied with the representation that has been provided  
23 by my attorneys, and the investigation which has been conducted on my behalf.
  - 24 5. My mind is clear. Though I am being treated for a minor medical condition I am  
25 thinking clearly and I am not under the influence of alcohol or any drugs which  
26 impair my ability to think clearly and understand the legal process or the  
27 consequences of the decisions I am making.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27

6. I know that I may plead "NOT GUILTY" to any crime charged against me or to persist in that plea if it has already been made. I know that if I plead "NOT GUILTY", I have the following rights:
- A. The right to a speedy and public trial by jury during which I would be presumed to be innocent unless and until proven guilty beyond a reasonable doubt;
  - B. The right to have the assistance of my lawyer or lawyers at all stages of the proceedings;
  - C. The right to use the power and process of the court to compel the production of any evidence including the attendance of any witnesses in my favor;
  - D. The right to see, hear, confront, and cross-examine all witnesses called to testify against me;
  - E. The right to take the witness stand at my sole option. I understand that if I choose not take the witness stand no inference of guilt may be drawn from that decision;
  - F. The right not to be compelled to incriminate myself;

7. Pursuant to negotiations with the District Attorney, I wish to give up these rights and enter pleas of guilty to:

Aggravated Murder and Arson in the First Degree

8. The terms of the negotiations are as follows:

The Arson case - Lane County Circuit Court Case number 2008-24086

In case number 2008-24086, I will plea guilty and be sentenced to 90 months on the charge of Arson in the First degree. 36 months of that sentence will be served concurrently (running at the same time as my current robbery sentence in Lane County Circuit Court case number 2006-22464A), and the remaining 54 months will be served consecutively to my current robbery sentence (in addition to my current

1 robbery sentence.) I have agreed that 54 months of the 90 month Arson sentence will  
2 run consecutive to the robbery sentence. This 90 month Arson in the First Degree  
3 sentence is subject to ORS 137.700 (Ballot Measure 11) which means that I will serve  
4 every day of this 90 month prison sentence (net 54 month prison sentence) with no  
5 possibility of early release of any kind.  
6

7 The Aggravated Murder case – Lane County Circuit Court Case number 2008-01554  
8

9 In case number 2008-01554, I will be sentenced to life in prison with a minimum 30  
10 years of confinement without the possibility of parole, release to post-prison  
11 supervision, release on work release or any form of temporary leave or employment  
12 at a forest or work camp. This sentence is as set forth in ORS 163.105(1)(c). I agree  
13 that the sentencing judge will order this sentence to run consecutive to the 90 month  
14 prison sentence I am currently serving in case number 2006-22464A, AND  
15 consecutive to the agreed sentence described above in case number 2008-24086.  
16

17 I understand that my thirty year minimum sentence on the Aggravated Murder will  
18 start running *after* I have served all of the time on the Arson and my present sentence,  
19 a total of thirty-four and one-half years beyond the expiration of my current robbery  
20 sentence, and I will not be eligible for any type of credit or early release from prison  
21 until those minimums described here have been fully served.  
22

23 Appeal Rights: I have reviewed the numerous legal challenges my attorney has made  
24 or plans to make on my behalf regarding admissibility of the state's evidence against  
25 me. These challenges include but are not limited to the admissibility of evidence the  
26 police recovered, theories about my motives for the murder, statements I previously  
27 made in a variety of environments, and conduct I previously engaged in. I have  
considered these arguments in consultation with my attorneys and I understand them.

F. DOUGLASS HARCLEROD  
Lane County District Attorney  
125 E. 8<sup>th</sup> Avenue  
Eugene, OR 97401  
(541) 682-4261 (541) 682-3890 (fax)

1 I recognize that if we prevailed in suppressing some or all of the evidence my  
2 attorneys think the state's case would be much more difficult or potentially  
3 impossible to prove. However, I also understand that if the legal challenges I raise  
4 are not successful I face a high likelihood of being sentenced to life without the  
5 possibility of parole or worse. Given the risks, I believe it is in my best interests to  
6 participate in the compromise described in this document.

7  
8 I believe my attorneys have done a very good job in securing this agreement on my  
9 behalf. I wish to give up my rights to appeal the convictions and sentences described  
10 in this petition and I hereby waive my right to any post-conviction relief of any kind,  
11 for any reason.

12  
13 9. I enter the guilty pleas because I am guilty of the crimes of Aggravated Murder and  
14 Arson in the First Degree. The facts set forth in the two charging instruments in case  
15 number 2008-24086 and 2008-02554 are true. The facts which make me guilty are as  
16 alleged in the Indictment and the District Attorney's Information in those two cases.  
17 I intentionally shot and killed Noah Thacker in order to prevent him from contacting  
18 the police or others to describe my role in another crime. Specifically, I shot Noah  
19 Thacker in the head using a Llama 9mm handgun, in order to prevent him from ever  
20 being able to reveal my identity as a perpetrator in the robbery and attempted murder  
21 of Eugene Miller Pomlee on October 31, 2006. In addition to the facts alleged in the  
22 charging instruments, after killing Noah Thacker I contacted others in order to assist  
23 me in concealing evidence by setting the body and apartment on fire.

24  
25 10. I know that the sentence recommendations of the District Attorney are not binding on  
26 the sentencing judge, and that the judge may impose a sentence up to the maximum  
27 allowed by law.

F. DOUGLASS HARCLEROD  
Lane County District Attorney  
125 E. 8<sup>th</sup> Avenue  
Eugene, OR 97401  
(541) 682-4261 (541) 682-3890 (fax)

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27

- 11. I know that Oregon law states that the maximum punishment that can be imposed upon me for Aggravated Murder is death and a \$500,000.00 fine.
- 12. I know that Oregon law states that the maximum punishment that can be imposed upon me for Arson in the First Degree is 20 years prison and a \$375,000.00 fine.
- 13. I understand that if I am not a citizen of the United States and I am pleading guilty to a crime which is considered an aggravated felony under 8 USC §1101, this conviction will result in removal proceedings against me unless the United States Attorney General or his designee chose not to pursue removal. I also understand that this conviction will result in a change of my immigration status.
- 14. I know that the sentences will, in all likelihood, be accompanied by a period of probation, parole or post prison supervision.

1  
2  
3  
4 I offer my pleas of "GUILTY" freely and voluntarily, of my own accord, with a  
5 full understanding of the charges and of what I am giving up by this plea. I have read and  
6 understand the petition. No one has made any threats to me or promises other than the  
7 plea agreement to get me to enter these pleas. My pleas of guilty is not based on any  
8 representations other than those outlined in this petition.

9 DATED: \_\_\_\_\_

10  
11 By \_\_\_\_\_  
12 Michael Anthony Vaughan  
13 Defendant

14 I acknowledge that I have reviewed and explained all of the terms of this plea petition with  
15 my client.

16  
17 By \_\_\_\_\_  
18 Dan Koenig, OSB 73172  
19 Attorney for Defendant

20  
21 By \_\_\_\_\_  
22 Brad Cascagnette, OSB 02268  
23 Attorney for Defendant

24 I agree to the negotiations set forth in this petition.

25  
26 By \_\_\_\_\_  
27 David J. Schwartz, OSB 00380  
Assistant District Attorney