

Federal Judge Removes Landis Prosecution to Federal Court

On August 31, 2023, a Marion County Grand Jury indicted Samuel Landis with Criminally Negligent Homicide for causing the death of Marganne Allen on March 28, 2023. Mr. Landis was arraigned in Marion County Circuit Court on September 20, 2023, and the case was assigned to Marion County Circuit Court Judge Tracy Prall.

On October 16, 2023, Landis' defense team filed a Notice of Removal of State Criminal Prosecution, which if granted, would remove the prosecution from Oregon state court (Marion County Circuit Court) to federal court. Federal law provides law enforcement officers with a potential criminal defense of immunity from prosecution, which is a defense that does not exist under Oregon State Law.

The Marion County District Attorney's Office objected to the removal and filed written briefs in federal court on the issue. Oral argument occurred on December 12, 2023, in the United States District Court for the District of Oregon in Eugene, Oregon. After hearing argument, U.S. District Court Judge Michael McShane ordered the removal of the case into federal court. Because the case has now been removed from state court, all future proceedings will occur in the United States District Court for the District of Oregon. The Marion County District Attorney's Office will remain the prosecutorial office on this matter in federal court.

The Marion County District Attorney's Office has requested the Oregon Department of Justice to review Judge McShane's removal order and consider an appeal. The Oregon Department of Justice would handle any appeal if they determine that an appeal is appropriate.

Due to the pending prosecution, no further information will be released at this time. Any questions can be directed to David Wilson at DRWilson@co.marion.or.us or (503) 588-5222.