

## Man Sentenced for Sodomy and Rape

On Monday, September 26, 2022, the Honorable Circuit Court Judge Thomas M. Hart sentenced John Joseph Rideout, 65, to twenty-five years in the Department of Corrections for sexually assaulting two women for two separate incidents.

In early 2016, the Marion County District Attorney's Office charged Defendant with Sodomy in the First Degree from 2016, and Rape in the First Degree from 2013. Each count involved a separate victim, and both victims were adult women known to the Defendant. In the first charge, the victim had been in a previous consensual relationship with the Defendant, and the second victim knew Defendant from her church.

Both cases were investigated by the Marion County Sheriff's Office. In March 2017, after a week-long consolidated trial, a jury found Defendant guilty of both counts. He was sentenced to prison at that time.

In April 2020, the United States Supreme Court in *Ramos v. Louisiana* ruled that the Sixth Amendment of the U.S. Constitution requires unanimous jury verdicts.<sup>1</sup> This changed Oregon law applicable to Defendant's 2017 case.

Therefore, in 2021, the Oregon Court of Appeals reversed Defendant's conviction for count 1 (Sodomy) because his 2017 verdict for that count was nonunanimous (11-1). Count 2's conviction (Rape) was upheld because it was unanimous but count 2 was reversed for resentencing depending on the outcome of count 1.

After a two-day jury trial for count 1 beginning on Thursday September 22, 2022, the jury took less than 90 minutes to reach its verdict. The jury again found- this time unanimously- Defendant guilty of Sodomy in the First Degree for the May 2016 incident. The jury did not know that Defendant had previously been found guilty of that same count, nor did it know that he had also been convicted of Rape for another victim (count 2).

In addition to the 2017 case, Defendant had also been charged with Rape in 1978, for sexually assaulting his wife. He was ultimately acquitted of that charge, but the case made national headlines due to Oregon being one of only a few states that prohibited marital rape at that time. Furthermore, the exception was relatively new to Oregon law, and Defendant was the first defendant in the country tried under that legal theory.

The September 2022 jury also did not know of Defendant's 1978 rape acquittal.

"I am incredibly happy for the victim in this case" said Marion County Deputy District Attorney Brendan Murphy. "The state had to ask her to testify all over again about the worst thing that ever happened to her. The meeting where I had to explain why a convicted rapist gets a new trial for her conviction only was one of the most difficult meetings I have had as a prosecutor. On top of that, I had to then explain

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<sup>1</sup> See *Ramos v. Louisiana*, 140 S. Ct. 1390 (2020).

that this time she had to do it alone (without the other victim.) The jury's verdict here speaks to her bravery."

Marion County District Attorney Paige Clarkson agrees. "Sexual assault cases in Oregon are only getting harder and harder to prove. This case is an example about how major changes to Oregon's sexual assault caselaw affects victim rights. If you're not concerned about a sexual assault victim's ability to get a fair trial, you're not paying attention."

Defendant was sentenced under ORS 137.690, Oregon's "Major Felony Sex Crime" law, which imposes a 25-year sentence when someone has been convicted of two separate major felony sex crimes, such as rape and sodomy. That time is without early release, although a defendant does receive credit for time served.

Any questions can be directed to Deputy District Attorney Brendan Murphy at (503) 588-5487 and [BPMurphy@co.marion.or.us](mailto:BPMurphy@co.marion.or.us).