

Jury finds Powell guilty

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Richard L. Powell testified that the shotgun he fired near a census worker was nothing more than an "exclamation point" n a way of getting his message across.

But a six-man jury in St. Maries didn't buy it.

Mr. Powell, 55, was found guilty Feb. 23 of misdemeanor disturbing the peace and sentenced to five days in Benewah County jail. In addition, the court withheld judgment for two years and ordered Mr. Powell to pay \$437.50 in court costs. He is also not allowed to exhibit a firearm in an aggressive or rude manner toward anyone.

The St. Maries man was cited and charged with misdemeanor exhibition or use of a deadly weapon following the March 3 incident at his home. The charge was later amended to disturbing the peace due to confusing language in the Idaho statute, which Prosecuting Attorney Douglas Payne said could have caused problems at trial and "implies that it's okay to threaten someone with a firearm if they (the two parties) are alone."

The census worker, Raymond Stanis of St. Maries, testified he was trying to deliver Mr. Powell his census questionnaire when the man told him he was not welcome and to get off his property. The census worker says when he tried to explain himself and leave the questionnaire outside, Mr. Powell went back into his residence, returned with a pump-action shotgun and fired one round into the air.

After firing the shot, Mr. Stanis testified Mr. Powell told him that he "meant business" and that he should wipe the smirk off his face or he would do it for him.

Mr. Powell testified that he was in a hurry to visit his sick mother, that Mr. Stanis refused to leave the private property after he asked him politely several times and that he used his shotgun as an "exclamation point" to make sure Mr. Stanis understood he was serious.

"I felt there had to be an exclamation point on what I was saying, it wasn't registering (with Mr. Stanis)," Mr. Powell said in court. "And I'm not one to use profanity."

Mr. Payne questioned Mr. Powell on whether he finds it more acceptable to use a firearm against another person than profane language and if he frequently uses guns as a means of expression.

Mr. Powell and his lawyer argued the gun was preferable under the circumstance, which

they claim was trespassing on the part of the census worker.

“When told to leave you get out of there,” Mr. Powell’s attorney David Lohman said during his closing argument to the jury. “That’s the training they (census workers) are given. That’s what the census worker should have done.”

Mr. Lohman said it was not Mr. Powell that disturbed the peace of Mr. Stanis, but the other way around.

There was also a difference in testimony in how far away Mr. Powell was standing from Mr. Stanis when the shot was fired. While Mr. Powell said he was more than 50 feet away, Mr. Stanis testified it was more like seven feet.

During his closing arguments, Mr. Payne said that this was a case of Mr. Powell being angry at Mr. Stanis because he was a census worker and represented the federal government.

“Mr. Powell shouldn’t have pulled that gun out, it was not necessary,” Mr. Payne said. “He could have just left.”

Mr. Payne added that the situation is an example of what happens when someone acts “flat over the top” and “uncivilized.”

“You don’t pull guns out and shoot them in the air when people aren’t polite,” he said.

Following closing arguments, the six-person jury deliberated for less than 15 minutes before returning with its guilty verdict. Mr. Payne says it is the second fastest verdict he remembers in his years as an attorney.

Mr. Powell will report to the Benewah County jail March 11 to serve the first two days of his five day sentence. He must also report back the following two weekends.