

Zackery pleads guilty, draws 7-year sentence

By JAMES HILL
of The Oregonian staff

Homer Emerson Zackery, 18, Friday pleaded guilty in midtrial to a charge of second-degree robbery and was sentenced to seven years in prison for his part in an abortive holdup in which his companion was shot to death by a Portland police officer.

The sentence was imposed by Multnomah County Circuit Judge James R. Ellis. Zackery, who earlier pleaded not guilty, changed his plea during the third day of his jury trial while Deputy Dist. Atty. Joel Grayson was presenting the state's case.

Zackery was apprehended March 14 outside a vacant house at 3973 N. Gantenbein Ave. where Rickie Johnson, 17, was killed by Patrolman Kenneth Sanford, who had posed as a cab driver delivering an order of Chinese food. A cab driver had reported he was robbed by two youths two nights earlier while delivering food to the same house.

Zackery, in entering his plea, admitted that he was a willing participant in the robbery.

Asked by Ellis how he participated, Zackery replied, "I called the cab. I went to the house with Rickie to pull off the armed robbery."

The judge then asked, "You knew that the cab driver was coming to the house and that Rickie Johnson was going to pull that unloaded gun and rob him?"

"Yes," Zackery answered.

Ellis, noting that Zackery is young, said he will recommend that he be incarcerated in the Oregon Correctional Institution rather than the state penitentiary.

The state, in exchange for the guilty plea, agreed to dismiss a companion charge of second-degree robbery stemming from the March 12 holdup and not to prosecute Zackery for failure to

appear in court Thursday for the second day of his trial. The defendant was absent when the trial was scheduled to begin in the morning, but he was picked up by police during the afternoon near his home at 3317 N. Commercial Ave.

Ellis told Zackery that he, by his participation in the robbery, was, in a sense, responsible for the death of Johnson. The judge suggested that it should not come as a surprise when someone gets killed after pulling a gun on a policeman.

The killing of Johnson, a Washington High School student, was held justifiable April 2 by a six-member inquest jury. Sanford told the jury he shot Johnson after the youth pulled a gun on him and refused to drop it. The pistol later was found to be unloaded.

A federal investigation of the fatal police shootings of Johnson and three other young black men in Portland resulted in a determination that there was inadequate justification for presenting the cases to a federal grand jury.

Zackery, in entering his guilty plea, did not implicate himself in the March 12 robbery and denied any knowledge of the incident.

Nick Chaivoe, Zackery's lawyer, notified the court Thursday morning that his client had been taken to the emergency room of Emanuel Hospital suffering from nausea and vomiting. The hospital released him at midmorning, but Zackery did not return to the courthouse.

Ellis issued an arrest warrant and after Zackery's capture he ordered that his \$10,000 bail, guaranteed by the Portland chapter of the Women's International League for Peace and Freedom, be forfeited.

However, on Friday the judge said he had discovered that Zackery had been free on his own recognizance in connection with the court case and the \$10,000 bail was for the companion robbery charge. He said the women's group would not have to forfeit any of the money it had posted on Zackery's behalf.

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