



Columbia River homeowner found guilty of firing off a shotgun, then a rifle to scare off fishermen

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Aimee Green, The Oregonian



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James Ellis Koch

James Ellis Koch didn't like that the boaters had anchored in the Columbia River some 40 feet off his property one night in June.

So the 68-year-old riverfront homeowner shined a spotlight on the boat and shouted nasty names at the boaters through a bullhorn. They testified he also told them they wouldn't get a good night's sleep if they stayed put. He blared a siren their way and repeatedly fired off a shotgun and a rifle, the latter after pointing the rifle directly at them as he watched them through its scope.

Koch claimed he never meant to scare the four fishermen, just make enough noise to get them to move their boat.

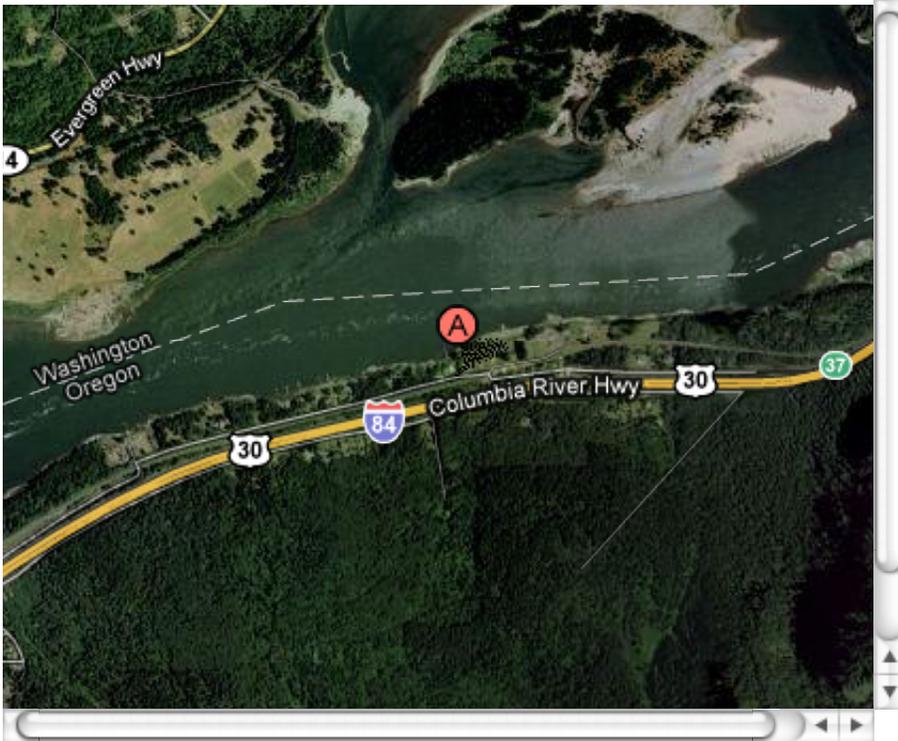
But a Multnomah County Circuit judge Tuesday ruled Koch's behavior that night was criminal, and found him guilty of felony unlawful use of a weapon, misdemeanor menacing and misdemeanor recklessly endangering others.

Koch said he never shot directly at the men, but the men said Koch appeared to be aiming toward them. They hit the deck in fear for their lives.

The four friends had been camping on their boat that night on their annual salmon fishing trip. Steve Bruce, one of the fishermen, remembers crouching down to the floor of the boat as Koch fired away. He dialed 9-1-1 and worried

that the light of the iPhone would make him an easy target. Bruce also thought about whether he'd survive the encounter to meet his son, who was born the next month.

Multnomah County sheriff's deputies and a Gresham SWAT team searched Koch's Cascade Locks area neighborhood along Northeast Tumalt Road for the shooter, to no avail that night.



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Authorities arrested Koch two days later. During his two-day trial this week, he called on a stream of neighbors, who said they're concerned about the public encroaching on their riverfront property in this remote corner of the county.

Bruce said he's sickened by that attitude. "It's not just him (Koch)," Bruce said. "They all feel that they own the land under the water."

Neighbors spoke of concerns over theft in their neighborhood, and of transients or tourists passing through and using their river access.

Prosecutor Traci Anderson said the fishermen were breaking no laws. They weren't blasting loud music or drinking, and it was "perfectly lawful" for them to camp on their boat.

Koch, who has owned his home for 22 years, took the stand to say he had hollered out to the boaters to see if they were in distress, but they didn't answer. The boaters said they never heard Koch extend such an offer. Koch said

only started making noise when they didn't respond.

"My client's conduct was ill-advised, stupid, grossly negligent and reckless," said Koch's attorney, Tim Vanagas. But Vanagas argued that his client wasn't trying to scare the boaters and therefore wasn't guilty of menacing or unlawful use of a weapon.

Koch faces a wide-ranging sentence at a hearing Nov. 19. Judge Janice Wilson could sentence him to probation, or she could send him to prison for up to five years. Given his lack of criminal history, probation is more likely, but he could face some jail time, too.

Regardless, he will lose his right to own and shoot guns. The judge reminded him of that Tuesday, saying he's also not to handle guns pending sentencing.

That came as a cold dose of reality for Koch, who was planning a hunting trip this weekend. His attorney unsuccessfully tried to get the judge to make an exception.

"He's not hunting anymore," Wilson said.

- **Aimee Green**

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