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**Woman convicted of bias crime receives a jail and probation sentence**

Today, Multnomah County District Attorney Rod Underhill announced that 53-year-old Joy Marchenko was convicted of intimidation in the second degree for kicking a baby's stroller because the child and mother are of a different race.

By pleading guilty, Marchenko admits that because of her perception of the victim's race, she knowingly, with the intent to cause substantial inconvenience to the victim, tampered with the victim's baby stroller.

Intimidation in the second degree is a bias crime in Oregon.

The victim addressed the court during today's change of plea and sentencing hearing and said, "I want to know why she would go after my son. He's little. He didn't do anything wrong. He was sleeping. I've never bothered [Ms. Marchenko.] I've never said anything to her. ...To go after an innocent child is so wrong. ...We're all a community and we all need to get along."

On March 4, 2019, Portland Police responded to the 500 block of Southwest 13<sup>th</sup> Avenue in Portland, Oregon to investigate a disturbance inside the common area of an apartment complex.

During the investigation, police learned that victim was in the lobby of her apartment complex when Marchenko, who was also a resident, approached and seemed agitated that the victim, an African American woman, had a white child.

After leaving the apartment complex for approximately 30 minutes to go drinking, Marchenko returned. The victim was still in the lobby attending to personal matters with her three month old son in a stroller.

Marchenko confronted the victim, asked her for a second time why she had a white child. Marchenko then kicked the baby stroller. The victim's son immediately started crying hysterically. He was not injured.

When asked by law enforcement if Marchenko had kicked the stroller because the baby was white and his mother African American, Marchenko said "yes."

Judge Leslie G. Bottomly sentenced Marchenko to 12 months of formal probation and 30 days in jail.

Marchenko must undergo a mental health evaluation and comply with any recommended treatment. The court also imposed alcohol-related conditions for the duration of the probation period, including a requirement that Marchenko undergo an alcohol evaluation and complete any course of recommended treatment, that Marchenko not consume or possess any alcohol, that Marchenko not enter any bars/taverns and that Marchenko have no contact with the victim or her son.

If Marchenko fails to comply with the terms of her probation, the court has the legal authority to impose an additional sentence pursuant to Oregon law, which includes the possibility of additional jail time.

This case was litigated by Multnomah County Deputy District Attorney Melissa Marrero.

The Multnomah County District Attorney's Office was an active participant of the Oregon Attorney General's Hate Crimes Task Force and helped draft the language that is in Senate Bill 577. The new law will rename the offense of "intimidation" to "bias crime," add gender identity to the list of protected categories and remove the requirement that requires two or more people commit the crime in order to make it a felony.

All potential bias crime cases, whether they are a felony or misdemeanor, are reviewed by the Violent Crimes Unit within the Multnomah County District Attorney's Office. If a misdemeanor bias crimes case is issued, the felony-level attorney will retain the case.

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