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### **Second person convicted under Oregon's new bias crime statute**

Today, Multnomah County District Attorney Rod Underhill announced the second conviction under Oregon's new bias crime statute.

On October 24, 2019, Eric Eugene Scardino, Jr. changed his plea and was convicted of one count of bias crime in the first degree and one count of unlawful use of a weapon. As a sentence, Scardino was put on formal probation, which includes mental health treatment and treatment for substance abuse.

By changing his plea, Scardino stipulated there was sufficient evidence in this case that could have resulted in a judge or jury finding that he unlawfully and intentionally, because of his perception of the victim's race, skin color, or national origin, placed the victim in fear of imminent serious physical injury and that he unlawfully and intentionally attempted to use, and possessed with intent to use, a shovel as a weapon.

"As an office, we remain committed to holding individuals who commit crimes rooted in hate and bias accountable for their actions because we know how deeply personal these attacks are on the individual and the community as a whole," said Multnomah County Deputy District Attorney BJ Park, who litigated this case.

This investigation started when Portland Police received information about a disturbance on August 29, 2019 in the 600 block of Southeast 6<sup>th</sup> Avenue in Portland, Oregon. When police arrived they saw a person, later identified as Scardino, holding a shovel in a raised position over his shoulder and approaching another man.

Once officers successfully got Scardino to stop chasing the other individual they learned that prior to their arrival, Scardino had been chasing the man with the shovel and a knife while yelling racial slurs towards the victim who is black.

Scardino, a white male, continued to use racial slurs that were directed towards the victim in the presence of the officers.

"This crime lasted about five minutes before police arrived but for the victim, the impact and memories of having hate speech yelled in his face while being chased by a man with a shovel and knife will last forever," said DDA Park. "Mr. Scardino took decisive actions to intentionally put the victim in fear of being attacked and injured, in part, because of the color of his skin."

The court sentenced Scardino to three years of formal probation and ordered that he undergo a mental health evaluation and an evaluation for substance abuse and comply with any treatment. Additionally, Scardino received a five day jail sentence, with credit for time already served, after he stipulated that he was in violation of his probation on an unrelated case.

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 was in Senate Bill 577. The law, which went into effect on July 15, 2019, renamed the crime of "intimidation" to "bias crime," added gender identity to the list of protected categories and removed the requirement that two or more people commit the crime in order to make it a felony in certain circumstances.

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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Recently, Multnomah County District Attorney Rod Underhill and other members of the office attended the fourth annual Building Bridges of Understanding in Our Community event hosted by the Muslim Educational Trust in Tigard, Oregon as part of the office's efforts to combat bias crime. To read more about that event click [here](#).

If you are the victim of a bias crime assault or you are witnessing one, immediately call 9-1-1. If you are the victim of a bias crime and the suspect is no longer present or if you have information about a bias crime committed in the past, call the non-emergency line at 503-823-3333.

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