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ALERT FEATURED TOP STORY EDITOR'S PICK

## Albany man sentenced for killing of Corvallis cyclist

Maddie Pfeifer

Oct 3, 2022



Jose Torres was sentenced Monday, Oct. 3, 2022, for criminally negligent homicide for a 2019 crash in Corvallis that defense attorney Dan Armstrong.

Andy Cripe, Mid-Valley Media

Maddie Pfeifer

**T**he day Jeremy Gruver died was the hardest of Nancy Brault’s life.

She lost a son in the same hospital where he had been born 32 years before.

Brault said she's working on forgiving Jose Guadalupe Torres, 23, the man who caused her son's death.



A closer look at the skate park facility in Philomath.

Andy Cripe, Mid-Valley Media (2022)

Benton County Circuit Court Judge Locke Williams sentenced Torres on Monday, Oct. 3, about three years after Torres **struck and ultimately killed Gruver** while the latter was riding his bike.

Torres was convicted of criminally negligent homicide and failure to perform the duties of a driver in connection to the 2019 incident.

Torres is already in Department of Corrections custody following an Aug. 12 sentencing for unrelated charges of identity theft and unlawful possession of methamphetamine out of Linn County. Authorities held Torres in the Benton County Jail temporarily ahead of Monday's sentencing.

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During Monday's hearing, he was also sentenced for one count of mail theft in a different case. Torres had yet another open case in Benton County, this one for unlawful entry into a motor vehicle, for a total of three in Benton County Circuit Court.

As a part of a plea agreement between the state and defense, the rest of the charges in Torres' three open cases were dismissed in exchange for pleading no contest to the criminally negligent homicide and failure to perform duties of a driver charges and pleading guilty to the mail theft charge.

The deal suggested how Torres should serve his sentence, and Williams agreed. He sentenced Torres to 19 months in prison for the homicide charge, with five of those months to be served concurrent to his current DOC sentence. Torres was also sentenced 19 months for the failure to perform duties of a driver conviction, to be served concurrent with the homicide conviction.

He was sentenced to a year in prison for the mail theft conviction, which also is ordered to be served concurrently to all other sentences. In other words, he received 14 months on top of the time he's already serving.

Defense attorney Dan Armstrong declined to comment on the case.

## The crash

Torres was driving a black 2001 Subaru Impreza when he struck Gruver on Oct. 21, 2019, on Highway 99W by Southwest Twin Oaks Circle. Gruver was reportedly crossing the street on his bicycle by the First Alternative Co-op when Torres hit him. The car was in the middle lane of the five-lane traffic corridor at the time of the collision.

Medics transported Gruver to Good Samaritan Medical Center in Corvallis where he succumbed to his injuries nine days after the crash.

The Corvallis Police Department investigated the case, but no suspects were immediately arrested.

In November 2019, Lt. Ryan Eaton told Mid-Valley Media the agency wanted “more people who witnessed the incident to call in and tell us what transpired.”

## An arrest is made

Police didn't arrest Torres for the incident until two years after Gruver's death. He was **arraigned in November 2021** on charges of second-degree manslaughter, vehicular assault, fourth-degree assault, reckless driving and failure to perform duties of a driver to injured persons.

It was unclear why it took two years to make an arrest in the case, but confusion regarding who was driving may be to blame.

In November 2019, police identified McKenzie Davis as the driver, not Torres, although a news release and corresponding reporting did not say why. Questions since posed to Corvallis PD have gone unanswered.

Monday's sentencing shed some light on the confusion.

According to prosecutor Matthew Ipson, Torres told police someone else was the driver, and this is why the investigation took so long. He commended Corvallis police for their diligence.

“It took time to unwind the lie,” Ipson said.

During Brault's statement, she claimed Torres and Davis were both in the car and would have committed a hit-and-run if they had more gas. She alleged Torres switched seats with Davis and said she was the driver because she was pregnant with their child at the time, and police would go easier on her.

According to child support documents filed in May, Davis and Torres have a 2-year-old son.

## Seeking damages

**A wrongful death lawsuit** filed in October 2021 by Gruver's father, Jeffrey Gruver, seeks a little more than \$2.5 million to be collectively paid by the defendants. The lawsuit lists Torres, Davis, the city of Corvallis and the Oregon Department of Transportation as defendants

The complaint alleges the vehicle involved in the crash was owned by Corvallis resident Carolina Torres. In a response to the complaint, Jose Torres admitted he and Davis were both in the car at the time of the collision.

The complaint alleges negligence, Torres' actions as a driver as well as the city's and ODOT's alleged lack of road and safety maintenance are to blame, according to the lawsuit.

In response to the complaint, Davis denied being the driver of the car that hit Gruver and instead said Torres was the one behind the wheel.

In response papers to the court, the city and ODOT both blame the driver and Gruver himself for the crash and resulting death.

The next hearing in the civil matter is scheduled for Nov. 8.

## A family forever changed

Ipson said nothing can bring Gruver back to life, but Torres' sentencing brings some measure of justice and accountability. However, nothing will make Gruver's family whole again.

Brault spoke directly to Torres during her statement, talking in detail about the pain she endured watching her son lay in a coma and finally die.

She told Torres he got a "steal of a deal" with the plea agreement.

Brault said Torres needs to learn some hard life lessons, but this isn't the end of the world for him. She urged him to own up to his mistakes and put his child first, who she said is a blessing that has come from all of this.

Williams shared Brault's sentiment.

"I hope you learn from this," he said. "Be the parent your young son deserves and needs."

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**By Maddie Pfeifer**

**Reporter**

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