

**IN THE CIRCUIT COURT OF THE STATE OF OREGON
FOR MULTNOMAH COUNTY**

THE STATE OF OREGON,

Plaintiff,

v.

ALAN SWINNEY,

Defendant.

No. 20CR-50067

DA 2426200

Affidavit in Support of State's Motion to
Compel Discovery

I, NATHAN VASQUEZ, being first sworn upon oath, do depose and say:

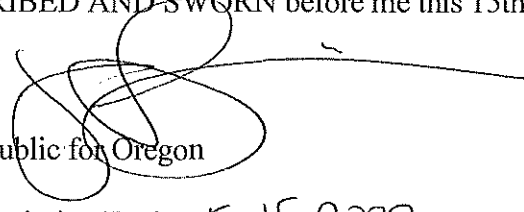
1. That I am a Senior Deputy District Attorney for Multnomah County, and I represent the State in the above case.
2. That this affidavit supports the State's Motion to Compel Discovery.
3. That this case's indictment is for criminal activity that occurred on August 15, 2020.
4. That this case was arraigned on October 1, 2020.
5. That from reviewing the Multnomah County District Attorney's case track system, I determined that the State provided discovery on the following dates:
 - October 28, 2020: bates stamped page 254.
 - November 2, 2020: Initial discovery including reports bates stamped 1-253, Grand Jury recording, a flash drive, and seven additional CDs. This discovery include the defendant's recorded statements, and video and photographs.
 - November 20, 2020: Additional DVD.
 - December 15, 2020: Additional reports bates stamped 255-268, and additional CD.
 - February 23, 2021: Two additional CDs including the defendant's jail calls and jail mail.
 - June 21, 2021: Additional CD.

- 1 • August 17, 2021: Additional CD, including the defendant's jail mail.
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- 4 6. That on August 12, 2021, the parties met in person and collaboratively reviewed the State's
- 5 file and discovery.
- 6
- 7 7. That on August 13, 2021, I sent an email to Mr. Westover where I requested discovery that
- 8 precisely mirrored the language in ORS 135.835, and for this defense discovery to be provided
- 9 as soon as possible, and no later than August 27, 2021.
- 10
- 11 8. That on August 31, 2021, I sent an email to Mr. Westover asking if there were "any updates
- 12 on providing the state with discovery?"
- 13
- 14 9. That on September 7, 2021, I emailed Mr. Westover my motion to compel discovery.
- 15
- 16 10. That on September 7, 2021, I filed my motion to compel discovery.
- 17
- 18 11. That on September 9, 2021, Mr. Westover emailed me a protective order that contained a
- 19 "witness list" with the names of nine persons. The protective order also contained handwritten
- 20 notes that appear to be from two unknown persons (two different handwritings) who
- 21 documented what a particular witnesses said. In the left margin there are dates, which seem
- 22 to be the dates of the witness's statements. These dates start at June 17, 2021. The left margin
- 23 also included action items, such as the word "get" with a line pointing to a written statement
- 24 on the narrative of "[person] has photos."
- 25
- 26 12. That the only discovery the State has received from the defense was the protective order.
- 27
- 28 13. That the state directed Portland Police Detective Michael Jones to contact witness on the
- defense's witness list. Detective Jones spoke with a defense witness (name withheld per
- defense protective order) who reported that he gave the defense 2-3 hours of video. To date
- that material has not been provided to the state.

1 14. That the State has not received any photos or videos from the defense.
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4 
5 Nathan Vasquez, OSB #014437
6 Senior Deputy District Attorney

7 SUBSCRIBED AND SWORN before me this 15th day of September, 2021.
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10 Notary Public for Oregon

11 My Commission Expires: 5.15.2022
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