

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

STATE OF OREGON,

Plaintiff,

vs.

ALAN SWINNEY,

Defendant.

) Case No.: 20CR50067

)  
) DEFENDANT'S MOTION TO VACATE  
) JUDGMENT AND FOR A NEW TRIAL

)  
)  
) UTCR 4.010: 2 Hours

Comes now Defendant, Alan Swinney, by and through counsel Joseph Westover and Megha Desai, and hereby moves this court for an order vacating the judgments of conviction, and for an order for a new trial on counts 1 through 5 and 7 through 12. This motion is in the opinion of counsel well founded in law and neither made nor filed for the purposes of delay.

Pursuant to UTCR 4.050, Defendant requests an evidentiary hearing and estimates the time necessary for this hearing will not exceed 2 hours.

Defendant reserves the right to file supplemental briefs upon discovery of additional discovery and constitutional violations.

**FACTS**

On March 21, 2021, Judge Albrecht signed an order replacing Eric Wolfe with Joe Westover as defense counsel in this matter. Exhibit A. On March 26, 2021, defense counsel filed a discovery demand. Exhibit B. Subsequently, defense counsel visited the Multnomah County District Attorney's office to view DDA Vasquez's file in efforts to make certain all discovery was received.

1 On September 5, 2021, Defendant was convicted by a jury after trial on counts 1-5 and 7-  
2 12. Exhibit C. That same day, Judge Moawad ordered a presentence investigation (PSI) report to  
3 be generated and set sentencing in the case to December 10, 2021. Exhibit D. On December 7,  
4 2021, DDA Nathan Vasquez forwarded the PSI to Defendant's attorney. Exhibit E. The  
5 following portions of the PSI, from the section on "Scope of Crime," include information not  
6 discovered to Defendant.

7 "According to Portland Police Bureau report #20-26084, On August 23, 2020 at  
8 approximately 7:45 am, Douglas Francis reported via telephone that he had been  
9 at a protest on August 22<sup>nd</sup>, and that at approximately 2:15 pm, Alan Swinney  
pointed a handgun at him.

10 Mr. Francis said he went to the protest in hopes of conversing with 'right wing'  
11 affiliated protesters because h was a former Republican. He said he was protesting  
12 with the Black Lives Matter group and saw Mr. Swinney, whom he recognized  
13 from the week prior. Mr. Francis said he confronted the defendant accusing him  
of using bear mace on a physically disabled person the previous week. Mr.  
Francis told Mr. Swinney he was 'disgusted' by him, to which Mr. Swinney  
responded, 'If you touch me, I'll fucking kill you' at the same time he tapped his  
holstered firearm.

14 "Mr. Francis initially stated Mr. Swinney pointed the firearm at the group next to  
15 him, but changed his version indicating that since he was standing in close  
16 proximity to the group, the defendant had pointed the weapon at him as well,  
causing him to fear for his life.

17 And,

18 "According to Portland Police Bureau report #20-802393, on September 16, 2020,  
19 Zachary Stephenson filed a report with police advising he had been at the August  
20 15<sup>th</sup> protest and was maced, and later shot in the stomach with a paintball gun, by  
Alan Swinney.

21 "Mr. Stephenson said he was with a group of nearly 30 people who were  
22 following Mr. Swinney and his group to 'make sure they left the area.' He said  
23 people were shouting at the group to leave. He related Mr. Swinney did not like  
being followed and yelled, 'Back up!' The victim said he was unable to move  
back because of the crowd behind him. Mr. Swinney then sprayed Mr.  
Stephenson in the face with orange mace, hitting him on his face, neck, right  
shoulder and arm.

24 "Mr. Stephenson said the group grew in size and continued following Mr.  
25 Swinney and his group. A short distance later, the defendant stopped and again  
shouted, "Back up!" He then shot the victim in the stomach. He said the group

continued walking, and a few blocks later Mr. Swinney shot Mr. Stephenson a second time, this time hitting his right thigh and left arm.

Mr. Stephenson said the shots left red welts and bruising that lasted three weeks. The mace burned his arm for approximately one day.”

### **MEMORANDUM**

#### **I. DEFENDANT IS ENTITLED TO HAVE THE JUDGMENT SET ASIDE AND TO A NEW TRIAL.**

A motion for a new criminal trial in Oregon is governed by ORCP 64 A, B and D–G. ORS 136.535(1).

##### **A. Defendant’s motion is timely.**

ORCP 64F(1) requires a motion to set aside a judgment and for a new trial along with any necessary affidavits or declarations in support thereof to “be filed not later than 10 days after the entry of the judgment sought to be set aside \* \* \*.” In this case, temporary criminal judgments for all crimes of conviction were both signed and entered into the register of actions December 10, 2021. Exhibit F. Defendant filed this motion and the necessary declarations and affidavits December 17, 2021, which is within 10 days of the entry of judgment. Defendant’s motion is timely.

##### **B. Defendant is entitled to a new trial pursuant to ORS 136.353 and ORCP 64B(2) or (3), and (4).**

A circuit court may set aside a former judgment and grant a new trial “in an action where there has been a trial by jury on the motion of the aggrieved for,” as is pertinent to this case, the following reasons: “B(2) Misconduct of the \* \* \* prevailing party[;] B(3) Accident or surprise which ordinary prudence could not have guarded against[; or] B(4) Newly discovered evidence, material for the party making the application, which such party could not with reasonable diligence have discovered and produced at the trial.” The Deputy District Attorney in this case failed, for unknown reasons, to produce all discovery in this case to Defendant.

1                   **1.       Misconduct of the prevailing party**

2                   The Oregon Rules of Professional Conduct impose a particular burden on prosecuting  
3 attorneys. Every prosecutor in a criminal matter must

4                   “make timely disclosure to the defense of all evidence or information known to  
5 the prosecutor that tends to negate the guilt of the accused or mitigates the  
6 offense, and, in connection with sentencing, disclose to the defense and to the  
7 tribunal all unprivileged mitigating information known to the prosecutor, except  
8 when the prosecutor is relieved of this responsibility by a protective order of the  
9 tribunal.”

10                  ORPC 3.8(b). This rule requires broader disclosures than ORS 135.815, and like that statute, is  
11 self-executing. It is misconduct to violate the rules of professional conduct. ORPC 8.4(a)(1).

12                  Even giving the prosecuting attorneys on this case the benefit of the doubt with regard to *pretrial*  
13 disclosure, it has been one week since defense notified the prosecutor in open court as to the  
14 deficiencies in discovery. No efforts appear to have been made to provide the missing discovery,  
15 which contains statements of witnesses who did not testify, but nevertheless provided statements  
16 that tend to negate the guilt of the accused and mitigate the offense. On these grounds alone,  
17 Defendant is entitled to a new trial.

18                   **2.       Accident or surprise which ordinary prudence could not have**  
19                   **guarded against**

20                  If the court would like to focus solely on the pretrial failures to discovery information  
21 required by ORS 135.815(1)(a) and (g), and if the court finds these discovery failures not to rise  
22 to the level of misconduct, then the court must conclude the failure to disclose was an accident.  
23 Defense attorneys must rely on the word of the prosecuting attorney in each to case that all  
24 required disclosures have been made. But, as is always true, to err is human. Even accidental  
25 error, however, does not excuse a court from its duty to grant a new trial when such accident has  
the affect it does in this case. If the court concludes the failures to disclose were accidental, it  
must still grant a new trial.

**3. Newly discovered evidence, material for the party making the application, which such party could not with reasonable diligence have discovered and produced at the trial.**

If the court finds that the pertinent reports and information that the government failed to provide to Defendant as required is in fact newly discovered, at least from Defendant's point of view reasonable diligence on his part could not have resulted in receiving the information prior to trial. As such, a new trial is warranted.

## CONCLUSION

Regardless of which of the foregoing is most persuasive to the Court, a vacation of the judgment followed by an order for a new trial is the only just outcome in this case.

Dated: December 17, 2021.

/s/ Joseph Westover  
Joseph Westover, OSB 141427  
jwestover@mpdlaw.com  
Attorney for Defendant

1 **CERTIFICATE OF SERVICE**

2

3 I hereby certify that I served the foregoing

4 **DEFENDANT'S MOTION TO VACATE JUDGMENT AND FOR A NEW**  
5 **TRIAL**

6 on:

7 Deputy District Attorney Nathan Vasquez  
8 nathan.vasquez@mcda.us

9 and

10 Deputy District Attorney Reid Schweitzer  
11 reid.schweitzer@mcda.us

12 by the e-mailing a full, true, and correct copy thereof to the individual(s) at the e-mail  
13 address(es) shown above and via the Oregon File & Serve system on the date set forth below.

14 Dated: December 17, 2021.

15 /s/ Joseph Westover  
16 Joseph Westover, OSB 141427  
17 jwestover@mpdlaw.com  
18 Attorney for Defendant  
19  
20  
21  
22  
23  
24  
25

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

State of Oregon

Plaintiff,

v.

Alan Swinney  
Defendant.

Case Type/ORS

Case No. 20CR50067

DA No. \_\_\_\_\_

**ORDER**

☐ Appointing Attorney

☒ Substituting Attorney

☐ Based on defendant's affidavit that defendant is indigent, it is ORDERED that \_\_\_\_\_,

(Attorney)

\_\_\_\_\_ is appointing to represent defendant in the above matter(s).

(Bar No.)

☒ Based on defendant's motion requesting substitution of attorney because:

☐ defendant has retained another attorney

☐ the present attorney has conflict of interest

☐ other \_\_\_\_\_

MAR 26 2021

Circuit Court

Multnomah County Oregon

It is ORDERED that Eric Wolfe  
(Attorney)

196570  
(Bar No.)

be removed as attorney of record and

☐ Based on defendant's affidavit that defendant is indigent, it is ORDERED that

It is ORDERED that Joe Westover  
(Attorney)

141275  
(Bar No.)

be substituted as attorney of record, and the matter is reset to

for

☒ This is a probation violation matter.

Dated this 23rd day of March, 20 21.

Circuit Court Judge

Appt. Status

K/NK

DEFENDANT IS:

TO

In Custody

On Personal Recog

On Conditional Release

On Security Release

Citation

Probation

**NOTICE**

**UNLESS OTHERWISE ORDER BY THE COURT,**

TO OBTAIN THE NAME AND PHONE OF YOUR  
ATTORNEY CALL (971) 274-0614, ON \_\_\_\_\_

THE SECOND DATE AFTER YOUR COURT APPEARANCE

**EXhibit A**

20CR50067  
ORSU

Order - Substituting Attorney  
13840895



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

STATE OF OREGON,

Plaintiff,

vs.

Alan J. Swinney,

Defendant.

Case No.: 20CR50067

DEFENDANT'S REQUEST FOR  
DISCOVERY, *BRADY* MATERIAL,  
PRESERVATION OF EVIDENCE, AND  
SPEEDY TRIAL; NOTICE OF INTENT TO  
CHALLENGE CRIMINAL HISTORY,  
NOTICE REGARDING CONTROLLED  
SUBSTANCE TESTING; OBJECTION TO  
JOINDER

**REQUEST FOR DISCOVERY**

COMES NOW Defendant, by and through counsel, Joseph Westover, and demands that the Multnomah County District Attorney's Office comply with the requirements of ORS 135.805 to .873, Article I sections 1, 9, 10, 11, and 20 of the Oregon Constitution, and the 4th, 5th, 6th, and 14th Amendments of the United States Constitution. Defendant specifically requests the following from the state:

1. A record of all of Defendant's prior criminal convictions, including but not limited to LEDS records, which could affect Defendant's sentencing or which the state could use to impeach Defendant;
2. A record of all prior criminal convictions which the state intends to introduce, including, but not limited to, FBI "rap sheets" and LEDS records;
3. A record of all prior criminal convictions of any person the state intends to call as a witness at trial **and** a good faith effort to determine whether such convictions exist;

**EXHIBIT B**



- 1 4. The names and addresses of every person the state intends to call as a witness at any  
2 stage of trial, together with all relevant written or recorded statements or  
3 memorandum of any oral statements of such person, including but not limited to  
4 police officers' notebook entries and statements made to any representatives, agents,  
5 or employees of the Multnomah County District Attorney's Office;
- 6 5. Any statement that the state intends to introduce as hearsay evidence together with the  
7 means by which the statement would be introduced;
- 8 6. Any written or recorded statements or memoranda of any oral statements made by  
9 Defendant, co-defendant if the trial is to be a joint one, or any witnesses;
- 10 7. All inconsistent statements of witnesses;
- 11 8. Any reports of statements made by any expert witness in connection with the above-  
12 captioned case, including results of any physical or mental examinations and of  
13 scientific tests, experiments, or comparisons which the state intends to offer as  
14 evidence at trial;
- 15 9. Any documents, statements, or audio recordings pertaining to Defendant's appearance  
16 in court or the conditions of Defendant's release from custody and which the State  
17 intends to introduce at trial;
- 18 10. Any books, papers, documents, photographs or tangible objects which: (a) the state  
19 intends to offer into evidence at trial or at any other hearing associated with this case;  
20 (b) have been provided to the court to justify any charges or release decisions; (c)  
21 were obtained from or belong to Defendant; and/or (d) were introduced as evidence  
22 before the grand jury in this case;
- 23 11. Any and all contracts or cooperation agreements entered into between law  
24 enforcement and any and all informants, including but not limited to "Testifying  
25

1 Reliable Informants,” whom the state intends to call as witnesses at any stage in the  
2 above-captioned case;

3 12. Copies of any applications or affidavits in support of any search warrant related to the  
4 above-captioned case;

5 13. Copies of any search warrants and any other relevant material or information obtained  
6 by search or seizure relating to the above-captioned case, including the circumstances  
7 of the search or seizure and the circumstances of the acquisition of any statements  
8 allegedly made by Defendant;

9 14. Copies of any audio or video recordings made by any law enforcement officer in  
10 connection with the above-captioned case;

11 15. Any evidence concerning other crimes, wrongs, or acts (“other acts evidence”)  
12 attributable to the Defendant and which the state intends to introduce at trial;

13 16. Any evidence concerning the other crimes, wrongs or acts (“other acts evidence”) of  
14 any person the state intends to call as a witness at trial;

15 17. Any notes, documents, statements, or other relevant material or information  
16 concerning potential restitution;

17 18. All grand jury recordings; and

18 19. Any information or material described above and pertaining to criminal charges that  
19 the State anticipates: (a) filing in this case; or (b) joining with this case.

20 **REQUEST FOR BRADY MATERIAL**

21 Defendant requests that the State make a specific and detailed effort to determine whether  
22 any government agency has information that must be revealed pursuant to *Brady v. Maryland*,  
23 373 US 83 (1963), including but not limited to:

24 1. Information that would tend to impeach the credibility of any person whom the state  
25 intends to call as a witness or any individual upon whom the state has relied in the

1 investigation and prosecution of this case. *See Kyles v. Whitley*, 115 SCt 155, 131 L  
2 Ed2 490 (1995) (The *Brady* obligation to disclose impeachment evidence extends to  
3 non-witnesses as well as witnesses);

4 2. Any facts or allegations concerning criminal or other misconduct of a witness that is  
5 not reflected in the witness's criminal record, including information from police  
6 reports, probation files, personnel files, pending investigations of the witness, or  
7 business entities with which the witness is connected. *See United States v. Strifler*,  
8 851 F2d 1197 (9th Cir 1988), *cert. denied*, 489 US 1032 (1989);

9 3. Information relating to a witness that tends to reflect adversely on the reliability of the  
10 witness, including but not limited to any information about a motive to testify, a bias  
11 against Defendant or a defense witness, or an inability to accurately perceive, recall,  
12 or understand events;

13 4. Information that tends to contradict the anticipated testimony of a witness. *See*  
14 *McDowell v. Dixon*, 858 F2d 945 (4th Cir 1988), *cert. denied*, 489 US 1033 (1989)  
15 (state witness misidentified the defendant before trial and it should have been  
16 revealed);

17 5. Information that would render a search or seizure illegal;

18 6. Information concerning promises, agreements, deals, rewards, special treatment,  
19 immunity, or other incentives offered by the government to witnesses or others  
20 involved in this case. *Bagley v. United States*, 473 US 667 (1985);

21 7. Information concerning a witness requesting, receiving, or being offered a benefit  
22 from the Multnomah County Victim's Assistance Office, the State Department of  
23 Justice Crime Victim's Compensation Fund, or any other unemployment benefit,  
24 priority housing consideration, financial assistance, or immigration assistance (e.g.  
25 eligibility for work permits, lawful permanent residency, and U or T visas);

- 1 8. Information concerning any confession made by Defendant but unknown to defense  
2 counsel. *See Prosecutor of Virgin Islands v. Martinez*, 780 F2d 302 (3d Cir 1985);  
3 9. Information about any eyewitness for whom the government has a name and/or  
4 address but whom the State does not intend to call as a witness. *Kyles v. Whitley*, 514  
5 US 419 (1995);  
6 10. Any expert's statement or testimony that would tend to corroborate Defendant's  
7 theory of defense. *People v. Johnson*, 38 Cal App 3d 228 (1974); and  
8 11. Any information which would lessen the impact of the sentencing guidelines of  
9 Defendant in the event of conviction, including but not limited to Defendant's role in  
10 the offense, lesser quantities, ignorance of the scope of a conspiracy, and evidence of  
11 acceptance of responsibility.

12 **REQUEST TO PRESERVE EVIDENCE**

13 Defendant demands that the prosecution, the police, and all agents thereof preserve  
14 evidence in this case for later examination and/or testing by Defendant.

15 **REQUEST FOR SPEEDY TRIAL**

16 Defendant requests a speedy trial pursuant to ORS 135.747, the Oregon Constitution, and  
17 the United States Constitution.

18 **NOTICE OF INTENT TO CHALLENGE CRIMINAL HISTORY AND**  
19 **VALIDITY OF PRIOR CONVICTIONS**

20 Defendant gives notice of intent to challenge Defendant's criminal history pursuant to  
21 ORS 137.079(5)(c) and OAR 213-004-0013. Defendant gives notice of intent to challenge the  
22 validity of prior convictions alleged in any count of felony driving under the influence of  
23 intoxicants pursuant to ORS 813.328.

24 \* \* \*

25 \* \* \*

1                   **NOTICE REGARDING CONTROLLED SUBSTANCE TESTING**

2           Defendant objects, pursuant to ORS 475.235, to the admission of a certified copy of any  
3 analytical report pertaining to controlled substances, and requests that the prosecution call and  
4 make available for confrontation and cross-examination any criminalist(s) who conducted any  
5 tests and/or produced any reports that the State intends to use at trial.

6           If a presumptive test was used, Defendant requests laboratory analysis pursuant to ORS  
7 475.235(5).

8                   **OBJECTION TO JOINDER OF CHARGES AND CONSOLIDATION OF**  
9                   **CHARGING INSTRUMENTS**

10          Defendant objects to any addition to the charging instrument of any charges not permitted  
11 under ORS 132.560(1), and to the consolidation of any charging instruments not permitted under  
12 ORS 132.560(2), and hereby reserves his or her right to a hearing where the state must establish  
13 the permissibility of joinder in every instance it seeks to add charges or consolidate charging  
14 instruments.

15  
16          DATED: March 26, 2021.

17                                   /s/ Joseph Westover

18                                   Joseph Westover, OSB #141275  
19                                   jwestover@multnomahdefenders.org  
20                                   Attorney for Defendant

1 **CERTIFICATE OF SERVICE**

2

3 I hereby certify that either I or an agent acting on my behalf served the foregoing

4 **DEFENDANT'S REQUEST FOR DISCOVERY, *BRADY* MATERIAL,**  
5 **PRESERVATION OF EVIDENCE, AND SPEEDY TRIAL; NOTICE OF**  
6 **INTENT TO CHALLENGE CRIMINAL HISTORY, NOTICE**  
7 **REGARDING CONTROLLED SUBSTANCE TESTING; OBJECTION TO**  
8 **JOINDER**

9 on:

10 Multnomah County District Attorney's Office  
11 1200 SW 1st Ave, Suite 5200  
12 Portland, OR 97204

13 on the date set forth below via the Oregon File & Serve system or via facsimile at (503) 988-  
14 3304 or (503) 988-3643 when no service contact is attached in the Oregon File & Serve system.

15 DATED: March 26, 2021.

16 /s/ Joseph Westover

17 Joseph Westover, OSB #141275  
18 jwestover@multnomahdefenders.org  
19 Attorney for Defendant  
20  
21  
22  
23  
24  
25

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

THE STATE OF OREGON,

Case No. 20CR50067

Plaintiff,

Y.

ALAN JAMES SWINNEY,

## JURY VERDICT

Defendant.

We, the jury, find the defendant, as to the following counts:

## COUNT 1 – ATTEMPTED ASSAULT IN THE FOURTH DEGREE

*August 15, 2020, individual in dark t-shirt on 4<sup>th</sup> Avenue*

NOT GUILTY                      X                      GUILTY

**COUNT 2 – UNLAWFUL USE OF MACE IN THE SECOND DEGREE**

*August 15, 2020, individual in dark t-shirt on 4<sup>th</sup> Avenue*

NOT GUILTY                      **X**                      GUILTY

**COUNT 3 – ATTEMPTED ASSAULT IN THE SECOND DEGREE**

*August 15, 2020, male in gray sleeveless shirt on 4<sup>th</sup> Avenue*

NOT GUILTY X GUILTY

### COUNT 4 – UNLAWFUL USE OF A WEAPON

*August 15, 2020, paintball gun*

NOT GUILTY ☒ GUILTY

20CR50067  
VI  
Verdict  
14414017



# EXHIBIT C

**COUNT 5 – ASSAULT IN THE SECOND DEGREE**

*August 15, 2020, Jason Britton. You must unanimously agree on which theory applies:*

Mr. Swinney intentionally or knowingly caused physical injury to Jason Britton by means of a dangerous weapon, to-wit: a paintball gun.

  X   NOT GUILTY            GUILTY

OR: Mr. Swinney intended to cause physical injury to an unidentified person by means of a dangerous weapon, to-wit: a paintball gun, and Jason Britton was injured.

           NOT GUILTY   X   GUILTY

**COUNT 6 – ASSAULT IN THE SECOND DEGREE**

*August 22, 2020, Megan Steward*

  X   NOT GUILTY            GUILTY

**COUNT 7 – UNLAWFUL USE OF A WEAPON**

*August 22, 2020, paintball gun*

           NOT GUILTY   X   GUILTY

**COUNT 8 – UNLAWFUL USE OF A WEAPON WITH A FIREARM**

*August 22, 2020, revolver*

           NOT GUILTY   X   GUILTY

If you find the defendant guilty of Unlawful Use of a Weapon as charged in Count 8, then you must answer the following additional question:

Did the defendant use or threaten the use of a firearm during the commission of Count 8?

           NO   X   YES

**COUNT 9 – MENACING**

*August 22, 2020*

           NOT GUILTY   X   GUILTY



**COUNT 10 – POINTING A FIREARM AT ANOTHER**

*August 22, 2020*

\_\_\_\_\_ NOT GUILTY        X   GUILTY

**COUNT 11 – UNLAWFUL USE OF MACE IN THE SECOND DEGREE**

*August 22, 2020, Megan Steward*

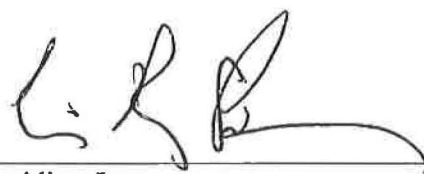
\_\_\_\_\_ NOT GUILTY        X   GUILTY

**COUNT 12 – ASSAULT IN THE FOURTH DEGREE**

*August 22, 2020, Megan Steward*

\_\_\_\_\_ NOT GUILTY        X   GUILTY

10/5/2021  
Date

  
Presiding Juror

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

STATE OF OREGON

v.

WINNEY, ALAN

Circuit Court No. 20CR50067

District Atty No.

Charges: Att Asslt 4, Use ESG 2, Att Asslt 2, UUW, Assault 2

UUW, UUW w/ FA, Menacing, Pointing FA at another, Use ESG 2

Assault 4

ORDER FOR PRESENTENCE INVESTIGATION

☒ FTR INTERPRETER

COURT REPORTER

CUSTODY STATUS ☒ Custody; ☐ Recog; ☐ Close Street; ☐ PSP; Other

GUILTY BY ☐ Plea; ☒ Jury Verdict; ☐ Court Trial; Guilty Finding Date 10/5/21

Defense Attorney Joseph Westover

Phone No. 503-225-9100

District Attorney Nathan Vasquez

Megha Desai

503-236-3083

SENTENCING DATE 12/10/21 at 9:00 AM/PM by JUDGE MOAWAD

SGL Grid Coordinates Not SGL Measure

Pursuant to ORS 137.530, the Presentence Report shall include the circumstances of the offense, criminal record, social history and present condition and environment of the defendant. The Court further directs that the Presentence Report include the following:

- ☐ Analysis of what is most likely to reduce this offender's future criminal behavior and why, including the availability of any relevant programs in or out of custody
- ☒ SGL Departure Information (Upward/Downward)
- ☒ Psychological evaluation by the Department of Community Corrections
- ☐ Psychiatric evaluation by the Oregon State Hospital
- ☐ Dangerous Offender evaluation
- ☐ Other

FILED  
2021 OCT -6 PM 2:53  
CIRCUIT COURT  
MULTNOMAH CO.

ATTACH COPY OF: Plea/Stip Facts Petition; Order Entering Plea; Jury Verdict Form; Indictment; Police Reports; SGL Criminal History Form

- ☐ Defense counsel wishes to be present at or contacted before all interviews. (Defendant is not to be interviewed without presence or consent of defense.)
- ☐ An interpreter in the language will be required. Defense ☐ will ☐ will not provide an interpreter

IT IS SO ORDERED this 5th day of October

20 21

Signature of JUDGE

HEIDI MOAWAD

Typed or Printed Name of JUDGE

TO THE DEFENDANT

I agree to report as directed to the Multnomah County Adult Community Justice PSI Unit, Suite 600 of the Mead Building, 421 S.W. Fifth Avenue, Portland, Oregon. I further agree to report at such times and places as required for the Presentence Investigation interviews. I understand failure to report will result in a Bench Warrant for my arrest.

Signature of Defendant

Complete Address for Defendant

City-State-Zip

20CR50067

DRPS

Order - Presentence Investigation

14425395



Exhibit D

ORDER FOR PRESENTENCE INVESTIGATION

23-45 (9/15) Distribution: Original - Court Copies - Jail, Probation, Defendant, Defense Attorney, District Attorney

## Joseph Westover

---

**From:** VASQUEZ Nathan <Nathan.VASQUEZ@mcda.us>  
**Sent:** Tuesday, December 7, 2021 1:23 PM  
**To:** Joseph Westover; Joseph Westover; Megha Desai  
**Subject:** FW: PSI Report SWINNEY, ALAN JAMES / Case 20CR50067  
**Attachments:** 548404-00.pdf

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

**From:** donny.tran@multco.us <donny.tran@multco.us> **On Behalf Of** MCJRP Support Staff  
**Sent:** Monday, December 6, 2021 2:23 PM  
**To:** heidi.h.moawad@ojd.state.or.us; VASQUEZ Nathan <Nathan.VASQUEZ@mcda.us>; Joseph Westover <jwestover@multnomahdefenders.org>  
**Subject:** PSI Report SWINNEY, ALAN JAMES / Case 20CR50067

Multnomah County Justice Reinvestment Program  
Department of Community Justice  
Mead Records Staff  
421 SW 5th AVE, Suite 500  
Portland OR 97204  
Fax 503 988-5534



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EXhibit E

**REGISTER OF ACTIONS****CASE No. 20CR50067****State of Oregon vs Alan James Swinney**§  
§  
§  
§  
§  
§Case Type: **Offense Felony**Date Filed: **09/11/2020**Location: **Multnomah**District Attorney Number: **2426200-1D****PARTY INFORMATION****Defendant Swinney, Alan James**Male White  
DOB: 1970  
6' 5", 260 lbs37890 Meeker Street  
Sandy, OR 97055  
SID: OR23916733  
Other Agency Numbers  
825585 Multnomah County Sheriff**Attorneys****Joseph C Westover**  
*Court Appointed*  
503 225-9100(W)~~**Eric Brad Wolfe**~~  
*Retained*  
~~971 233-6653(W)~~**Megha H Desai**  
*Retained*  
503 226-3083(W)**Plaintiff State of Oregon****NATHAN TRUMON VASQUEZ**  
503 988-3162(W)

MUL DA EXHIBITS

~~**NATHAN TRUMON VASQUEZ**~~  
~~503 988-3162(W)~~**Reid C Schweitzer**  
503 988-3744(W)**CHARGE INFORMATION****Charges: Swinney, Alan James**

1. Attempt to Commit a Class A Misdemeanor
2. Use of ESG/Tear Gas/Mace in the Second Degree
3. Attempt to Commit a Class B Felony
4. Unlawful Use of a Weapon
5. Assault in the Second Degree
6. Assault in the Second Degree
7. Unlawful Use of a Weapon
8. Unlawful Use of a Weapon
9. Menacing
10. Pointing a Firearm at Another
11. Use of ESG/Tear Gas/Mace in the Second Degree
12. Assault in the Fourth Degree

**Statute**161.405(2)(e)  
163.212  
161.405(2)(c)  
166.220  
163.175  
163.175  
166.220  
166.220  
163.190  
166.190**Level**Misdemeanor Class B  
Misdemeanor Class A  
Felony Class C  
Felony Class C  
Felony Class B  
Felony Class B  
Felony Class C  
Felony Class C  
Felony Class C  
Misdemeanor Class A  
Misdemeanor Unclassified**Date**08/15/2020  
08/15/2020  
08/15/2020  
08/15/2020  
08/15/2020  
08/22/2020  
08/22/2020  
08/22/2020  
08/22/2020  
08/22/2020  
08/22/2020**EVENTS & ORDERS OF THE COURT****DISPOSITIONS**

- 10/01/2020 **Plea** (Judicial Officer: Oden-Orr, Melvin)
1. Attempt to Commit a Class A Misdemeanor  
Not Guilty
  2. Use of ESG/Tear Gas/Mace in the Second Degree  
Not Guilty
  3. Attempt to Commit a Class B Felony  
Not Guilty
  4. Unlawful Use of a Weapon  
Not Guilty
  5. Assault in the Second Degree  
Not Guilty
  6. Assault in the Second Degree

**EXHIBIT F**

Not Guilty  
 7. Unlawful Use of a Weapon  
 Not Guilty  
 8. Unlawful Use of a Weapon  
 Not Guilty  
 9. Menacing  
 Not Guilty  
 10. Pointing a Firearm at Another  
 Not Guilty  
 11. Use of ESG/Tear Gas/Mace in the Second Degree  
 Not Guilty  
 12. Assault in the Fourth Degree  
 Not Guilty  
 Created: 10/01/2020 9:33 AM

12/10/2021 **Disposition** (Judicial Officer: Moawad, Heidi H.)  
 1. Attempt to Commit a Class A Misdemeanor  
 Convicted  
 2. Use of ESG/Tear Gas/Mace in the Second Degree  
 Convicted  
 3. Attempt to Commit a Class B Felony  
 Convicted  
 4. Unlawful Use of a Weapon  
 Convicted  
 5. Assault in the Second Degree  
 Convicted  
 6. Assault in the Second Degree  
 Acquitted  
 7. Unlawful Use of a Weapon  
 Convicted  
 8. Unlawful Use of a Weapon  
 Convicted  
 9. Menacing  
 Convicted  
 10. Pointing a Firearm at Another  
 Convicted  
 11. Use of ESG/Tear Gas/Mace in the Second Degree  
 Convicted  
 12. Assault in the Fourth Degree  
 Convicted  
 Created: 12/10/2021 11:10 AM

#### OTHER EVENTS AND HEARINGS

09/11/2020 **Secret Indictment**  
 Created: 09/11/2020 12:58 PM  
 10/01/2020 **Arraignment** (9:45 AM) (Judicial Officer Oden-Orr, Melvin)  
 Result: Held  
 Created: 09/30/2020 8:29 AM  
 10/01/2020 **Warrant - Return of Service**  
 Created: 10/01/2020 7:44 AM  
 10/01/2020 **Motion - Recognizance Release**  
 Created: 10/01/2020 7:52 AM  
 10/01/2020 **Arraignment** (Judicial Officer: Oden-Orr, Melvin )  
 Created: 10/01/2020 9:32 AM  
 10/01/2020 **Order - Appear** (Judicial Officer: Oden-Orr, Melvin )  
 Signed: 10/01/2020  
 Created: 10/01/2020 11:25 AM  
 10/13/2020 **Report**  
 ACCEPT  
 Created: 10/13/2020 9:39 AM  
 10/14/2020 **Affidavit**  
 STORED IN RECORDS  
 Created: 10/14/2020 1:59 PM  
 10/14/2020 **Motion**  
 Created: 10/14/2020 1:59 PM  
 10/14/2020 **Order - Court Protective** (Judicial Officer: Bushong, Stephen K. )  
 and order to seal: STORED IN RECORDS  
 Signed: 10/14/2020  
 Created: 10/14/2020 1:59 PM  
 10/15/2020 **Report**  
 CLOSE STREET  
 Created: 10/15/2020 2:52 PM  
 10/16/2020 **Call** (9:15 AM) (Judicial Officer Bushong, Stephen K.)  
 Release Hearing SWIS Booking Date: 09/30/2020 Custody: MCIJ Call 11/13/20 at 9 AM w/SKB  
 Result: Held  
 Created: 10/14/2020 11:06 AM  
 10/16/2020 **Memorandum**  
 OPPOSITION TO RELEASE OR BAIL REDUCTION  
 Created: 10/16/2020 3:03 PM  
 10/19/2020 **Hearing - Custody Issue** (11:00 AM) (Judicial Officer Ryan, Thomas M)  
 Release Hearing Transport Requested  
 Created: 10/16/2020 11:11 AM  
 10/19/2020 **Order - Denial** (Judicial Officer: Ryan, Thomas M )

Release to Close Street DENIED  
Signed: 10/19/2020  
Created: 10/20/2020 1:58 PM

10/22/2020 **Motion**  
Created: 10/23/2020 8:14 AM

10/22/2020 **Memorandum - Support Motion**  
Created: 10/23/2020 8:14 AM

10/28/2020 **Call** (9:15 AM) (Judicial Officer Bushong, Stephen K.)  
*Bail Reduction Hearing SWIS Booking Date: 09/30/20 Custody: MCIJ Call: 11/13/20 @ 9 AM w/ SKB*  
Result: Held  
Created: 10/27/2020 8:38 AM

10/30/2020 **Call** (9:15 AM) (Judicial Officer Bushong, Stephen K.)  
*Bail Reduction Hearing SWIS Booking Date: 09/30/20 Custody: MCIJ Call: 11/13/20 @ 9 AM w/ SKB*  
Result: Held  
Created: 10/28/2020 9:23 AM

11/02/2020 **CANCELED Hearing - Custody Issue** (3:00 PM) (Judicial Officer Silver, Gregory F)  
*Other*  
*Bail Reduction Hearing Transport Requested*  
Created: 10/30/2020 11:25 AM

11/03/2020 **Hearing - Custody Issue** (11:00 AM) (Judicial Officer Silver, Gregory F)  
*Set over from 11/2*  
Result: Held  
Created: 11/02/2020 9:37 AM

11/04/2020 **Order - Denial** (Judicial Officer: Silver, Gregory F )  
*security reduction*  
Signed: 11/03/2020  
Created: 11/04/2020 1:45 PM

11/05/2020 **Exhibit - List**  
*Election*  
Created: 11/05/2020 9:00 AM

11/13/2020 **Call - Regular** (9:00 AM) (Judicial Officer Bushong, Stephen K.)  
*SWIS Booking date: 09/30/20 Custody: MCIJ*  
Result: Held  
Created: 10/01/2020 9:33 AM

12/17/2020 **CANCELED Hearing - Settlement Conference** (10:00 AM) (Judicial Officer Marshall, Christopher J)  
*Other*  
Created: 12/07/2020 4:41 PM

12/18/2020 **Hearing - Settlement Conference** (1:00 PM) (Judicial Officer von Ter Stegge, Katharine)  
*rescheduled from 12/17/20*  
*12/18/2020 Reset by Court to 12/18/2020*  
Result: Held  
Created: 12/16/2020 11:46 AM

12/18/2020 **Notice - Advise Appeal Rights**  
Created: 12/28/2020 2:30 PM

12/28/2020 **Affidavit/Declaration - Eligibility - ACP**  
*In Support of Request for Indigent Expenses*  
Created: 12/28/2020 10:04 AM

12/31/2020 **Order** (Judicial Officer: Bushong, Stephen K. )  
*Defendant is APPROVED for Indigent Expenses Only.*  
Signed: 12/29/2020  
Created: 12/31/2020 3:09 PM

01/07/2021 **Hearing - Case Management** (3:15 PM) (Judicial Officer Albrecht, Cheryl A.)  
Created: 10/01/2020 6:16 AM

01/15/2021 **Call - Regular** (9:00 AM) (Judicial Officer Bushong, Stephen K.)  
*SWIS Booking date: 09/30/20 Custody: MCIJ Ext 60 days thru 1/22 per SKB*  
Result: Held  
Created: 11/13/2020 11:28 AM

01/26/2021 **Hearing - Settlement Conference** (9:00 AM) (Judicial Officer Albrecht, Cheryl A.)  
Result: Held  
Created: 01/21/2021 11:02 AM

01/26/2021 **Order** (Judicial Officer: Albrecht, Cheryl A. )  
*JSC held*  
Signed: 01/26/2021  
Created: 01/26/2021 3:01 PM

02/16/2021 **Call** (9:15 AM) (Judicial Officer Bushong, Stephen K.)  
*For New Dates SWIS Booking date: 09/30/20 Custody: MCIJ Ext 60 days thru 1/22 per SKB Ext 60 days thru 3/22 per SKB JSC: 02/17/21 @ 10 AM w/ CAA*  
Result: Held  
Created: 01/15/2021 9:56 AM

02/17/2021 **Hearing - Settlement Conference** (10:00 AM) (Judicial Officer Albrecht, Cheryl A.)  
Created: 01/27/2021 9:03 AM

02/17/2021 **Order - Appear** (Judicial Officer: Albrecht, Cheryl A. )  
Signed: 02/17/2021  
Created: 02/17/2021 3:56 PM

02/18/2021 **Call** (9:15 AM) (Judicial Officer Bushong, Stephen K.)  
*For New Dates SWIS Booking date: 09/30/20 Custody: MCIJ/ Dorm 12 Ext 60 days thru 1/22 per SKB Ext 60 days thru 3/22 per SKB JSC: 03/24/21 at 11AM w/ CAA*  
Result: Held  
Created: 02/16/2021 11:11 AM

02/23/2021 **Call** (9:15 AM) (Judicial Officer Bushong, Stephen K.)  
*To Confirm Dates & Waiver SWIS Booking date: 09/30/20 Custody: MCIJ/ Dorm 12 Ext 60 days thru 1/22 per SKB Ext 60 days thru 3/22 per SKB JSC 03/24/21 at 11 AM w/CAA*  
Result: Held

Created: 02/18/2021 10:58 AM  
02/25/2021 **Waiver - 60 Day Rule**  
*No dates listed*  
Created: 02/25/2021 2:29 PM  
03/02/2021 **Call** (9:15 AM) (Judicial Officer Bushong, Stephen K.)  
*To Confirm Dates & Waiver SWIS Booking Date: 09/30/20 Custody: MCIJ/Dorm 12 60 Day Waiver Filed: 02/25/21 JSC: 03/24/21 @ 11 AM w/ CAA MCJRP: risk assessment scheduled*  
Result: Held  
Created: 02/23/2021 2:38 PM  
03/03/2021 **Motion - Attorney Withdrawal**  
Created: 03/03/2021 2:24 PM  
03/03/2021 **Declaration**  
Created: 03/03/2021 2:24 PM  
03/24/2021 **CANCELED Hearing - Settlement Conference** (11:00 AM) (Judicial Officer Albrecht, Cheryl A.)  
*Other*  
Created: 02/17/2021 10:50 AM  
03/26/2021 **Order - Substituting Attorney** (Judicial Officer: Albrecht, Cheryl A. )  
*ATTORNEY: WESTOVER*  
Signed: 03/23/2021  
Created: 03/26/2021 8:06 AM  
03/26/2021 **Motion - Pretrial Discovery**  
Created: 03/26/2021 10:51 AM  
04/09/2021 **Call** (9:15 AM) (Judicial Officer Bushong, Stephen K.)  
*To Confirm Dates & Waiver SWIS Booking Date: 09/30/20 Custody: MCIJ/Dorm 12 60 Day Waiver Filed: 02/25/21*  
Result: Held  
Created: 03/02/2021 11:57 AM  
05/03/2021 **Motion**  
*ARTICLE I, 43 RELEASE MOTION*  
Created: 05/03/2021 12:11 PM  
05/03/2021 **Motion**  
*RELEASE MOTION*  
Created: 05/03/2021 12:12 PM  
05/04/2021 **Call** (9:15 AM) (Judicial Officer Bushong, Stephen K.)  
*Release Hearing SWIS Booking Date: 09/30/20 Custody: MCIJ - Dorm 12 60 Day Waiver filed; 02/25/21 Call: 05/13/21 @ 915 AM w/ SKB*  
Result: Held  
Created: 04/30/2021 10:27 AM  
05/11/2021 **Call** (9:15 AM) (Judicial Officer Bushong, Stephen K.)  
*For Release Hearing SWIS Booking Date: 09/30/20 Custody: MCIJ-Dorm 12 60-Day Waiver Filed: 02/25/21 Call: 05/13/21 at 9:15AM w/ SKB*  
Result: Held  
Created: 05/04/2021 10:19 AM  
05/12/2021 **Call** (9:15 AM) (Judicial Officer Bushong, Stephen K.)  
*For Release Hearing SWIS Booking Date: 09/30/20 Custody: MCIJ-Dorm 12 60-Day Waiver Filed: 02/25/21 Call: 06/17/21 at 9:15AM w/ SKB*  
Result: Held  
Created: 05/11/2021 10:10 AM  
05/12/2021 **Memorandum - Opposing Motion**  
Created: 05/12/2021 9:04 AM  
05/13/2021 **CANCELED Call** (9:15 AM) (Judicial Officer Bushong, Stephen K.)  
*Continued*  
*For Status/Dates SWIS Booking Date: 09/30/20 Custody: MCIJ/Dorm 12 60 Day Waiver Filed: 02/25/21 MCJRP:needs risk assessment*  
Created: 04/09/2021 9:49 AM  
05/13/2021 **Call** (9:15 AM) (Judicial Officer Bushong, Stephen K.)  
*For Release Hearing SWIS Booking Date: 09/30/20 Custody: MCIJ-Dorm 12 60-Day Waiver Filed: 02/25/21 Call: 06/17/21 at 9:15AM w/ SKB*  
Result: Held  
Created: 05/12/2021 9:26 AM  
05/14/2021 **Hearing - Custody Issue** (1:00 PM) (Judicial Officer Russell, Shelley D)  
*Release Hearing Transport Requested*  
Result: Held  
Created: 05/13/2021 11:04 AM  
05/14/2021 **Reply**  
*STATE'S MEMORANDUM IN OPPOSITION TO RELEASE*  
Created: 05/14/2021 11:06 AM  
05/17/2021 **Order - Denial** (Judicial Officer: Russell, Shelley D )  
*security reduction*  
Signed: 05/14/2021  
Created: 05/17/2021 10:18 AM  
05/18/2021 **Exhibit - List**  
*Election*  
Created: 05/18/2021 11:13 AM  
06/17/2021 **Call** (9:15 AM) (Judicial Officer Ryan, Thomas M)  
*For New Dates SWIS Booking Date: 09/30/20 Custody: MCIJ - Dorm 12 60-Day Waiver Filed: 02/25/21*  
Result: Held  
Created: 05/11/2021 10:10 AM  
07/22/2021 **Call** (9:15 AM) (Judicial Officer Bushong, Stephen K.)  
*For New Dates SWIS Booking Date: 09/30/20 Custody: MCIJ - Dorm 12 60-Day Waiver Filed: 02/25/21*  
Result: Held  
Created: 06/18/2021 8:13 AM  
08/05/2021 **Call** (9:15 AM) (Judicial Officer Bushong, Stephen K.)  
*For Firm Trial Dates SWIS Booking Date: 09/30/20 Custody: MCIJ - Dorm 12 60-Day Waiver Filed: 02/25/21*  
Result: Held  
Created: 07/22/2021 10:53 AM  
08/23/2021 **Motion**  
*MOTION IN OPPOSITION TO UNLAWFUL PREVENTIVE DETENTION*  
Created: 08/23/2021 3:33 PM  
08/30/2021 **Call** (9:15 AM) (Judicial Officer Bushong, Stephen K.)

Motion Hearing SWIS Booking Date: 09/30/20 Custody: MCIJ - Dorm 12 60-Day Waiver Filed: 02/25/21 Call: 09/08/21 at 9:15AM w/ SKB Call: 09/17/21 at 8:59AM w/ SKB  
 Result: Held  
 Created: 08/27/2021 9:33 AM

08/30/2021 **Motion - Dismissal No Prejudice**  
 IMPROPER EVIDENCE PRESENTED TO GRAND JURY  
 Created: 08/30/2021 10:38 AM

08/31/2021 **Hearing - Custody Issue** (9:00 AM) (Judicial Officer Russell, Shelley D)  
 Release Hearing or Motion to Dismiss (?) Transport Requested  
 Result: Held  
 Created: 08/30/2021 12:04 PM

08/31/2021 **Order** (Judicial Officer: Russell, Shelley D )  
 Present custody status is continued. DEF's Motion denied  
 Signed: 08/31/2021  
 Created: 08/31/2021 4:03 PM

09/07/2021 **Motion - Compel Discovery**  
 Created: 09/07/2021 2:06 PM

09/08/2021 **Call** (9:15 AM) (Judicial Officer Bushong, Stephen K.)  
 Confirm dates/PTC SWIS Booking Date: 09/30/20 Custody: MCIJ - Dorm 12 60-Day Waiver Filed: 02/25/21 Call: 09/17/21 @ 859 AM w/ SKB  
 Result: Held  
 Created: 08/05/2021 3:46 PM

09/09/2021 **Hearing - Motion** (9:00 AM) (Judicial Officers Ramras, Christopher, Ramras, Christopher)  
 Motion to Compel & Pretrial conference to confirm trial details Transport Requested  
 Result: Held  
 Created: 09/08/2021 12:35 PM

09/09/2021 **Motion**  
 for clothing  
 Created: 09/09/2021 11:57 AM

09/09/2021 **Order - Court Protective** (Judicial Officer: Bushong, Stephen K. )  
 Signed: 09/09/2021  
 Created: 09/09/2021 3:40 PM

09/14/2021 **Call** (9:15 AM) (Judicial Officer Bushong, Stephen K.)  
 Motion to compel discovery SWIS Booking Date: 09/30/20 Custody: MCIJ - Dorm 12 60-Day Waiver Filed: 02/25/21 Call: 09/15/21 at 9:15AM w/ SKB Call: 09/17/21 at 8:59AM w/ SKB  
 Result: Held  
 Created: 09/13/2021 10:08 AM

09/14/2021 **Motion**  
 ELECTION  
 Created: 09/15/2021 7:11 AM

09/15/2021 **Call** (9:15 AM) (Judicial Officer Bushong, Stephen K.)  
 Judicial Settlement Conference SWIS Booking Date: 09/30/20 Custody: MCIJ - Dorm 12 60-Day Waiver Filed: 02/25/21 HG/Motion: 09/15/21 at 2PM w/ ELD Call: 09/17/21 at 8:59AM w/ SKB  
 Result: Held  
 Created: 09/09/2021 10:51 AM

09/15/2021 **Hearing - Motion** (2:00 PM) (Judicial Officer Dahlin, Eric L)  
 State's Motion to Compel Transport Requested  
 Result: Held  
 Created: 09/14/2021 11:13 AM

09/15/2021 **Motion**  
 Created: 09/15/2021 9:09 AM

09/15/2021 **Order - Authorizing Payment Expenses** (Judicial Officer: Albrecht, Cheryl A. )  
 Signed: 09/15/2021  
 Created: 09/15/2021 10:41 AM

09/15/2021 **Affidavit**  
 Support of State's Motion to Compel Discovery  
 Created: 09/15/2021 12:06 PM

09/16/2021 **Order** (Judicial Officer: Dahlin, Eric L )  
 Signed: 09/15/2021  
 Created: 09/16/2021 11:47 AM

09/16/2021 **Order - Postponement** (Judicial Officer: Bushong, Stephen K. )  
 Call 9.23.21  
 Signed: 09/15/2021  
 Created: 09/16/2021 12:08 PM

09/20/2021 **Response**  
 DEFENDANT'S MOTION TO DISMISS FOR IMPROPER EVIDENCE SUBMITTED TO THE GRAND JURY  
 Created: 09/20/2021 10:37 AM

09/20/2021 **Response**  
 DEFENDANT'S MOTION FOR ELECTION  
 Created: 09/20/2021 3:30 PM

09/21/2021 **Order** (Judicial Officer: Bushong, Stephen K. )  
 Assigning Judge  
 Signed: 09/20/2021  
 Created: 09/21/2021 10:34 AM

09/23/2021 **CANCELED Call** (9:15 AM) (Judicial Officer Bushong, Stephen K.)  
 Continued  
 For Motions SWIS Booking Date: 09/30/20 Custody: MCIJ - Dorm 12 60-Day Waiver Filed: 02/25/21  
 Created: 09/15/2021 4:52 PM

09/23/2021 **Response**  
 DEFENDANT'S MOTIONS TO EXCLUDE OTHER ACTS EVIDENCE AND SEVER  
 Created: 09/23/2021 1:32 PM

09/24/2021 **CANCELED Call - Regular** (8:59 AM) (Judicial Officer Bushong, Stephen K.)  
 Continued  
 SWIS Booking Date: 09/30/20 Custody: MCIJ - Dorm 12 60-Day Waiver Filed: 02/25/21



09/17/2021 Continued to 09/24/2021 - Request by Plaintiff - State of Oregon  
Created: 08/05/2021 3:46 PM

09/24/2021 **Hearing - Motion** (9:00 AM) (Judicial Officer Moawad, Heidi H.)  
*Pretrial Motions*  
Result: Held  
Created: 09/17/2021 2:34 PM

09/24/2021 **Hearing - Motion** (3:30 PM) (Judicial Officer Moawad, Heidi H.)  
*Pretrial Motions*  
Created: 09/17/2021 2:35 PM

09/24/2021 **Order** (Judicial Officer: Moawad, Heidi H. )  
*Regarding Trial Procedures and Public Access*  
Signed: 09/24/2021  
Created: 09/24/2021 2:54 PM

09/24/2021 **Order** (Judicial Officer: Moawad, Heidi H. )  
*re: DEF's Motions*  
Signed: 09/24/2021  
Created: 09/24/2021 4:26 PM

09/27/2021 **Trial - Twelve Person Jury** (9:00 AM) (Judicial Officer Moawad, Heidi H.)  
**09/27/2021, 09/28/2021, 09/29/2021, 09/30/2021, 10/01/2021, 10/04/2021, 10/05/2021**  
Result: Multi-Day Hearing  
Created: 09/20/2021 3:33 PM

09/27/2021 **Motion**  
Created: 09/27/2021 9:28 AM

10/04/2021 **Memorandum**  
*RE: TRANSFERRED INTENT*  
Created: 10/04/2021 1:07 PM

10/06/2021 **Order - Postponement** (Judicial Officer: Moawad, Heidi H. )  
Signed: 10/05/2021  
Created: 10/06/2021 10:56 AM

10/06/2021 **Verdict**  
Created: 10/06/2021 11:38 AM

10/08/2021 **Order - Presentence Investigation** (Judicial Officer: Moawad, Heidi H. )  
Signed: 10/05/2021  
Created: 10/08/2021 3:09 PM

10/22/2021 **CANCELED Hearing - Status Check** (9:30 AM) (Judicial Officer Moawad, Heidi H.)  
*Other*  
Created: 10/05/2021 3:00 PM

11/08/2021 **Exhibit - List**  
*Election*  
Created: 11/08/2021 1:45 PM

11/09/2021 **Exhibit**  
*MCSSO - 11.9.1*  
Created: 11/09/2021 11:05 AM

11/19/2021 **CANCELED Hearing - Sentencing** (9:00 AM) (Judicial Officer Moawad, Heidi H.)  
*New Proceeding*  
Created: 10/05/2021 2:59 PM

12/09/2021 **Memorandum**  
*Sentencing*  
Created: 12/09/2021 2:54 PM

12/09/2021 **Response**  
Created: 12/10/2021 7:17 AM

12/10/2021 **Hearing - Sentencing** (9:00 AM) (Judicial Officer Moawad, Heidi H.)  
*Transport Requested*  
Result: Held  
Created: 10/08/2021 12:15 PM

12/10/2021 **Order - Pending Judgment** (Judicial Officer: Moawad, Heidi H. )  
*Ct#1*  
Signed: 12/10/2021  
Created: 12/10/2021 4:04 PM

12/10/2021 **Order - Pending Judgment** (Judicial Officer: Moawad, Heidi H. )  
*Ct#2*  
Signed: 12/10/2021  
Created: 12/10/2021 4:04 PM

12/10/2021 **Order - Pending Judgment** (Judicial Officer: Moawad, Heidi H. )  
*Ct#3*  
Signed: 12/10/2021  
Created: 12/10/2021 4:04 PM

12/10/2021 **Order - Pending Judgment** (Judicial Officer: Moawad, Heidi H. )  
*Ct#4*  
Signed: 12/10/2021  
Created: 12/10/2021 4:05 PM

12/10/2021 **Order - Pending Judgment** (Judicial Officer: Moawad, Heidi H. )  
*Ct#5*  
Signed: 12/10/2021  
Created: 12/10/2021 4:05 PM

12/10/2021 **Order - Pending Judgment** (Judicial Officer: Moawad, Heidi H. )  
*Ct#7*  
Signed: 12/10/2021  
Created: 12/10/2021 4:05 PM

12/10/2021 **Order - Pending Judgment** (Judicial Officer: Moawad, Heidi H. )  
*Ct#8*  
Signed: 12/10/2021  
Created: 12/10/2021 4:05 PM

12/10/2021 **Order - Pending Judgment** (Judicial Officer: Moawad, Heidi H. )  
 Ct#9  
 Signed: 12/10/2021  
 Created: 12/10/2021 4:06 PM

12/10/2021 **Order - Pending Judgment** (Judicial Officer: Moawad, Heidi H. )  
 Ct#10  
 Signed: 12/10/2021  
 Created: 12/10/2021 4:06 PM

12/10/2021 **Order - Pending Judgment** (Judicial Officer: Moawad, Heidi H. )  
 Ct#11  
 Signed: 12/10/2021  
 Created: 12/10/2021 4:06 PM

12/10/2021 **Order - Pending Judgment** (Judicial Officer: Moawad, Heidi H. )  
 Ct#12  
 Signed: 12/10/2021  
 Created: 12/10/2021 4:07 PM

12/13/2021 **Notice** (Judicial Officer: Moawad, Heidi H. )  
*victim's information*  
 Sign Date: 12/10/2021  
 Created: 12/13/2021 12:41 PM

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**FINANCIAL INFORMATION**


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<b>Defendant</b> Swinney, Alan James	
Total Financial Assessment	1,148.80
Total Payments and Credits	800.00
<b>Balance Due as of 12/17/2021</b>	<b>348.80</b>
12/16/2021 Transaction Assessment	100.00
12/16/2021 Waiver	(100.00)
12/16/2021 Transaction Assessment	100.00
12/16/2021 Waiver	(100.00)
12/17/2021 Transaction Assessment	200.00
12/17/2021 Waiver	(200.00)
12/17/2021 Transaction Assessment	200.00
12/17/2021 Waiver	(200.00)
12/17/2021 Transaction Assessment	200.00
12/17/2021 Waiver	(200.00)
12/17/2021 Transaction Assessment	348.80