

In the Circuit Court of the State of Oregon For Multnomah County

Verified Correct Copy of Original 3/18/2022.

STATE OF OREGON

Court Nbr 22-CR-08677
Crime Report PP 22-47502

DA 2445315-1

SECRET INDICTMENT BALLOT MEASURE 11

Plaintiff,

v.

Indictment for Violation of

BENJAMIN SMITH
DOB: 11/29/1978ORS 163.115 (1)
ORS 163.107 (2,3,4,5)
ORS 163.185 (6,7,8)
ORS 163.175 (9)

FILED

MAR 18 2022

CIRCUIT COURT
MULTNOMAH COUNTY, OREGON

Defendant(s).

The above-named defendant(s) are accused by the Grand Jury of Multnomah County, State of Oregon, by this indictment of crime(s) of COUNT 1 - MURDER IN THE SECOND DEGREE WITH A FIREARM, COUNT 2,3,4,5 - ATTEMPTED MURDER IN THE FIRST DEGREE WITH A FIREARM, COUNT 6,7,8 - ASSAULT IN THE FIRST DEGREE WITH A FIREARM, COUNT 9 - ASSAULT IN THE SECOND DEGREE WITH A FIREARM, committed as follows:

COUNT 1

MURDER IN THE SECOND DEGREE WITH A FIREARM

The said Defendant(s), **BENJAMIN SMITH**, on or about February 19, 2022, in the County of Multnomah, State of Oregon, did unlawfully and intentionally cause the death of **JUNE BRANDY KNIGHTLY**, another human being, contrary to the statutes in such cases made and provided and against the peace and dignity of the State of Oregon,

The state further alleges that during the commission of this felony, the defendant used and threatened the use of a firearm. This count is a part of the same act or transaction as the conduct alleged in the other counts of this charging instrument.

COUNT 2

ATTEMPTED MURDER IN THE FIRST DEGREE WITH A FIREARM

The said Defendant(s), **BENJAMIN SMITH**, on or about February 19, 2022, in the county of Multnomah, State of Oregon, did unlawfully and intentionally attempt to cause the death of **VICTIM 1**, another human being, defendant having unlawfully and intentionally attempted to cause the death of **JUNE BRANDY KNIGHTLY**, an additional human being, in the course of the same criminal episode, and during the commission of this felony, the defendant(s) used and threatened the use of a firearm, contrary to the statutes in such cases made and provided and against the peace and dignity of the State of Oregon,

This count is a part of the same act or transaction as the conduct alleged in the other counts of this charging instrument.

COUNT 3

ATTEMPTED MURDER IN THE FIRST DEGREE WITH A FIREARM

The said Defendant(s), **BENJAMIN SMITH**, on or about February 19, 2022, in the county of Multnomah, State of Oregon, did unlawfully and intentionally attempt to cause the death of **VICTIM 2**, another human being, defendant having unlawfully and intentionally attempted to cause the death of **JUNE BRANDY KNIGHTLY**, an additional human being, in the course of the same criminal episode, and during the commission of this felony, the defendant(s) used and threatened the use of a firearm, contrary to the statutes in such cases made and provided and against the peace and dignity of the State of Oregon,

This count is a part of the same act or transaction as the conduct alleged in the other counts of this charging instrument.

COUNT 4

ATTEMPTED MURDER IN THE FIRST DEGREE WITH A FIREARM

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SI
Secret Indictment
15008076



Verified Correct Copy of Original 3/18/2022.

The said Defendant(s), **BENJAMIN SMITH**, on or about February 19, 2022, in the county of Multnomah, State of Oregon, did unlawfully and intentionally attempt to cause the death of **VICTIM 3**, another human being, defendant having unlawfully and intentionally attempted to cause the death of **JUNE BRANDY KNIGHTLY**, an additional human being, in the course of the same criminal episode, and during the commission of this felony, the defendant(s) used and threatened the use of a firearm, contrary to the statutes in such cases made and provided and against the peace and dignity of the State of Oregon,

This count is a part of the same act or transaction as the conduct alleged in the other counts of this charging instrument.

COUNT 5

ATTEMPTED MURDER IN THE FIRST DEGREE WITH A FIREARM

The said Defendant(s), **BENJAMIN SMITH**, on or about February 19, 2022, in the county of Multnomah, State of Oregon, did unlawfully and intentionally attempt to cause the death of **VICTIM 4**, another human being, defendant having unlawfully and intentionally attempted to cause the death of **JUNE BRANDY KNIGHTLY** an additional human being, in the course of the same criminal episode, and during the commission of this felony, the defendant(s) used and threatened the use of a firearm, contrary to the statutes in such cases made and provided and against the peace and dignity of the State of Oregon,

This count is a part of the same act or transaction as the conduct alleged in the other counts of this charging instrument.

COUNT 6

ASSAULT IN THE FIRST DEGREE WITH A FIREARM

The said Defendant(s), **BENJAMIN SMITH**, on or about February 19, 2022, in the County of Multnomah, State of Oregon, did unlawfully and intentionally cause serious physical injury to **VICTIM 1** by means of a deadly and dangerous weapon, contrary to the statutes in such cases made and provided and against the peace and dignity of the State of Oregon.

The state further alleges that during the commission of this felony, the defendant used and threatened the use of a firearm.

The state further alleges that the above-named victim did not substantially contribute to the commission of the above-described offense by precipitating the attack. This count is a part of the same act or transaction as the conduct alleged in the other counts of this charging instrument.

COUNT 7

ASSAULT IN THE FIRST DEGREE WITH A FIREARM

The said Defendant(s), **BENJAMIN SMITH**, on or about February 19, 2022, in the County of Multnomah, State of Oregon, did unlawfully and intentionally cause serious physical injury to **VICTIM 2** by means of a deadly and dangerous weapon, contrary to the statutes in such cases made and provided and against the peace and dignity of the State of Oregon.

The state further alleges that during the commission of this felony, the defendant used and threatened the use of a firearm.

The state further alleges that the above-named victim did not substantially contribute to the commission of the above-described offense by precipitating the attack. This count is a part of the same act or transaction as the conduct alleged in the other counts of this charging instrument.

COUNT 8

ASSAULT IN THE FIRST DEGREE WITH A FIREARM

The said Defendant(s), **BENJAMIN SMITH**, on or about February 19, 2022, in the County of Multnomah, State of Oregon, did unlawfully and intentionally cause serious physical injury to **VICTIM 3** by means of a deadly and dangerous weapon, contrary to the statutes in such cases made and provided and against the peace and dignity of the State of Oregon.

The state further alleges that during the commission of this felony, the defendant used and threatened the use of a firearm. The state further alleges that the above-named victim did not substantially contribute to the commission of the above-described offense by precipitating the attack. This count is a part of the same act or transaction as the conduct alleged in the other counts of this charging instrument.

COUNT 9

ASSAULT IN THE SECOND DEGREE WITH A FIREARM

Verified Correct Copy of Original 3/18/2022.

The said Defendant(s), **BENJAMIN SMITH**, on or about February 19, 2022, in the County of Multnomah, State of Oregon, did unlawfully and intentionally and knowingly cause physical injury to **VICTIM 4**, by means of a deadly and dangerous weapon, contrary to the statutes in such cases made and provided and against the peace and dignity of the State of Oregon,

The state further alleges that during the commission of this felony, the defendant used and threatened the use of a firearm. This count is a part of the same act or transaction as the conduct alleged in the other counts of this charging instrument.

Dated at Portland, Oregon, in the county aforesaid, on MARCH 18, 2022.

Witnesses

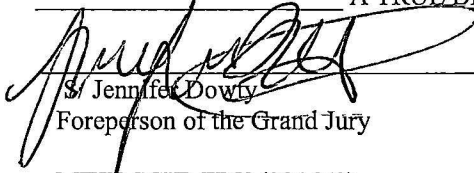
Examined Before the Grand Jury
in person (unless noted)

Trent D Wiest
Scott P Broughton
John H Bartlett
Zachary K Chow
Francisco J Barron
John E Schlosser
Obadiah Powell
Dorothy Cacioppo
Jacob Sawyer
Alexandria Bradley
Dejah Beck
David Bumpus

Grand Jury Proceedings on:

February 28, 2022
March 4, 2022
March 7, 2022
March 10, 2022

A TRUE BILL


s/ Jennifer Dowdy
Foreperson of the Grand Jury

MIKE SCHMIDT (084679)
District Attorney
Multnomah County, Oregon

By  Deputy

Security Amount (Def - SMITH) NO BAIL + \$250,000 + \$250,000 + \$250,000 + \$250,000 + \$250,000 + \$250,000 + \$250,000 + \$250,000

AFFIRMATIVE DECLARATION

The District Attorney hereby affirmatively declares for the record, as required by ORS 161 566, upon the date scheduled for the first appearance of the defendant, and before the court asks under ORS 135 020 how the defendant pleads to the charge(s), the State's intention that any misdemeanor charged herein proceed as a misdemeanor **NATHAN T VASQUEZ** OSB 014437 //jbm

Pursuant to 2005 Or Laws ch 463 sections 1 to 7, 20(1) and 21 to 23, the State hereby provides written notice of the State's intention to rely at sentencing on enhancement facts for any statutory ground for the imposition of consecutive sentences codified under ORS 137.123 on these counts or to any other sentence which has been previously imposed or is simultaneously imposed upon this defendant