

HON. DAVID REES

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

STATE OF OREGON,  
  
PLAINTIFF,  
  
vs.  
  
JOSEPH GIBSON,  
  
DEFENDANT.

No. 19CR53042

JOSEPH GIBSON'S  
DEMAND FOR DISCOVERY

COMES NOW Joseph "Joey" Gibson, the defendant, by and through the Angus Lee Law Firm, PLLC, and demands all discovery available pursuant to ORS 135.815, and makes the following additional demands for discovery:

1. Any evidence of an exculpatory nature pursuant to *Brady v. Maryland*. 373 U.S. 93 (1963), or impeachment evidence pursuant to *United States v. Bagley*. 473 U.S. 667 (1985);

2. **All audio or video recordings** generated or gathered during the investigation of this matter, to include but not limited to vehicle mounted video recordings, body worn video recordings, or surveillance camera video recordings, regardless of the prosecution's intent to use said material at hearing or trial;

1     3.     **All audio or video recordings of Joey Gibson** in the possession of the prosecuting  
2 authority, or the investigating police agency, regardless of perceived relationship of the recording  
3 to this present case;

4     4.     The names, addresses, and phone numbers of all persons the prosecutor intends to call as  
5 witnesses at the time of hearing or trial, together with copies of any notes, written or recorded  
6 statements, and the substance of any oral statements made by any of those witnesses or by any  
7 third parties communicated to those witnesses bearing on any issue in this case;

8     5.     Any statements, written or recorded, and the substance of any oral statement, made by the  
9 defendant or by any codefendant;

10    6.     Any reports or statements, oral or written, by any witness, including expert witnesses,  
11 regarding the results of any scientific, chemical, physical, or mental examination, comparison, or  
12 tests performed in connection with this case;

13    7.     Any books, papers, documents, photographs, or tangible objects which the prosecutor  
14 intends to use in the hearing or trial or which were obtained from or belonged to the defendant,  
15 Joey Gibson, together with a synopsis of its alleged connection to the charges herein;

16    8.     Any record of prior criminal convictions known or reasonably knowable to the prosecuting  
17 authority of the defendant, Joey Gibson, or of any persons whom the prosecutor intends to call as  
18 witnesses at the hearing or trial;

19    9.     Copies of or access to any "911" or other recordings of police communications relative to  
20 the investigation and or arrest of the defendant, Joey Gibson, herein;

21    10.    Any expert witnesses with whom the prosecutor has consulted on this matter, or will call  
22 at the hearing or trial, the subject of their discussions or possible testimony, and any reports or

1 emails relating to the subject of their testimony that they have submitted to the prosecuting  
2 authority;

3 11. Any information indicating entrapment of the defendant, Joey Gibson;

4 12. Information pertaining to any searches of defendant, Joey Gibson, and items or fruits seized  
5 as a result of the search;

6 13. The relationship to the prosecuting authority, if any, of persons identified in response to  
7 the above demands;

8 14. Any electronic surveillance, including wiretapping, of Joey Gibson's premises or  
9 conversations to which the defendant, Joey Gibson, was a party and any record thereof;

10 15. Any print out or records of breath test results or breath test refusal;

11 16. The names, addresses, and phone numbers of all members of law enforcement present at  
12 the point of contact, or stop, and or subsequent arrest of Joey Gibson for the alleged violation, and  
13 or involved with the investigation of evidence handling of this case;

14 17. Any and all training logs, proficiency reports, disciplinary findings, fitness test reports, and  
15 use of force complaints related to the officers identified in response to number 16 above;

16 18. All audio recordings and the notes or report of a shorthand reporter produced pursuant to  
17 ORS 132.250 and ORS 132.260.

18 19. All grand jury materials releasable under ORS 132.270 or otherwise.

19 20. All records obtained from Cider Riot LLC tending to identify those present on the premises  
20 on May 1, 2019, including but not limited to all charge card receipts, records of identification  
21 verification systems (for drinking age) or other documents.

1           YOU ARE HEREBY NOTIFIED that failure to comply with the demands contained herein  
2 will result in defendant, Joey Gibson moving for appropriate relief at time of hearing or trial.

3 Respectfully submitted this Wednesday, August 28, 2019.

/s/ D. Angus Lee

D. Angus Lee, WSBA# 36473 ***Pro Hoc Vice***

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Attorney for Defendant JOSEPH GIBSON

/s/James L. Buchal

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Attorney for Defendant JOSEPH GIBSON

**CERTIFICATE OF SERVICE**

I, Carole A. Caldwell, hereby declare under penalty of perjury under the laws of the State of Oregon that the following facts are true and correct:

I am a citizen of the United States, over the age of 18 years, and not a party to or interested in the within entitled cause. I am an employee of Murphy & Buchal LLP and my business address is 3425 SE Yamhill Street, Suite 100, Portland, Oregon 97214.

On August 28, 2019, I caused the following document to be served:

JOSEPH GIBSON'S DEMAND FOR DISCOVERY

in the following manner on the parties listed below:

Brad Kalbaugh	(X)	(BY FIRST CLASS US MAIL)
Multnomah County District Attorney's Office	(X)	(BY E-MAIL)
600 Multnomah County Courthouse	( )	(BY FAX)
1021 SW 4th Ave	( )	(BY HAND)
Portland OR 97204		
E-mail: brad.kalbaugh@mcda.us		

/s/ Carole Caldwell