

MULTNOMAH COUNTY CIRCUIT COURT
IN AND FOR THE STATE OF OREGON

STATE OF OREGON,

PLAINTIFF,

vs.

JOSEPH GIBSON,

DEFENDANTS.

No. 19CR53042

JOSEPH GIBSON'S MOTION TO COMPEL
THE STATE TO PROVIDE ALL
STATEMENTS OF CO-DEFENDANTS
TO THE COURT

[ORAL ARGUMENT REQUESTED]
[UTCR 4.050]

MOTION

Comes now Mr. Joseph Gibson, the defendant, by and through the Angus Lee Law Firm, and respectfully moves this court to order the State of Oregon to present to the court a transcript of all statements made by any of the co-defendants that the State intends to introduce at trial.¹

This motion is made in conjunction with Mr. Gibson's contemporaneously filed motion to sever and pursuant to ORS 136.060.

As the discovery includes an exceptionally high volume of videos, and in the interest of judicial economy, the State should be ordered to provide the court transcripts of any video they intend to introduce at trial which contain statements of any co-defendant.

¹ "In ruling on a motion by a defendant for severance, the court may order the prosecution to deliver to the court for inspection in camera any statements or confessions made by any defendant that the prosecution intends to introduce in evidence at the trial." ORS 136.060(2).



LAW

If a defendant moves to sever the trial from that of a codefendant, the trial court may require the production of any statements or admissions that the State would introduce at trial. ORS 136.060. This serves the purpose of (1) giving the court the best possible record upon which to make a ruling on severance, and (2) limiting the analysis (and later trial admissibility rulings) to the evidence the State actually intends to introduce at trial.

If a defendant moves to sever the trial from that of a codefendant, the trial court may require the production of any statements or admissions that the state would introduce at trial. ORS 136.060(2). A major consideration is the possibility that a nontestifying defendant's inculpatory statements may be admitted into evidence, because the admissions of these statements might violate a defendant's constitutional right of confrontation.

1 *Criminal Law* 8.7-2 (OSB Legal Pubs 2013).

Mr. Gibson moves this court to order the State to provide the court a list of all statements from any defendant that the State intends to introduce at trial or a transcript of the same.

CONCLUSION

Mr. Gibson respectfully moves the Court to order the State of Oregon to present to the court all statements made by any of the co-defendants that the State intends to introduce at trial.

Respectfully submitted this Wednesday, January 8, 2020.

/s/ D. Angus Lee

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CERTIFICATE OF SERVICE

I, D. Angus Lee, 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.

On Wednesday, January 8, 2020, I caused this document to be served in the following manner on the parties listed below:

Brad Kalbaugh	()	(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		
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/s/ D. Angus Lee