

MULTNOMAH COUNTY CIRCUIT COURT  
IN AND FOR THE STATE OF WASHINGTON

STATE OF OREGON,

PLAINTIFF,

vs.

JOSEPH GIBSON,

DEFENDANT.

No. 19CR53042

JOSEPH GIBSON'S  
MOTION TO CONTINUE  
**[ORAL ARGUMENT REQUESTED]**  
**[UTCRC 4.050]**

MOTION

COMES NOW Joseph Gibson, by and through the Angus Lee Law Firm, PLLC, and moves the Multnomah County Circuit Court to continue the currently scheduled trial in this matter. Mr. Gibson requests oral argument on this motion. Argument should last no more than 10 minutes per side.

BASIS

Trial is currently set to start on 3/2/2020. Mr. Gibson's case is consolidated for trial with State v. Kramer (19CR50007) and State v. Lewis (CR1953040).

In this matter several motions have been filed by Mr. Gibson. Counsel for Mr. Gibson has attempted to work with counsel for the State of Oregon to have these motions heard in advance of trial so that final trial preparations can be made after rulings on the motions. Despite said efforts,

1 these motions are still pending a ruling by the court, pending argument, or pending both. Counsel  
2 for Mr. Gibson cannot fully prepare for trial until after rulings on these motions have been made.

3 JOSEPH GIBSON'S DEMURRER was filed on 8/28/2019. The State filed a response to  
4 the demurrer, but no ruling has been made by the Court.

5 JOSEPH GIBSON'S MOTION FOR BILL OF PARTICULARS OR ELECTION was filed  
6 on 10/25/2019. Oral argument was requested for this motion, but has not yet been provided.  
7 Counsel for Mr. Gibson cannot fully prepare for trial until after a bill of particulars has been  
8 produced or an election made by the State.

9 JOSEPH GIBSON'S MOTION TO COMPEL DISCOVERY was filed on 1/3/2020. Oral  
10 argument was requested on this motion, but has not yet been provided.

11 JOSEPH GIBSON'S MOTION TO SEVER was filed on 1/8/2020. Oral argument was  
12 requested on this motion, but has not yet been provided. In this motion Mr. Gibson seeks to have  
13 his case severed from Mr. Kramer's. Mr. Kramer does not object to the motion to sever.

14 Mr. Kramer objections to the motion to continue, but does not objection to the motion to  
15 continue if Mr. Gibson's motion to sever (currently pending) is granted.

16 JOSEPH GIBSON'S MOTION TO COMPEL THE STATE TO PROVIDE ALL  
17 STATEMENTS OF CO-DEFENDANTS TO THE COURT was also filed on 1/8/2020. Oral  
18 argument was requested on this motion, but has not yet been provided.

19 The State filed a motion to consolidate State v. Schultz (19cr53035) with State v. Gibson  
20 and others on 2/18/20. It is not clear if counsel for Mr. Schultz is available for trial on 3/2/20.

1 CONCLUSION

2 Mr. Gibson's counsel will not be able to fully prepare to provide adequate and competent  
3 representation at trial until after the above motions have been heard and ruled on. Mr. Gibson  
4 respectfully requests that trial in this matter be continued.

5 Respectfully submitted this Tuesday, February 18, 2020.

/s/ D. Angus Lee

D. Angus Lee, WSBA# 36473 **Pro Hoc Vice**  
Angus Lee Law Firm, PLLC  
9105A NE HWY 99 Suite 200  
Vancouver, WA 98665  
Phone: 360.635.6464  
Fax: 888.509.8268  
E-mail: Angus@AngusLeeLaw.com  
Attorney for Defendant Joseph Gibson

/s/James L. Buchal

James L. Buchal, OSB No. 921618  
MURPHY & BUCHAL LLP  
3425 SE Yamhill Street, Suite 100  
Portland, OR 97214  
Tel: 503-227-1011  
Fax: 503-573-1939  
E-mail: jbuchal@mbllp.com  
Attorney for Defendant Joseph Gibson

6 DECLARATION OF COUNSEL

7 I, D. Angus Lee, declare under the penalty of perjury that the following is true and correct  
8 to the best of my knowledge. I am over the age of eighteen, and I am competent to testify to the  
9 matters herein. I have personal knowledge of the matters stated herein, or as indicated, have  
10 information concerning those matters.

- 11 1. The undersigned is counsel of record for the Mr. Gibson in this matter.
- 12 2. It is my understanding that trial is currently set to start on 3/2/2020.
- 13 3. It is my understanding that Mr. Gibson's case is consolidated for trial with State v. Kramer  
14 (19CR50007) and State v. Lewis (CR1953040), and that Mr. Kramer objections to the  
15 motion to continue, but does not objection to the motion to continue if Mr. Gibson's motion  
16 to sever is granted.

1 4. Counsel for Mr. Gibson has attempted to work with counsel for the State of Oregon to have  
2 these motions heard in advance of trial so that final trial preparations can be made after  
3 rulings on the motions.

4 5. Counsel for Mr. Gibson cannot fully prepare for trial until after rulings on these motions  
5 have been made.

6 I hereby declare that the above statement is true to the best of my knowledge and belief,  
7 and that I understand it is made for use as evidence in court and is subject to penalty for perjury.

8 Signed at Vancouver, Washington, on Tuesday, February 18, 2020

9 S// D. Angus Lee

10 D. Angus Lee

**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 Tuesday, February 18, 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		
<a href="mailto:brad.kalbaugh@mcdca.us">brad.kalbaugh@mcdca.us</a>		

Counsel for Ian Kramer	( )	(BY FIRST CLASS US MAIL)
Jason Steen	(X)	(BY E-MAIL)
741 SW Lincoln St	( )	(BY FAX)
Portland, OR 97201	( )	(BY HAND)
<a href="mailto:jason@dickisonsteen.com">jason@dickisonsteen.com</a>		

Counsel for Russell Schultz	( )	(BY FIRST CLASS US MAIL)
Aubrey R. Hoffman	(X)	(BY E-MAIL)
Law Office of Aubrey Hoffman, LLC	( )	(BY FAX)
712 Main St.	( )	(BY HAND)
Oregon City, OR 97045		
<a href="mailto:aubrey@aubreyhoffmanlaw.com">aubrey@aubreyhoffmanlaw.com</a>		

Mackenzie Lewis, <i>pro se</i>	( )	(BY FIRST CLASS US MAIL)
1725 SE 8th Ave.	(X)	(BY E-MAIL)
Camas, WA 98607	( )	(BY FAX)
<a href="mailto:mack.lewis16@yahoo.com">mack.lewis16@yahoo.com</a>	( )	(BY HAND)

/s/ D. Angus Lee