

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

THE STATE OF OREGON,

Plaintiff,

v.

JOSEPH GIBSON, RUSSELL SCHULTZ,
MACKENZIE LEWIS, and IAN KRAMER

Defendant

Case Nos. 19CR53042, 19CR53035,
19CR53040, 19CR50007, and
19CR54815.

ORDER RE: MARCH 6, 2020,
OMNIBUS HEARING

On March 6, 2020, the court heard oral arguments regarding several motions that were filed in the above referenced cases. The court ruled on the motions as follows:

- I. JOSEPH GIBSON'S MOTION FOR A CHANGE IN VENUE (e-filed February 18, 2020, in case no. 19CR53042). Defendants Schultz, Lewis, and Kramer joined Defendant Gibson in the motion. For the reasons stated on the record, the court denied the motion without prejudice.
- II. JOSEPH GIBSON'S DEMURRER (e-filed August 28, 2019, in case no. 19CR53042). Defendants Schultz, Lewis, and Kramer joined Defendant Gibson in the motion. For the reasons stated on the record, the court did not allow the demurrer.
- III. THE STATE OF OREGON'S MOTION FOR A PROTECTIVE ORDER (e-filed March 1, 2020, in each captioned case). The court granted the state's motion for a protective order regarding Heather Clark's medical records. The order is subject to the clarifying language proposed by counsel on the record.

FILED

AUG 26 2020

Circuit Courts
Multnomah County Oregon

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- IV. JOSEPH GIBSON'S MOTION FOR A BILL OF PARTICULARS (e-filed October 25, 2019). Defendants Schultz, Lewis, and Kramer joined Defendant Gibson in the motion. For the reasons stated on the record and subject to the limitations stated on the record, the court grants the motion for a bill of particulars in part and denies it in part.
- V. JOSEPH GIBSON'S ORS 136.060(2) MOTION TO COMPEL THE STATE TO PROVIDE ALL STATEMENTS OF CO-DEFENDANTS TO THE COURT (e-filed January 8, 2020, in case no 19CR53042). For the reasons stated on the record, court reserved ruling on the motion. The State volunteered to prepare an exhibit list in which it would identify the specific video clips it intends to introduce into evidence thereby making it possible to identify specific co-defendant statements at issue well in advance of trial.
- VI. THE STATE OF OREGON'S MOTION TO CONSOLIDATE (e-filed February 18, 2020, in each captioned case). The court grants the state's motion to join 19CR53035 (*State v. Russell Schultz*) with 19CR53042 (*State v. Joseph Gibson*), 19CR53040 (*State v. Mackenzie Lewis*), 19CR50007 (*State v. Ian Kramer*), and 19CR54815 (*State v. Ian Kramer*). For the reasons stated on the record, all of the captioned cases are now consolidated for trial by order of the court.
- VII. IAN KRAMER'S MOTION TO DENY JOINDER, OR, IN THE ALTERNATIVE, MOTION FOR SEPARATE OPENING STATEMENTS/CLOSING ARGUMENTS; MOTION FOR SPECIAL JURY INSTRUCTION (e-filed December 31, 2019, in case no. 19CR50007). For the reasons stated on the record, the court denies Defendant Kramer's motion to sever 19CR50007 (*State v. Ian Kramer*) and 19CR54815 (*State v. Ian Kramer*) from 19CR53042 (*State v. Joseph Gibson*), 19CR53040 (*State v. Mackenzie Lewis*), and 19CR53035 (*State v. Russell Schultz*). Defendant Kramer's

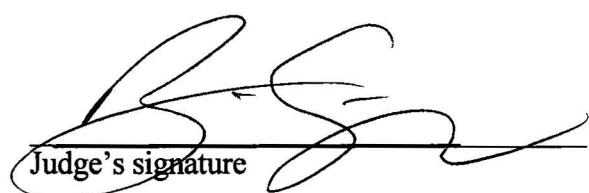
1 motion for separate opening statements / closing arguments and for special jury
2 instruction is premature and should be decided by the trial judge at a later date.

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4 VIII. JOSEPH GIBSON'S MOTION TO SEVER (e-filed January 8, 2020, in case no.
5 19CR53042). Defendant Schultz joined Defendant Gibson in the motion to the extent
6 of seeking a limited severance from the "bridge group" which consisted of Defendants
7 Kramer and Lewis. Defendant Lewis also sought to sever. Defendant Kramer requested
8 that his motion to deny joinder, which the Court considers **to be** a pending motion to
9 sever not be considered at the hearing, so the Court took no action on it. For the
10 reasons stated on the record and without prejudice the court denied Defendant Gibson's
11 motion to sever 19CR53042 (*State v. Joseph Gibson*) from 19CR53040 (*State v.*
12 *Mackenzie Lewis*), 19CR50007 (*State v. Ian Kramer*), and 19CR54815 (*State v. Ian*
13 *Kramer*), but not from 19CR53035 (*State v. Russell Schultz*). The motion may be
14 revisited once the parties have identified the statements at issue as will be evident from
15 the State's exhibit list as referenced in Section V. of this order.

16 IX. JOSEPH GIBSON'S MOTION ON PROPOSED JUROR QUESTIONNAIRE (e-filed
17 February 25, 2020, in case no. 19CR53042). The motion is premature and should be
18 decided by the trial judge at a later date.

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20 X. JOSEPH GIBSON'S OBJECTION TO ANY NONUNANIMOUS JURY VERDICT
21 (e-filed February 25, 2020, in case no. 19CR53042). The objection, though premature,
22 is noted. It is neither sustained nor overruled. Jury instructions should be decided by the
23 trial judge at a later date.

24 Dated this 25th day of August 2020,

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Judge's signature