

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

STATE OF OREGON,

Plaintiff,

v.

JOSEPH OWAN GIBSON,

Defendant.

Consolidated Case No. 19CR53042

**DECLARATION OF RUSSELL  
SCHULTZ IN SUPPORT OF  
DEFENDANTS' MOTION TO DISMISS  
FOR SELECTIVE PROSECUTION**

STATE OF OREGON,

Plaintiff,

v.

RUSSELL SCHULTZ,

Defendant.

Consolidated Case No. 19CR53035

1. I, RUSSELL SCHULTZ, declare under the penalty of perjury that the following is true and correct to the best of my knowledge. I am over the age of eighteen, and I am competent to testify to the matters herein. I have personal knowledge of the matters stated herein, or as indicated, have information concerning those matters.

2. I have often attended rallies with, and supported, Joseph Gibson.

3. I attended a protest with Joey Gibson on May 1, 2019 outside of a Portland bar called "Cider Riot."

4. Mr. Gibson and I damaged no property, threw nothing, and committed no assaults.

5. The protest was during daylight hours and lasted about 25 minutes from start to finish.

6. When the protest was over, we left the area of our own accord.

7. Police did not involve themselves with the protest whatsoever.

8. Police did not declare a “riot” at any point.

9. A few months later, I was charged with a single count of riot by the Multnomah County Prosecutor's Office and arrested by United States Marshals while I was at home in Washington State.

10. I believe timing of the charge and issuance of an arrest warrant was to prevent my participation in an "End Domestic Terrorism" rally and demonstration against Antifa, which had been planned for August 17, 2019, as well as deterring others opposed to Antifa from attending that rally.

11. During my arrest, a law enforcement officer told me that Mayor Ted Wheeler had “pressured” the District Attorney to charge us for the incident outside of Cider Riot.

12. I was booked into the local jail and an extradition process was started.

13. I spent five nights in jail and am currently required to check in weekly with pretrial probation services.

3           15.    I suffered at least one lost employment opportunity as a result of these charges  
4 against me.

5 I hereby declare that the above statement is true to the best of my knowledge and belief,  
6 and that I understand it is made for use as evidence in court and is subject to penalty for perjury.  
7 I declare under penalty of perjury under the laws of the United States of America that the  
8 foregoing is true and correct. 4/21/2021 | 5:49:30 PM PDT

9 Executed on this \_\_\_\_th day of April, 2021.

RR/Chucky

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Russell Schultz



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**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 P.O. Box 86620, Portland, Oregon 97286..

On April 21, 2021, I caused the following document to be served:

DECLARATION OF RUSSELL SCHULTZ IN SUPPORT OF DEFENDANTS' MOTION  
TO DISMISS FOR SELECTIVE PROSECUTION

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	(X)	(E-Service, UTCR 21.100)
E-mail: brad.kalbaugh@mcda.us		

/s/ Carole Caldwell