

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

STATE OF OREGON

Plaintiff,

v.

JOSEPH GIBSON  
RUSSELL SCHULTZ  
MACKENZIE LEWIS

Defendant.

No. 19CR53042  
No. 19CR53035  
No. 19CR53040

STATE'S BRIEF RE:  
JUROR QUESTIONNAIRE  
ARGUMENTS

**I. INTRODUCTION**

Comes now the State of Oregon by and through Deputy District Attorneys Sean Hughey and Brand Kalbaugh, and respectfully submit the following arguments in support of the State's position on disputed juror questionnaire questions

**II. ARGUMENT**

***Disputed Question No. 1 (request for previously used names)***

Position: Object to inclusion of question.

Argument: Undermines anonymity intended by HB 2539 (2021). Intrudes on juror privacy and would encourage parties to make challenges based upon outside research, reducing the Court's ability to ensure that only lawful challenges are accepted.

***Disputed Question No. 3 (request for gender/gender pronoun)***

Position: Object to inclusion of question.

Argument: Sex, sexual orientation cannot be a basis for denial of jury service. ORS 10.030. Only juror numbers may be used to address jurors. HB 2539 (2021).

***Disputed Question No. 14 (request for identification of current employer)***

Position: Object to identification of specific employer. No objection to nature of employment, job description, industry.

Argument: Undermines anonymity intended by HB 2539 (2021). Intrudes on juror privacy and would encourage parties to make challenges based upon outside research, reducing the Court's ability to ensure that only lawful challenges are accepted.

1 ***Disputed Question No. 17 (list of agencies)***

2 Position: Instead of listing agencies, propose open-ended question: "any law enforcement or  
3 related agency."

4 Argument: Brevity/efficiency.

5 ***Disputed Question No. 18/19 (list of politically-oriented organizations)***

6 Position: Instead of listing organizations, propose open-ended question: "any politically-oriented  
7 organization."

8 Argument: Brevity/efficiency.

9 ***Disputed Question No. 31 (describing violent conduct)***

10 Position: Object to inclusion of question.

11 Argument: Improper effort to pre-try ultimate issue in this trial.

12 ***Disputed Question No. 32 (can speech be violent)***

13 Position: Object to inclusion of question.

14 Argument: Improper effort to pre-try ultimate issue in this trial.

15 ***Disputed Question No. 52 (list of websites)***

16 Position: Object to inclusion of question.

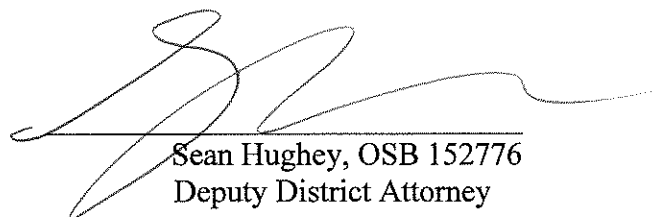
17 Argument: Brevity/efficiency. Question #51 asks a nearly identical open-ended question.

18 ***Disputed Question No. 55 (request for social media usernames)***

19 Position: Object to inclusion of subpart requesting identification of specific juror  
20 usernames/handles.

21 Argument: Undermines anonymity intended by HB 2539 (2021). Intrudes on juror privacy and  
22 would encourage parties to make challenges based upon outside research, reducing the Court's  
23 ability to ensure that only lawful challenges are accepted.

24 Submitted this 15<sup>th</sup> day of June, 2022.

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Sean Hughey, OSB 152776  
Deputy District Attorney

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3 I certify I served a true copy of this BRIEF RE JUROR QUESTIONNAIRE ARGUMENTS on  
4 counsel for Defendants by e-mailing a true copy thereof to:  
5  
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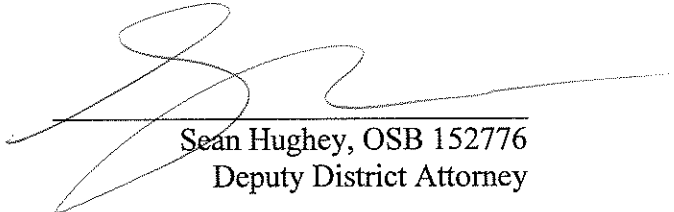
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14 Submitted this 15<sup>th</sup> day of June, 2022.  
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