

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

STATE OF OREGON,

Case No. 19CR53042

Plaintiff,

SUBPOENA DUCES TECUM

v.

JOSEPH OWAN GIBSON

Defendant.

To: CUSTODIAN OF RECORDS, RECORDS DIVISION
1111 SW 2nd Avenue, Room 1126
Portland, OR 97204

YOU ARE HEREBY COMMANDED TO APPEAR before the Circuit Court for the County of Multnomah, 1200 SW 1st Avenue, Portland, OR 97204, on July 15, 2022, at 9:00 a.m. as a witness in a criminal action prosecuted by the State of Oregon against Joseph Gibson on behalf of defendant Gibson.

YOU ARE REQUIRED, ALSO, TO BRING WITH YOU the following:

- (a) All communications between any representative of the Portland Police Bureau and any other public employee or official concerning the initiation of criminal charges against defendant Gibson;
- (b) All communications between any representative of the Portland Police Bureau and any representative of the Multnomah County District Attorney's Office concerning investigation of the events at Cider Riot on May 1, 2019;
- (c) All documents discussing or referencing the political content of defendant Gibson's activities or "Patriot Prayer" activities within the City of Portland; and

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(d) All communications between any representative of the Portland Police Bureau and any other public official concerning the lack of charges against those occupying the premises, including outdoor patio, of the Cider Riot Bar) on May 1, 2019 (generally referred to as Antifa).

For purposes of this subpoena, you may limit the search to documents generated or received between May 1, 2019 and September 30, 2019.

Dated this 10th day of June, 2022.

s/James L. Buchal
James L. Buchal, OSB No. 921618
MURPHY & BUCHAL LLP
P.O. Box 86620
Portland, OR 97286
Tel: 503-227-1011
Fax: 503-573-1939
E-mail: jbuchal@mbllp.com
Attorney for Defendant

Witness Fees: \$10.00
Mileage: \$5.00

Total: \$15.00

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

6 STATE OF OREGON,

7 Plaintiff,

8 v.

9 JOSEPH OWAN GIBSON,

10 Defendant.

Case No. 19CR53042

11 **SUBPOENA DUCES TECUM**

12 To: TED WHEELER, MAYOR AND POLICE COMMISSIONER
13 1221 SW 4th Avenue, Room 340, Portland, OR 97204

14 YOU ARE HEREBY COMMANDED TO APPEAR before the Circuit Court for the County
15 of Multnomah, 1200 SW 1st Avenue, Portland, OR 97204, on July 15, 2022, at 9:00 a.m. as a
16 witness in a criminal action prosecuted by the State of Oregon against Joseph Gibson on behalf of
17 defendant Gibson.

18 YOU ARE TO BRING WITH YOU any and all documents constituting

- 19 (a) Communications between and among (i) you or any representative of your office and (ii)
20 any representative of the Office of the Multnomah County District Attorney and/or
21 Police Police Bureau which relate to defendant Gibson or "Patriot Prayer,"
- 22 (b) Documents referring to any decisions not to charge (or prosecute) those occupying the
23 premises (including outdoor patio) of the Cider Riot bar on May 1, 2019 (generally
24 referred to as Antifa); and
- 25 (c) Any documents generated by you which refer to defendant Gibson or "Patriot Prayer".

26 For purposes of this subpoena, you may limit the search to documents generated or received
27 between May 1, 2019 and September 30, 2019.

28 SUBPOENA DUCES TECUM
Case No 19CR53042

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James L. Buchal, (OSB No. 921618)
MURPHY & BUCHAL LLP
P.O. Box 86620
Portland, OR 97286
Tel: 503-227-1011
Fax: 503-573-1939

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Dated this 8th day of June 2022.

s/James L. Buchal
James L. Buchal, OSB No. 921618
MURPHY & BUCHAL LLP
P.O. Box 86620
Portland, OR 97286
Tel: 503-227-1011
Fax: 503-573-1939
E-mail: jbuchal@mbllp.com
Attorney for Defendant

Witness Fees: \$10.00
Mileage: \$5.00

Total: \$15.00

From: [Carter, Christy](#)
To: [Carter, Christy](#)
Subject: RE: Subpoena Duces Tecum 19CR53042
Date: Tuesday, July 12, 2022 5:28:58 PM

From: Rowan, Laura <Laura.Rowan@portlandoregon.gov>
Sent: Tuesday, June 21, 2022 9:55 AM
To: James Buchal <jbuchal@mbllp.com>
Cc: Porter, Mike <Mike.Porter@portlandoregon.gov>; Carter, Christy <Christy.Carter@portlandoregon.gov>; Wilton, Carrie <Carrie.Wilton@portlandoregon.gov>
Subject: Subpoena Duces Tecum 19CR53042

Mr. Buchal,

The City is in receipt of your subpoena *duces tecum* directed to the Mayor and Police Commissioner. The City has conducted an electronic search for the records sought and is in the process of reviewing the search results. After our review, we can send responsive records to you electronically through a OneDrive link, or by mail, in advance of July 15th.

Please indicate if you prefer receiving the records electronically or physically. Additionally, please confirm that by providing the records in advance of trial, the Mayor will not be required to personally appear on July 15th.

Thank you,

LAURA MAURER ROWAN | Deputy City Attorney (She/Her)
PORTLAND OFFICE OF THE CITY ATTORNEY
1221 SW Fourth Avenue, Room 430
Portland, OR 97204
Voice: 503-823-3120 | Fax: 503-823-3089
laura.rowan@portlandoregon.gov

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Portland City Attorney Confidentiality Notice: This message may contain confidential or legally privileged information belonging to the sender. If you have received this message by mistake, please immediately notify the sender, delete the original message, and destroy all copies.

From: [James Buchal](#)
To: [Rowan, Laura](#)
Cc: [Porter, Mike](#); [Carter, Christy](#); [Wilton, Carrie](#)
Subject: RE: Subpoena Duces Tecum 19CR53042
Date: Wednesday, June 22, 2022 7:30:41 AM

Dear Ms. Rowan,

We would prefer to receive the documents electronically, through the OneDrive link. After review of them, we shall respond to your request that the personal appearance be excused.

Thank you for your cooperation in this matter.

Sincerely,

James L. Buchal
Murphy & Buchal LLP
P.O. Box 86620
Portland, OR 97286

Cell: 503-314-6597
Phone: 503-227-1011
Fax: 503-573-1939

From: Rowan, Laura <Laura.Rowan@portlandoregon.gov>
Sent: Tuesday, June 21, 2022 9:55 AM
To: James Buchal <jbuchal@mbllp.com>
Cc: Porter, Mike <Mike.Porter@portlandoregon.gov>; Carter, Christy <Christy.Carter@portlandoregon.gov>; Wilton, Carrie <Carrie.Wilton@portlandoregon.gov>
Subject: Subpoena Duces Tecum 19CR53042

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Thank you,

LAURA MAURER ROWAN | Deputy City Attorney (She/Her)

PORTLAND OFFICE OF THE CITY ATTORNEY
1221 SW Fourth Avenue, Room 430
Portland, OR 97204
Voice: 503-823-3120 | Fax: 503-823-3089
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From: [James Buchal](#)
To: [Rowan, Laura](#)
Cc: [Porter, Mike](#); [Carter, Christy](#); [Wilton, Carrie](#)
Subject: RE: Subpoena Duces Tecum 19CR53042
Date: Wednesday, June 29, 2022 8:27:43 PM

Dear Ms. Rowan,

At a hearing yesterday in the above case, the Court indicated that the issues associated with certain related subpoenas would not be taken up by the jury, but in a separate hearing before the Court. For this reason, I am now 100% confident that no personal appearance will be required on July 15th, and whether and to what extent a personal appearance will ultimately be required after the jury portion of the proceedings remains uncertain.

We look forward to receiving the records soon.

Sincerely,

James L. Buchal
Murphy & Buchal LLP
P.O. Box 86620
Portland, OR 97286

Cell: 503-314-6597
Phone: 503-227-1011
Fax: 503-573-1939

From: James Buchal
Sent: Wednesday, June 22, 2022 2:44 AM
To: 'Rowan, Laura' <Laura.Rowan@portlandoregon.gov>
Cc: Porter, Mike <Mike.Porter@portlandoregon.gov>; Carter, Christy <Christy.Carter@portlandoregon.gov>; Wilton, Carrie <Carrie.Wilton@portlandoregon.gov>
Subject: RE: Subpoena Duces Tecum 19CR53042

Dear Ms. Rowan,

We would prefer to receive the documents electronically, through the OneDrive link. After review of them, we shall respond to your request that the personal appearance be excused.

Thank you for your cooperation in this matter.

Sincerely,

James L. Buchal
Murphy & Buchal LLP
P.O. Box 86620

Portland, OR 97286

Cell: 503-314-6597

Phone: 503-227-1011

Fax: 503-573-1939

From: Rowan, Laura <Laura.Rowan@portlandoregon.gov>

Sent: Tuesday, June 21, 2022 9:55 AM

To: James Buchal <jbuchal@mbllp.com>

Cc: Porter, Mike <Mike.Porter@portlandoregon.gov>; Carter, Christy <Christy.Carter@portlandoregon.gov>; Wilton, Carrie <Carrie.Wilton@portlandoregon.gov>

Subject: Subpoena Duces Tecum 19CR53042

Mr. Buchal,

The City is in receipt of your subpoena *duces tecum* directed to the Mayor and Police Commissioner. The City has conducted an electronic search for the records sought and is in the process of reviewing the search results. After our review, we can send responsive records to you electronically through a OneDrive link, or by mail, in advance of July 15th.

Please indicate if you prefer receiving the records electronically or physically. Additionally, please confirm that by providing the records in advance of trial, the Mayor will not be required to personally appear on July 15th.

Thank you,

LAURA MAURER ROWAN | Deputy City Attorney (She/Her)

PORTLAND OFFICE OF THE CITY ATTORNEY

1221 SW Fourth Avenue, Room 430

Portland, OR 97204

Voice: 503-823-3120 | Fax: 503-823-3089

laura.rowan@portlandoregon.gov


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please immediately notify the sender, delete the original message, and destroy all copies.

From: [Carter, Christy](#)
To: jbuchal@mbllp.com
Cc: [Rowan, Laura](#); [Porter, Mike](#)
Subject: St. v. Gibson / 19CR53042
Date: Friday, July 8, 2022 3:01:00 PM
Attachments: [image001.png](#)
[Cover Letter.pdf](#)

Good Afternoon Mr. Buchal,

On behalf of Deputy City Attorney Laura Rowan please find the attached cover letter and responsive records here:  [Share with Buchal re Gibson](#). The link is scheduled to expire on July 29, 2022. If you have any questions please contact Laura directly.

Thank you and best regards, Christy

CHRISTY CARTER | LEGAL ASSISTANT (She/Her)
PORTLAND OFFICE OF THE CITY ATTORNEY
1221 SW Fourth Avenue, Room 430
Portland, OR 97204
Voice: 503-823-4060 | Fax: 503-823-3089
christy.carter@portlandoregon.gov
Legal Assistant for Linda Law, Anika Bent-Albert,
Laura Maurer Rowan & Mike Porter

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CITY OF
PORTLAND, OREGON
OFFICE OF THE CITY ATTORNEY

Robert L. Taylor, City Attorney
1221 SW 4th Avenue, Suite 430
Portland, Oregon 97204
Telephone: (503) 823-4047
Fax: (503) 823-3089

July 8, 2022

James L. Buchal
Murphy & Buchal LLP
P. O. Box 86620
Portland, OR 97286-0620

Re: Subpoena Duces Tecum

Dear Mr. Buchal:

Your subpoena *duces tecum* has been directed to my attention. Below is a description of the City of Portland's processing of the subpoena requests.

Subpoena request to the Mayor: (a) Communications between and among (i) you or any representative of your office and (ii) any representative of the Office of the Multnomah County District Attorney and/or Portland Police Bureau which relate to defendant Gibson or "Patriot Prayer," (b) Documents referring to any decisions not to charge (or prosecute) those occupying the premises (including outdoor patio) of the Cider Riot bar on May 1, 2019 (generally referred to as Antifa); and (c) Any documents generated by you which refer to defendant Gibson or "Patriot Prayer." For purposes of this subpoena, you limited the search to documents generated or received between May 1, 2019, and September 30, 2019.

City's search: All email communications from the mayor's office and mcd.a.us email addresses with "Gibson," "Patriot Prayer," "Cider Riot," and "Antifa" as search terms for the date range of May 1, 2019, and September 30, 2019.

Subpoena request to Portland Police Bureau (PPB): (a) All communications between any representative of the PPB and any other public employee or official concerning the initiation of criminal charges against defendant Gibson; (b) All communications between any representative of the PPB and any representative of the Multnomah County District Attorney's Office concerning investigation of the events at Cider Riot on May 1, 2019; (b) All documents discussing or referencing the political content of defendant Gibson's activities or "Patriot Prayer" activities within the City of Portland; and (d) All communications between any representative of the PPB and any other public official concerning the lack of charges against those occupying the premises, including outdoor patio, of the Cider Riot bar on May 1, 2019 (generally referred to as Antifa). For purposes of this subpoena, you limited the search to documents generated or received between May 1, 2019, and September 30, 2019.

James L. Buchal
July 8, 2022
Page 2 of 2

City's search: All email communications from the mayor's office, all council offices and all of PPB with, "May 1, 2019," OR "Criminal charges" and "Gibson," "Cider Riot" or "Antifa," to include emails from mcda.us as search terms for the date range of May 1, 2019, and September 30, 2019.

The City does not have the ability to perform cell phone searches without pointed information, such as, identifying the person(s) and/or cell phone number(s) to perform the search and obtain records. Please provide this information if you would like the City to perform any additional searches.

The City has provided a OneDrive link to the records responsive to your subpoena requests with redactions and the related statutory exemptions. Please reach out to me directly should you have any questions.

Sincerely,

Laura Rowan
Deputy City Attorney

LMR/cc

cc. Mayor Ted Wheeler

FAX COVER SHEET

TO	Laura Rowan
COMPANY	Deputy City Attorney
FAX NUMBER	15038233089
FROM	James Buchal
DATE	2022-07-12 15:24:03 GMT
RE	State v. Gibson, Mult. Cty., Case No. 19CR53042

COVER MESSAGE

Plaseseeattachedcorrespondence.

Murphy & Buchal LLP

P.O. Box 86620
Portland, Oregon 97286

James L. Buchal

telephone: 503-227-1011
fax: 503-573-1939
e-mail: jbuchal@mbllp.com

July 12, 2022

BY FIRST CLASS MAIL AND FACSIMILE TRANSMISSION (503-823-3089)

Laura Rowan
Deputy City Attorney
1221 SW 4th Avenue, Suite 430
Portland, OR 97204
Yakima, WA 98903

Re: *State v. Gibson, subpoenas duces tecum*

Dear Ms. Rowan,

Thank you for your letter of July 8th, and the OneDrive transmission link. There seem to be a couple of loose ends.

Subpoena request to the Mayor: You report that the City does not have the ability to perform cell phone searches without pointed information. We believe it would be appropriate to specify the phones of Mayor Wheeler, Robert King (Security Advisor), Mustafa Washington (Office of Violence Prevention), and Eileen Park (Public Relations). We look forward to receiving responsive information from these cell phones.

Subpoena request to Portland Police Bureau: A large number of pages were withheld with identical notices suggesting that the bases of withholding consisted of ORS 192.345(18) & (23), ORS 192.355(9), and ORS 40.225. We do not believe that the Oregon Public Records Act applies to criminal subpoenas. To the extent that the policy concerns articulated in these statutes might somehow be regarded as relevant two years later (which we doubt), we are not averse to consideration of an appropriate protective order.

As to ORS 40.225, we believe that a privilege log is required with respect to any material withheld pursuant to ORS 40.225 to assist the parties and the Court in assessing the privilege assertions. Please provide a privilege log as soon as possible.

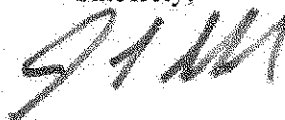
As to this subpoena, a search of the cell phones of Michelle Outlaw and Christopher Traynor, Matt Ferguson, and Jerry Cioeta would be appropriate.

Page 2

July 12, 2022

Thank you for your attention to these matters. Time is of the essence, as trial started yesterday.

Sincerely,

A handwritten signature in dark ink, appearing to read 'JL Buchal', written in a cursive style.

James L. Buchal