

Verified Correct Copy of Original 12/19/2018.

IN THE CIRCUIT COURT OF THE STATE OF OREGON  
FOR MULTNOMAH COUNTY JUDICIAL DIST.

FILED  
DEC 18 PM 2:06

THE STATE OF OREGON,

Plaintiff,

Court No. 18-CV- 18CV57374  
DA 2390489-1

v.

KELLY VANBLOKLAND,

Defendants.

MOTION FOR A COURT ORDER TO  
RELEASE A GRAND JURY TRANSCRIPT  
UNDER ORS 132.270(3)(a)(A)

COMES NOW ROD UNDERHILL, District Attorney for Multnomah County, by and through Senior Deputy District Attorney David M. Hannon and Deputy District Attorney Melissa Marrero, respectfully requests a court order to release a transcript of the grand jury proceedings recorded pursuant to ORS 132.260(1) in the above referenced case.

**INTRODUCTION**

On November 30, 2018, Multnomah County Grand Jury No. 1, Term No. 12 returned a "not true bill" indorsement after reviewing evidence presented regarding the fatal shooting of Samuel Rice by a peace officer on October 10, 2018. The grand jury proceedings were recorded in accordance with ORS 132.260(1). The State now moves the court for an order under ORS 132.270(3)(a)(A) that a transcript of the grand jury proceedings recorded pursuant to ORS 132.260(1) be released. The above listed defendant have received a copy of this motion via E-Mail, and have also been served with it by certified U.S. Mail.

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**LAW AND ARGUMENT**

ORS 132.270(3) provides:

(a) When a grand jury inquires into the conduct of a public servant ... for acts occurring in the performance of the public servant's duties, and an indictment resulting from the grand jury proceedings is indorsed "not a true bill":

(A) The ... prosecuting attorney may file a motion requesting a court order releasing all or a portion of a transcript of the grand jury proceedings. A copy of the motion must be served on the opposing party. In deciding whether to issue such an order, the court shall determine whether the public interest in disclosure outweighs the interest in maintaining the secrecy of the grand jury proceedings. If the court orders disclosure, the court may set reasonable conditions on copying, disseminating or republishing the transcript.

ORS 132.270(4)(a)(C) provides:

(C) The prosecuting attorney, the public servant who is the subject of an indictment indorsed "not a true bill" or the public servant's attorney may file a motion for a protective order within 10 days of receiving a motion described in subsection (3)(a) of this section.

In this case, the grand jury has reviewed acts occurring in the performance of the duties of Portland Police Officer Kelly VanBlokland. The grand jury returned a "not true bill" indorsement after hearing the presentation of evidence in the case.

The attorney for the above listed public servants received a copy of this motion via E-Mail on December 11, 2018. Therefore, under ORS 132.270(4)(a)(C), they have 10 days from December 11, 2018 to file a motion for a protective order concerning the transcript.

This case involved the use of deadly force by the above listed peace officer against Samuel Rice. As such, there is a significant public interest in disclosing the grand jury proceedings recorded pursuant to ORS 132.260(1) that, under the circumstances of this case,

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1 outweighs the interest in maintaining the secrecy of the grand jury proceedings. Should the  
2 Court grant the State's motion, the State intends to publish the transcript to the Multnomah  
3 County District Attorney's Office public website.

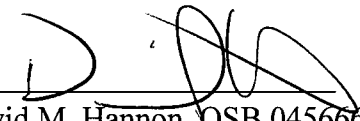
4 **CONCLUSION**


5 For the reasons stated above, the State respectfully requests that the Court order a release  
6 of a transcript of the grand jury proceedings recorded pursuant to ORS 132.260(1) in this case.  
7

8 Dated this 18th day of December, 2018.

9 Respectfully Submitted,

10 ROD UNDERHILL  
11 District Attorney  
12 Multnomah County

13 By   
14 David M. Hannon, OSB 045666  
15 Deputy District Attorney


16 By   
17 Melissa Marrero, OSB 123846  
18 Deputy District Attorney  
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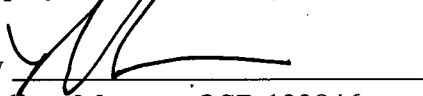
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**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that I have served the within MOTION FOR A COURT ORDER TO RELEASE A GRAND JURY TRANSCRIPT UNDER ORS 132.270(3)(a)(A) on this 18th of December, 2018, by emailing and mailing through certified U.S. mail a certified true copy thereof, certified by me as such, addressed to:

Michael Staropoli  
PO Box 25475  
Portland OR 97298  
  
mwstaropoli@gmail.com

By   
David M. Hannon, OSB 045666  
Deputy District Attorney

By   
Melissa Marrero, OSB 123846  
Deputy District Attorney

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

THE STATE OF OREGON,

Plaintiff,

No. 18-CV-

18CV57374

DA 2390489-1

v.

KELLY VANBLOKLAND,

Defendant.

ORDER

FILED  
18 DEC 18 PM 3:12  
RECEIVED  
CIRCUIT COURT  
MULTNOMAH COUNTY

**ORDER**

This matter having come before the Court on motion of Rod Underhill, District Attorney for Multnomah County, by and through Senior Deputy District Attorney David M. Hannon and Deputy District Attorney Melissa Marrero, the Court finds the following:

Pursuant to ORS 132.270(3), under the circumstances of this case the public interest in disclosure of a transcript of the grand jury proceedings recorded in this case outweighs the interest in maintaining the secrecy of the grand jury proceedings.

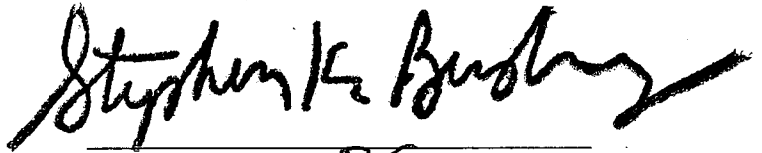
Therefore, pursuant to ORS 132.270(3), in the above entitled matter it is hereby ORDERED that the State shall release a transcript of the grand jury proceedings recorded

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1 pursuant to ORS 132.260(1). Further, pursuant to ORS 132.270(3)(b), the transcript shall not  
2 include any personal identifiers of a victim or a witness, or any personal identifiers of a grand  
3 juror.

DEC 18 2018

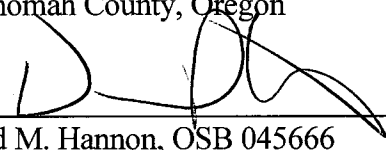
4  
5 Dated this \_\_\_\_\_ day of \_\_\_\_\_ 2018,



6  
7 Judge   
8 Multnomah County Circuit Court  
9

10 Submitted by:

11 ROD UNDERHILL  
12 District Attorney  
13 Multnomah County, Oregon  
14

15 By:   
16 David M. Hannon, OSB 045666  
17 Deputy District Attorney  
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20 By:   
21 Melissa Marrero, OSB 123846  
22 Deputy District Attorney  
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