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

THE STATE OF OREGON,

Plaintiff,

v.

CONSIDER VOSU,

Defendants.

19CV20126

DA 2395300-1

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

FILED
MAY - 3 PM 2:36
4TH JUDICIAL DIST.

COMES NOW ROD UNDERHILL, District Attorney for Multnomah County, by and through Senior Deputy District Attorney David M. Hannon and Deputy District Attorney Nicole Bockelman, 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 February 21, 2019, Multnomah County Grand Jury No. 1, Term No. 2 returned a "not true bill" indorsement after reviewing evidence presented regarding the fatal shooting of Andre Gladen by a peace officer on January 6, 2019. 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.

LAW AND ARGUMENT

ORS 132.270(3) provides:

(a) When a grand jury inquiries 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 Consider Vosu. 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 May 1, 2019. Therefore, under ORS 132.270(4)(a)(C), they have 10 days from May 3, 2019 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 Andre Gladen. 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, outweighs the

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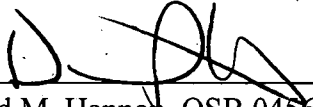
1 interest in maintaining the secrecy of the grand jury proceedings. Should the Court grant the
2 State's motion, the State intends to publish the transcript to the Multnomah County District
3 Attorney's Office public website.

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 3rd day of May, 2019.

9 Respectfully Submitted,
10 ROD UNDERHILL
11 District Attorney
12 Multnomah County

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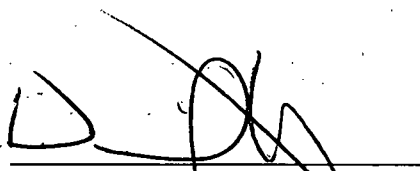
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CERTIFICATE OF SERVICE

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 3rd of May, 2019, 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

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

THE STATE OF OREGON,

No. 19CV20126

Plaintiff,

DA 2395300-1

v.

CONSIDER VOSU,

ORDER

Defendant.

FILED
19 MAY -3 PM 2:36
4TH JUDICIAL DIST.

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6 ORDER

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

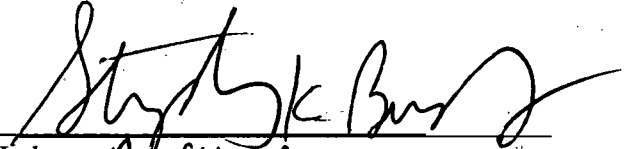
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11 Pursuant to ORS 132.270(3), under the circumstances of this case the public interest in
12 disclosure of a transcript of the grand jury proceedings recorded in this case outweighs the
13 interest in maintaining the secrecy of the grand jury proceedings.

14
15 Therefore, pursuant to ORS 132.270(3), in the above entitled matter it is hereby
16 ORDERED that the State shall release a transcript of the grand jury proceedings recorded
17 pursuant to ORS 132.260(1). Further, pursuant to ORS 132.270(3)(b), the transcript shall not

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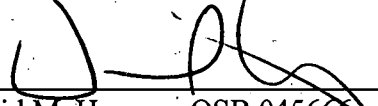
1 include any personal identifiers of a victim or a witness, or any personal identifiers of a grand
2 juror.

3
4 Dated this 3rd day of May 2019,


5
6 Judge Bushong
7 Multnomah County Circuit Court
8

9 Submitted by:

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

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