

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

THE STATE OF OREGON,

Plaintiff,

v.

JEREMY JOSEPH CHRISTIAN

Defendant.

No. 17CR34550

DA 2361727-1

STATE'S SENTENCING MEMORANDUM

Comes now Rod Underhill, Multnomah County District Attorney, by and through First Assistant to the District Attorney Jeffrey Howes and Chief Deputy District Attorney Don Rees, and submits this sentencing memorandum.

**FACTUAL BACKGROUND**

At approximately 11:30pm on May 25, 2017, the defendant began yelling about "Blacks, Jews and Muslims" and stated he was a "Nazi" while riding a MAX light rail commuter train in Portland. One of the passengers, Demetria Hester, became alarmed and attempted to summon help by pounding on the rail operator's door, although there was no response. Hester, who is African American, pepper sprayed the defendant upon exiting the MAX train when defendant stated he "wouldn't rape her (Hester), but he would kill her." The defendant then threw a plastic bottle containing 16 ounces of wine at Hester's head, striking her in the eye causing immediate and painful swelling. Later, the defendant told a police detective he would have "stabbed that bitch (Hester)" if a fare inspector had not been present at the time of the assault.

1 On May 26, 2017, the defendant began shouting various racist and hateful slogans on  
2 another MAX train during the rush hour commute from downtown Portland. Among the passengers  
3 who were frightened and alarmed and threatened were a Muslim teenager Walio Mohamed, and her  
4 friend African American teenager Destinee Magnum. Although several passengers and the train  
5 operator told the defendant to be quiet, he refused and eventually one of the commuters, Taliesin  
6 Namkai-Meche approached the defendant with his cell phone apparently intending to record his  
7 hateful diatribe. The defendant reacted by seizing the phone from Namakai-Meche's hand and then  
8 throwing the cell phone to the floor of the MAX train. In the seconds that followed, the defendant  
9 pulled out a concealed knife and violently stabbed Namkai-Meche, and two other passengers in the  
10 neck. Namkai-Meche and passenger Ricky Best died almost immediately from multiple stab  
11 wounds. The third passenger, Micah Fletcher, survived, but required a surgical procedure to repair  
12 his neck wound and suffered a life threatening injury that resulted in prominent permanent scarring.  
13  
14

15 After the stabbings, the defendant exited the MAX train at the Hollywood Transit Station  
16 and pointed his knife at passenger Shawn Forde while yelling, "who else wants some?" Several  
17 people followed the defendant while calling police and observed the defendant washing blood off  
18 his arm and hand. Following his arrest the defendant repeatedly stated he was glad he stabbed his  
19 victims and hoped they would die.  
20

21 The defendant was convicted on February 21, 2020 upon a unanimous (12-0) jury verdict on  
22 all counts alleged in the indictment: Count 1 - Murder in the First Degree; Count - 2 Murder in the  
23 First Degree; Count 3 - Attempted Murder in the First Degree; Count 4 - Assault in the First  
24 Degree; Count 5 - Intimidation in the Second Degree; Count 6 - Intimidation in the Second Degree;  
25 Count 7 - Unlawful Use of a Weapon; Count 8 - Menacing; Count 9 - Intimidation in the Second  
26  
27

1 Degree; Count 10 - Assault in the Second Degree; Count 11 - Unlawful Use of a Weapon; Count 12  
2 - Menacing.

3 Additionally for each felony count, the same jury unanimously answered in the affirmative  
4 to the following five questions proven beyond a reasonable doubt: 1). Is the probability is high the  
5 defendant cannot be rehabilitated? 2). Were defendant’s crimes precipitated by his unreasonable  
6 racial and religious bias? 3). Did defendant demonstrate no remorse for his acts? 4). Did defendant’s  
7 acts demonstrate his callous disregard for the value of human life? 5). Is defendant likely to commit  
8 future acts of violence?  
9

10 The jury also found defendant was at least 18 years of age at the time he committed the two  
11 murders for which he was convicted.  
12

13  
14 **CRIMINAL HISTORY**

15 The defendant has three prior person felonies as defined under Oregon’s Sentencing  
16 Guidelines, and therefore is an “A” on the criminal history scale.

17 The defendant was convicted on November 4<sup>th</sup>, 2002 for Robbery in the First Degree with a  
18 Firearm and Kidnapping in the First Degree in Multnomah County for handcuffing a store owner at  
19 gunpoint and stealing cash. During his arrest, the defendant was shot in the face by a Portland  
20 Police Officer after the defendant reached for the gun hidden in his waistband.  
21

22 While in custody, the defendant crafted a weapon allegedly to use against a black inmate  
23 who was convicted of raping and murdering a white woman. The defendant was convicted of  
24 Unlawful Use of a Weapon on November 4, 2002.

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1 Following his release from prison, according to his post prison supervisor, the defendant  
2 refused to sign firearms prohibition paperwork. Subsequently he was charged and convicted in U.S.  
3 District Court with Felon in Possession of a Firearm on October 11, 2011.  
4

5  
6 **SENTENCING RECOMMENDATION**

7 During the jury findings phase of this case the State produced evidence that the defendant  
8 believes his crimes are justified based on his concepts of “free speech,” has exhibited a lack of  
9 remorse for his crimes, mocked some of his victims and expressed an interest in apparently  
10 gaining notoriety by writing a song about the stabbings called “Max Attack.”

11 Dr. Alan Newman, MD a forensic psychiatrist who examined the defendant testified he  
12 suffers from Anti-Social Personality Disorder. The defendant has consistently shown concern  
13 only for himself following the stabbing attack and expresses extreme indifference to the death,  
14 pain and suffering of others. Therefore, the defendant should be removed from open society for  
15 a period of time calculated to reduce the risk of further harm to others and which reflects in terms  
16 of punishment, the gravity of these crimes. Meaning, in this case, the defendant should be  
17 sentenced to a term which prevents his release from the custody of the Oregon Department of  
18 Corrections for the remainder of his life.  
19

20 Consecutive time is appropriate and justified because the evidence at trial proves the  
21 defendant was willing “to commit more than one criminal offense” under ORS 137.123(5)(a).  
22 Furthermore, where more than one count involves the same victim the evidence shows the  
23 defendant’s crimes caused separate and different harms to the victim under ORS 137.123(5)(b).  
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## SENTENCING STRUCTURE

### **Count One – Murder in the First Degree**

Pursuant to arguments made previously by the State regarding application of Senate Bill 1013 this court should make findings and impose a sentence of life imprisonment without the possibility of release or parole for the intentional killing of Taliesin Namka-Meche, who was killed during the same criminal episode as Ricky Best. This sentence shall not be suspended, deferred or commuted by any judicial officer, and the State Board of Parole and Post-Prison Supervision may not parole the prisoner nor reduce the period of confinement in any manner whatsoever. The Department of Corrections or any executive official may not permit the prisoner to participate in any sort of release or furlough program pursuant to ORS 163.1051(b).

The SGL grid is 11-A.

### **Count Two – Murder in the First Degree**

The recommendation for count two is identical to the recommendation for count one: a life sentence without the possibility of parole for the intentional killing of Ricky Best, who was killed during the same criminal episode as Taliesin Namka-Meche. The state recommends the term imposed be served consecutive to the term imposed in count one. The SGL grid is 11-A. The shift to I rule does not apply as count two involves a different victim than count one. *State v. Gasche*, 275 Or App 655 (2015), citing OAR 213-012-0020(5).

### **Count Three – Attempted Murder in the First Degree**

The recommendation is 260 months prison. The sentencing guidelines grid is 10-A (121-130 months). The court may impose an upward departure sentence upon a finding of substantial and compelling reasons based on the enhancement factors found by the jury. The first 120 months of this sentence is subject to the terms of ORS 137.700. There is a post-prison supervision term of

1 three years. The victim in this count is Micah Fletcher. Because count three involves a different  
2 victim than counts one and two, the state recommends the term imposed be served consecutively.

3 **Count Four – Assault in the First Degree**

4 This crime is subject to the terms of ORS 137.700 and carries a mandatory minimum  
5 sentence of 90 months prison and 3 years post prison supervision. The sentencing guidelines  
6 grid is 9-A. The shift to I rule does not apply because the state recommends the term imposed  
7 be served concurrently to the term imposed in count three as the victim, Micah Fletcher, is the  
8 same in both counts and the harm suffered by Mr. Fletcher is also the same.  
9

10 **Count Five – Intimidation in the Second Degree**

11 This crime is a class A misdemeanor. The victim in this count is Walio Mohamed. The  
12 state recommends the maximum sentence of 364 days pursuant to ORS 161.615 to be served  
13 consecutively to all other counts.  
14

15 **Count Six – Intimidation in the Second Degree**

16 The victim in this count is Destinee Mangum. The state recommends the maximum  
17 sentence of 364 days pursuant to ORS 161.615 to be served consecutively to all other counts.  
18

19 **Count Seven – Unlawful Use of a Weapon**

20 The victim in this count is Shawn Forde. The state recommends an upward departure  
21 sentence of 60 months. The sentencing guidelines grid for this crime is 6-A (25-30). There is no  
22 post-prison supervision term as 60 months is maximum term for this crime, which is classified as  
23 a class C felony. The court may impose an upward departure sentence upon a finding of substantial  
24 and compelling reasons based on the enhancement factors found by the jury. The state recommends  
25 this sentence be served consecutively to all other counts.  
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**Count Eight – Menacing**

The crime is a class A misdemeanor. The state recommends the maximum sentence of 364 days pursuant to ORS 161.615 to be served concurrently to count seven as Shawn Forde is the victim in both counts.

**Count Nine – Intimidation in the Second Degree**

This crime is a class A misdemeanor. The victim in this count is Demetria Hester. The state recommends the maximum sentence of 364 days pursuant to ORS 161.615 to be served consecutively to all other counts.

**Count Ten – Assault in the Second Degree**

The recommendation for this count is 144 months prison with no sentencing reduction credits. The sentencing guidelines grid is 9-A (66-72 months). The shift to I rule does not apply because the victim in this count, Demetria Hester, is a different victim than those named in the above referenced counts. The court may impose an upward departure sentence upon a finding of substantial and compelling reasons based on the enhancement factors found by the jury. The first 70 months of this sentence is subject to the terms of ORS 137.700. There is a post-prison supervision term of three years. The state recommends the term imposed be served consecutive to the term imposed in all other counts.

**Count Eleven – Unlawful Use of a Weapon**

The victim in this count is Demetria Hester, the same victim named in count nine. The sentencing guidelines grid for this crime is 6-A (25-30). There is a two year period of post-prison supervision. The state recommends an upward departure sentence of 60 months to be served concurrently with all other counts.

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**Count Twelve – Menacing**

Demetria Hester is the victim in this count. The crime is a class A misdemeanor. The state recommends the maximum sentence of 364 days pursuant to ORS 161.615 to be served concurrently to all other counts.


**RESTITUTION**

The Oregon Department of Justice Crime Victim and Survivor Services Division (CVSD) has submitted a restitution request, pursuant to ORS 137.103 and 137.106, for benefits paid by the Criminal Injuries Compensation Account on behalf of victims in this case. Specifically, the CVSD is requesting \$5,000.00 for amounts paid on behalf of Ricky Best, \$4,604.71 for amounts paid on behalf of Micah Fletcher, and \$2,439.26 for amounts paid on behalf of Demetria Hester. The Crime Victim and Survivor Services Division’s total restitution request is \$12,043.97. The State asks the court to enter a judgment requiring the defendant to pay the total restitution amount.

Dated this 19th day of June, 2020.

Respectfully Submitted,

ROD UNDERHILL  
District Attorney  
Multnomah County

By   
Jeffrey A. Howes, OSB 953047  
First Assistant to the District Attorney

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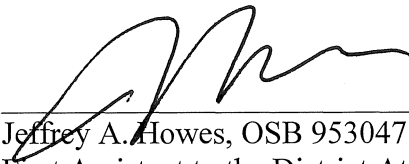


**CERTIFICATE OF SERVICE**

I certify that I served a true copy of the State’s Sentencing Memorandum on the Defendant by causing a true copy to be electronically served via email on this date to the following:

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\_\_\_\_\_  
Jeffrey A. Howes, OSB 953047  
First Assistant to the District Attorney

6-19-2020  
\_\_\_\_\_  
Date