

In the Circuit Court of the State of Oregon
For Multnomah County

20CR50067

Verified Correct Copy of Original 9/11/2020

STATE OF OREGON

Court Nbr
Crime Report PP 20-252901

DA 2426200-1

Plaintiff,

v.

ALAN JAMES SWINNEY
DOB: 05/18/1970

BALLOT MEASURE 11
SECRET INDICTMENT

Indictment for Violation of

- ORS 163.160 (1,12)
- ORS 163.212 (2,11)
- ORS 163.175 (3,5,6)
- ORS 166.220 (4,7,8)
- ORS 163.190 (9)
- ORS 166.190 (10)

FILED

SEP 11 2020

Circuit Courts
Multnomah County, Oregon

Defendant(s).

The above-named defendant(s) are accused by the Grand Jury of Multnomah County, State of Oregon, by this indictment of crime(s) of COUNT 1 - ATTEMPTED ASSAULT IN THE FOURTH DEGREE, COUNT 2,11 - UNLAWFUL USE OF MACE IN THE SECOND DEGREE, COUNT 3 - ATTEMPTED ASSAULT IN THE SECOND DEGREE, COUNT 4,7 - UNLAWFUL USE OF A WEAPON, COUNT 5,6 - ASSAULT IN THE SECOND DEGREE, COUNT 8 - UNLAWFUL USE OF A WEAPON WITH A FIREARM, COUNT 9 - MENACING, COUNT 10 - POINTING FIREARM AT ANOTHER, COUNT 12 - ASSAULT IN THE FOURTH DEGREE, committed as follows:

COUNT 1

ATTEMPTED ASSAULT IN THE FOURTH DEGREE

The said Defendant, ALAN JAMES SWINNEY, on or about August 15, 2020, in the County of Multnomah, State of Oregon, did unlawfully and intentionally attempt to cause physical injury to another person, contrary to the statutes in such cases made and provided and against the peace and dignity of the State of Oregon,

This count is a part of the same act or transaction as the conduct alleged in counts 2-5 of this charging instrument. This count is of the same and similar character as the conduct alleged in the other counts of this charging instrument.

COUNT 2

UNLAWFUL USE OF MACE IN THE SECOND DEGREE

The said Defendant, ALAN JAMES SWINNEY, on or about August 15, 2020, in the County of Multnomah, State of Oregon, did unlawfully and recklessly discharge mace or similar deleterious agent against another person, contrary to the statutes in such cases made and provided and against the peace and dignity of the State of Oregon

This count is a part of the same act or transaction as the conduct alleged in counts 1 and 3-5 of this charging instrument. This count is of the same and similar character as the conduct alleged in the other counts of this charging instrument.

COUNT 3

ATTEMPTED ASSAULT IN THE SECOND DEGREE

The said Defendant, ALAN JAMES SWINNEY, on or about August 15, 2020, in the County of Multnomah, State of Oregon, did unlawfully and intentionally attempt to cause physical injury to another person, by means of a dangerous weapon, to-wit: paintball gun, contrary to the statutes in such cases made and provided and against the peace and dignity of the State of Oregon,

This count is a part of the same act or transaction as the conduct alleged in counts 1-2 and 4-5 of this charging instrument. This count is of the same and similar character as the conduct alleged in the other count(s) of this charging instrument.

COUNT 4

UNLAWFUL USE OF A WEAPON

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The said Defendant, **ALAN JAMES SWINNEY**, on or about August 15, 2020, in the County of Multnomah, State of Oregon, did unlawfully and intentionally attempt to use, carry with intent to use and possess with intent to use unlawfully against another person, a paintball gun, a dangerous weapon, contrary to the statutes in such cases made and provided and against the peace and dignity of the State of Oregon,

This count is a part of the same act or transaction as the conduct alleged in counts 1-3, and 5 of this charging instrument. This count is of the same and similar character as the conduct alleged in the other counts of this charging instrument.

COUNT 5

ASSAULT IN THE SECOND DEGREE

The said Defendant, **ALAN JAMES SWINNEY**, on or about August 15, 2020, in the County of Multnomah, State of Oregon, did unlawfully and intentionally and knowingly cause physical injury to **JASON BRITTON**, by means of a dangerous weapon, to-wit: paintball gun, contrary to the statutes in such cases made and provided and against the peace and dignity of the State of Oregon.

This count is a part of the same act or transaction as the conduct alleged in counts 1-4 of this charging instrument. This count is of the same and similar character as the conduct alleged in the other counts of this charging instrument.

COUNT 6

ASSAULT IN THE SECOND DEGREE

The said Defendant, **ALAN JAMES SWINNEY**, on or about August 22, 2020, in the County of Multnomah, State of Oregon, did unlawfully and intentionally and knowingly cause physical injury to **MEGAN STEWARD**, by means of a dangerous weapon, to-wit: paintball gun, contrary to the statutes in such cases made and provided and against the peace and dignity of the State of Oregon.

This count is a part of the same act or transaction as the conduct alleged in counts 7-12 of this charging instrument. This count is of the same and similar character as the conduct alleged in the other counts of this charging instrument.

COUNT 7

UNLAWFUL USE OF A WEAPON

The said Defendant, **ALAN JAMES SWINNEY**, on or about August 22, 2020, in the County of Multnomah, State of Oregon, did unlawfully and intentionally attempt to use, carry with intent to use and possess with intent to use unlawfully against another person, a paintball gun, a dangerous weapon, contrary to the statutes in such cases made and provided and against the peace and dignity of the State of Oregon,

This count is a part of the same act or transaction as the conduct alleged in counts 6 and 8-12 of this charging instrument. This count is of the same and similar character as the conduct alleged in the other counts of this charging instrument.

COUNT 8

UNLAWFUL USE OF A WEAPON WITH A FIREARM

The said Defendant, **ALAN JAMES SWINNEY**, on or about August 22, 2020, in the County of Multnomah, State of Oregon, did unlawfully attempt to use, carry with intent to use and possess with intent to use unlawfully against another person, a revolver, a dangerous and deadly weapon, contrary to the statutes in such cases made and provided and against the peace and dignity of the State of Oregon,

The state further alleges that during the commission of this felony, the defendant used and threatened the use of a firearm revolver.

This count is a part of the same act or transaction as the conduct alleged in counts 6, 7, and 9-12 of this charging instrument. This count is of the same and similar character as the conduct alleged in the other counts of this charging instrument.

COUNT 9

MENACING

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The said Defendant, ALAN JAMES SWINNEY, on or about August 22, 2020, in the County of Multnomah, State of Oregon, did unlawfully and intentionally attempt to place another person in fear of imminent serious physical injury, contrary to the statutes in such cases made and provided and against the peace and dignity of the State of Oregon,

This count is a part of the same act or transaction as the conduct alleged in counts 6-8 and 10-12 of this charging instrument. This count is of the same and similar character as the conduct alleged in the other counts of this charging instrument.

**COUNT 10
POINTING FIREARM AT ANOTHER**

The said Defendant, ALAN JAMES SWINNEY, on or about August 22, 2020, in the County of Multnomah, State of Oregon, being a person over the age of 12 years, did unlawfully and purposely point a pistol revolver at and toward another person, who was within range of said firearm, contrary to the statutes in such cases made and provided and against the peace and dignity of the State of Oregon,

This count is a part of the same act or transaction as the conduct alleged in counts 6-9, 11, and 12 of this charging instrument. This count is of the same and similar character as the conduct alleged in the other counts of this charging instrument.

**COUNT 11
UNLAWFUL USE OF MACE IN THE SECOND DEGREE**

The said Defendant, ALAN JAMES SWINNEY, on or about August 22, 2020, in the County of Multnomah, State of Oregon, did unlawfully and recklessly discharge mace, pepper mace or similar deleterious agent against MEGAN STEWARD, contrary to the statutes in such cases made and provided and against the peace and dignity of the State of Oregon

This count is a part of the same act or transaction as the conduct alleged in 6-10 and 12 of this charging instrument. This count is of the same and similar character as the conduct alleged in the other counts of this charging instrument.

**COUNT 12
ASSAULT IN THE FOURTH DEGREE**

The said Defendant, ALAN JAMES SWINNEY, on or about August 22, 2020, in the County of Multnomah, State of Oregon, did unlawfully and intentionally, knowingly and recklessly cause physical injury to MEGAN STEWARD, contrary to the statutes in such cases made and provided and against the peace and dignity of the State of Oregon,

This count is a part of the same act or transaction as the conduct alleged in counts 6-11 of this charging instrument. This count is of the same and similar character as the conduct alleged in the other counts of this charging instrument.

Dated at Portland, Oregon, in the county aforesaid, on SEPTEMBER 11, 2020.

Witnesses

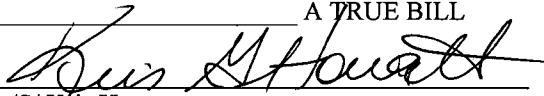
Examined Before the Grand Jury
in person (unless noted)

- Katrina Ensley
- Michael Jones
- Brittany Correll
- Jason Britton (By Simultaneous
Television Transmission)
- Megan Steward (By Simultaneous
Television Transmission)

Grand Jury Proceedings on:

- September 03, 2020
- September 08, 2020

A TRUE BILL



/S/ Kris Howatt
Foreperson of the Grand Jury

MIKE SCHMIDT (084679)
District Attorney
Multnomah County, Oregon

By  Deputy

Security Amount (Def - SWINNEY) \$1,500 + \$2,500 + \$5,000 + \$5,000 + \$250,000 + \$250,000 + \$5,000 + \$5,000 + \$2,500 + \$2,500 + \$2,500 + \$2,500

AFFIRMATIVE DECLARATION

The District Attorney hereby affirmatively declares for the record, as required by ORS 161.566, upon the date scheduled for the first appearance of the defendant, and before the court asks under ORS 135.020 how the defendant pleads to the charge(s), the State's intention that any misdemeanor charged herein proceed as a misdemeanor. NATHAN T. VASQUEZ OSB 014437 //jf

Pursuant to 2005 Or Laws ch. 463 sections 1 to 7, 20(1) and 21 to 23, the State hereby provides written notice of the State's intention to rely at sentencing on enhancement facts for any statutory ground for the imposition of consecutive sentences codified under ORS 137.123 on these counts or to any other sentence which has been previously imposed or is simultaneously imposed upon this defendant.