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**ORDER OF THE SUPREME COURT
OF THE STATE OF OREGON
DENYING PETITION FOR REVIEW
(AUGUST 27, 2020)**

IN THE SUPREME COURT OF
THE STATE OF OREGON

STATE OF OREGON,

*Plaintiff-Respondent,
Respondent on Review,*

v.

MICHAEL AARON STRICKLAND, A/K/A
MICHAEL STRICKLAND,

*Defendant-Appellant,
Petitioner on Review.*

No. S067795

Court of Appeals A165019

Before: Martha L. WALTERS, Chief Justice,
Supreme Court.

Upon consideration by the court.

The court has considered the petition for review
and orders that it be denied.

App.2a

/s/ Martha L. Walters
Chief Justice, Supreme Court

cc: Susan G Howe
Mark J Geiger

tnb

OPINION OF THE COURT OF APPEALS
OF THE STATE OF OREGON
(APRIL 1, 2020)

IN THE COURT OF APPEALS OF THE
STATE OF OREGON

STATE OF OREGON,

Plaintiff-Respondent,

v.

MICHAEL AARON STRICKLAND, A/K/A
MICHAEL STRICKLAND,

Defendant-Appellant.

A165019

Multnomah County Circuit Court 16CR41718

Before: ARMSTRONG, Presiding Judge, and
TOOKEY, Judge, and SHORR, Judge.

ARMSTRONG, P. J.

Defendant appeals a judgment of conviction, after a bench trial, for ten counts each of menacing and unlawful use of a weapon, and one count of disorderly conduct. The charges arose out of an incident at a demonstration in downtown Portland at which defendant brandished a handgun at a crowd when he felt threatened. Defendant raises six assignments of error. We write to address only defendant's contention that

the trial court erred in granting the state's motion *in limine* to exclude as irrelevant evidence of a prior incident, in which defendant was injured by a person whom he had surreptitiously filmed. Defendant contends that the evidence was relevant to show his state of mind in support of his contention that he brandished the handgun in self-defense. We review the trial court's ruling excluding the disputed evidence for legal error, *State v. Titus*, 328 Or 475, 481, 982 P2d 1133 (1999) (“[W]e must review determinations of relevance for errors of law.”), conclude that the trial court correctly excluded the evidence, and therefore affirm.

The facts are undisputed. Defendant attended a public demonstration in Portland with a video camera and filmed speakers and demonstrators. He openly carried a semi-automatic handgun in a hip holster. The state presented evidence that defendant was known to several of the demonstrators, and they decided to confront him and tell him to leave the demonstration. Four demonstrators wearing bandanas over their faces approached defendant aggressively, calling him a racist and telling him in strong language to get away. As defendant backed away, the demonstrators continued to move toward him. One of the demonstrators noticed defendant's handgun and pushed defendant away. Defendant responded that he was not a racist and told the person, “Take your hands off me.”

Defendant continued to move backwards, holding his camera in one hand and twice placing his other hand on the handgun, which was holstered at his hip, causing people in the crowd to cry out. A person carrying a large news camera stepped between defendant and the four bandanaed demonstrators, creating

some distance between them as defendant continued to back away. In the conduct that gave rise to the instant charges, defendant took the handgun from its holster, held it with two hands, and scanned the crowd with it from left to right. After placing the handgun back in its holster, defendant continued to engage with and speak to those in the crowd. Defendant ultimately walked away from the demonstration and was arrested. Based on his wielding of the handgun, defendant was charged with 10 counts of menacing and unlawful use of a weapon and one count of disorderly conduct.

Before trial, the prosecution anticipated that defendant would seek to introduce evidence—in support of a defense of self-defense—that he had been involved in an altercation the year before in which his arm had been broken after he had surreptitiously filmed a person at a restaurant. The person involved in that altercation had no connection to the demonstration or to the conduct charged in this case. The state asserted that evidence of the earlier event was irrelevant to the charged offenses and filed a motion *in limine* to exclude it. The trial court agreed and granted the state's motion.

On appeal, defendant asserts that the evidence of the prior incident was relevant to show that he acted in self-defense in brandishing the handgun. ORS 161.209 provides that a person is justified in using physical force against another person for self-defense

“from what the person reasonably believes to be the use or imminent use of unlawful physical force, and the person may use a degree of force which the person reasonably believes to be necessary for the purpose.”

Defendant contends that the evidence of the prior incident would show “what force defendant reasonably believed was necessary to defend himself in the moment,” and would have helped the trier of fact understand why defendant feared for his safety and felt the need to protect himself by brandishing a handgun.

Defendant correctly notes that the threshold for relevance of evidence is low. *See* OEC 401 (relevant evidence is evidence “having any tendency to make the existence of any fact that is of consequence to the determination of the action more probable or less probable than it would be without it”). Evidence is admissible if it “can support a reasonable inference that is material to the case.” *State v. Turnidge (S059156)*, 359 Or 507, 512-13, 373 P3d 138 (2016). Here, we conclude that the disputed evidence does not meet that low threshold.

The legal standard for assessing the reasonableness of a person’s belief about the need for force or the extent of force necessary turns on an objective evaluation of the circumstances in which physical force has been used or threatened, and not on the personal perceptions of the individual defendant. *State v. Bassett*, 234 Or App 259, 228 P3d 590, *rev den*, 348 Or 461 (2010) (“A defendant’s subjective ‘honest belief’ that a perceived threat is great or imminent is not enough to justify” the use of self-defense.). *See also State v. Oneill*, 256 Or App 537, 545-46, 303 P3d 944, *rev den*, 354 Or 342 (2013) (in assessing a defendant’s reasonable belief in a choice-of-evils defense, “reasonableness” is an objective standard that is measured from the perspective of “a person of ordinary intelligence and understanding” and does not take into

account “the unique history or mental characteristics of any particular defendant”). That objective standard requires that we assess how a reasonable person would have assessed the circumstances in which defendant found himself at the time that he brandished the weapon. Defendant’s evidence of his past experience was offered to show how he, personally, might have perceived the events and why he, personally, felt fearful, but it was not relevant to the defense of self-defense.

We recently addressed the issue of the standard for proof for self-defense in *State v. Hollingsworth*, 290 Or App 121, 415 P3d 83 (2018). There, believing that an intruder was in his apartment, the defendant fired a gun, and the bullet passed through the wall into a neighbor’s apartment where a family slept. The defendant, who was charged with unlawful use of a weapon and reckless endangerment, asserted that he had acted in self-defense. Over the defendant’s objection, the state introduced evidence of the defendant’s past calls to 9-1-1 dispatchers and past interactions with police to refute the defendant’s claim that he had acted in self-defense. On appeal, we concluded that the trial court had erred in admitting the evidence for that purpose, because, although the evidence of the defendant’s 9-1-1 calls and interactions with police might have explained what the defendant, personally, believed at the time that he fired the gun, it was not relevant or “probative one way or another of the circumstances that defendant confronted that night and, thus, did not bear on whether a reasonable person, in the same circumstances, would perceive the force used by defendant to be necessary.” *Id.* at 129; *cf. State v. Jones*, 296 Or App

553, 576, 439 P3d 485, *rev den*, 365 Or 557 (2019) (“[T]he ‘reasonableness’ question when it comes to a self-defense claim is whether the circumstances as known to the defendant would lead a reasonable person *who experiences* those same circumstances to perceive the use of force to be necessary.” (Emphasis in original.)).

Here, as in *Hollingsworth*, defendant’s past experience was not probative of the claim of self-defense that defendant asserted. The person with whom defendant had been involved in the earlier altercation was not one of the demonstrators who aggressively approached defendant. *See State v. Scott*, 265 Or App 542, 335 P3d 1283 (2014) (evidence that the defendant had previously been assaulted by the complainant was relevant to the defendant’s claim that he acted in self-defense). The prior confrontation had taken place outside of a restaurant after defendant had filmed a person surreptitiously, not at a public gathering where defendant filmed in the open. The only commonality between the two circumstances was that defendant had been filming. Although defendant’s past experience might have caused him to fear for his safety, as in *Hollingsworth*, it did not make more or less probable “the existence of any fact that is of consequence to the determination” of the claim of self-defense—*viz.*, whether a reasonable person in defendant’s circumstance at the time that he brandished the weapon would have believed that he was at risk of imminent use of unlawful physical force and whether brandishing the weapon was the degree of force reasonably necessary for defendant’s self-defense. The trial court therefore did not err in excluding the evidence as irrelevant.

Affirmed.

JUDGEMENT AND SENTENCING,
CIRCUIT COURT OF THE STATE OF OREGON
FOR THE COUNTY OF MULTNOMAH
(JULY 8, 2016)

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

STATE OF OREGON,

Plaintiff,

v.

MICHAEL AARON STRICKLAND,

Defendant.

No. 16CR41718

Case File Date: 07/08/2016

District Attorney File #: 2343964-1C

DEFENDANT

True Name: Michael Aaron Strickland

Date of Birth: ■■■■■■■■

Sex: Male

State Identification No (SID): 18972761OR

Fingerprint Control No (FPN): JMUL116837817

Alias(es): Michael Strickland

HEARING

Proceeding Date: 05/03/2017

Court Reporter: Recording, FTR

Defendant appeared in person and was not in custody. The defendant was represented by Attorney(s) JASON GLENN SHORT, OSB Number 003860, Attorney(s) Christopher M Trotter, OSB Number 135071. Plaintiff appeared by and through Attorney(s) Kate Molina, OSB Number 123989, Attorney(s) TODD T JACKSON, OSB Number 114240.

COUNT(S)

It is adjudged that the defendant has been convicted on the following count(s):

COUNT 1:

UNLAWFUL USE OF A WEAPON-FIREARM

Count number 1, Unlawful Use of a Weapon-Firearm, 166.220, Felony Class C, committed on or about 07/07/2016. Conviction is based upon a Court Verdict of Guilty on 02/10/2017.

Sentencing Guidelines

The Crime Severity Classification (CSC) on Count Number 1 is 6 and the Criminal History Classification (CHC) is I.

This sentence is pursuant to the following special factors:

- Gun minimum is suspended under ORS 161.610 (5)(b) as stated on the record.

The court finds substantial and compelling reason for a Downward Dispositional Departure, as stated on the record. This departure is pursuant to the following aggravating or mitigating factor(s):

Probation

Defendant is sentenced to Supervised Probation for a period of 3 year(s) and shall be subject to the following conditions of Probation:

Defendant is subject to all general conditions of probation (ORS 137.540).

Furthermore, Defendant is subject to the following Special Conditions of Probation (ORS 137.540(2)): Defendant shall:

- Be assigned to Judge Thomas Ryan for judicial supervision of probation.
- Confiscate/destroy weapon and ammunition.
- Not possess weapons, firearms or ammunition.
- No personal contact with the victims, Benjamin Kerensa or Malcolm Chaddock.
- Defendant cannot film/video record any person before January 1, 2018. After January 1, 2018, defendant may film/video record people only with prior permission of the P.O.
- All classes/counseling as directed by P.O.
- Defendant should be closely supervised, at least initially. Defendant should NOT be supervised by reduced supervision team.

Statutory Provisions

Defendant is ordered to submit blood or buccal sample and thumbprint pursuant to ORS 137.076.

Monetary Terms

Defendant shall be required to pay the following amounts on this count:

Fees and Assessments: Payable to the Court

| Type | Amount | Actual Owed |
|--------------|----------|-------------|
| Fine-Felony | \$200.00 | \$200.00 |
| Total | \$200.00 | \$200.00 |

**COUNT 2:
MENACING**

Count number 2, Menacing, 163.190, Misdemeanor Class A, committed on or about 07/07/2016. Conviction is based upon a Court Verdict of Guilty on 02/10/2017.

Suspended Imposition of Sentence

Imposition of sentence is suspended.

Probation

Defendant is placed on Supervised Probation for a period of 3 year(s) and shall be subject to the following conditions of Probation:

Defendant is subject to all general conditions of probation (ORS 137.540).

Furthermore, Defendant is subject to the following Special Conditions of Probation (ORS 137.540(2)): Defendant shall:

- Be assigned to Judge Thomas Ryan for judicial supervision of probation.
- Perform 240 hours of community service by June 1, 2018.
- Conditions concurrent with Count 1.

Jail as a Condition of Probation

Defendant is confined to jail for 40 day(s). Defendant is to report to TSI-MCSO by 05/03/2017. Defendant may receive credit for time served. TSI jail sentence to begin after 8/1/17. Weekends are OK.

The Defendant may be considered by the supervisory authority for any form of alternative sanction authorized by ORS 423.478, and the defendant shall pay any required per diem fees.

Monetary Terms

Defendant shall be required to pay the following amounts on this count:

Fees and Assessments: Payable to the Court.

| Type | Amount | Actual Owed |
|------------------|----------|-------------|
| Fine-Misdemeanor | \$100.00 | \$100.00 |
| Total | \$100.00 | \$100.00 |

**COUNT 3:
UNLAWFUL USE OF A WEAPON-FIREARM**

Count number 3, Unlawful Use of a Weapon-Firearm, 166.220, Felony Class C, committed on or about 07/07/2016. Conviction is based upon a Court Verdict of Guilty on 02/10/2017.

Sentencing Guidelines

The Crime Severity Classification (CSC) on Count Number 3 is 6 and the Criminal History Classification (CHC) is I.

This sentence is pursuant to the following special factors:

- This is a Presumptive Sentence

Probation

Defendant is sentenced to Supervised Probation for a period of 3 year(s) and shall be subject to the following conditions of Probation:

Defendant is subject to all general conditions of probation (ORS 137.540).

Furthermore, Defendant is subject to the following Special Conditions of Probation (ORS 137.540(2)):

Defendant shall:

- Be assigned to Judge Thomas Ryan for judicial supervision of probation.
- Conditions concurrent with Count 1.

Statutory Provisions

Defendant is ordered to submit blood or buccal sample and thumbprint pursuant to ORS 137.076.

Monetary Terms

Defendant shall be required to pay the following amounts on this count:

Fees and Assessments: Payable to the Court.

| Type | Amount | Actual Owed |
|--------------|---------------|--------------------|
| Fine-Felony | \$200.00 | \$200.00 |
| Total | \$200.00 | \$200.00 |

COUNT 4: MENACING

Count number 4, Menacing, 163.190, Misdemeanor Class A, committed on or about 07/07/2016. Conviction is based upon a Court Verdict of Guilty on 02/10/2017.

Suspended Imposition of Sentence

Imposition of sentence is suspended.

Probation

Defendant is placed on Supervised Probation for a period of 3 year(s) and shall be subject to the following conditions of Probation:

Defendant is subject to all general conditions of probation (ORS 137.540).

Furthermore, Defendant is subject to the following Special Conditions of Probation (ORS 137.540(2)): Defendant shall:

- Be assigned to Judge Thomas Ryan for judicial supervision of probation.

- Conditions concurrent with Count 1.

Monetary Terms

Defendant shall be required to pay the following amounts on this count:

Fees and Assessments: Payable to the Court.

| Type | Amount | Actual Owed |
|------------------|-----------------|--------------------|
| Fine-Misdemeanor | \$100.00 | \$100.00 |
| Total | \$100.00 | \$100.00 |

COUNT 5:

UNLAWFUL USE OF A WEAPON-FIREARM

Count number 5, Unlawful Use of a Weapon-Firearm, 166.220, Felony Class C, committed on or about 07/07/2016. Conviction is based upon a Court Verdict of Guilty on 02/10/2017.

Sentencing Guidelines

The Crime Severity Classification (CSC) on Count Number 5 is 6 and the Criminal History Classification (CHC) is I.

This sentence is pursuant to the following special factors:

- This is a Presumptive Sentence

Probation

Defendant is sentenced to Supervised Probation for a period of 3 year(s) and shall be subject to the following conditions of Probation:

Defendant is subject to all general conditions of probation (ORS 137.540).

Furthermore, Defendant is subject to the following Special Conditions of Probation (ORS 137.540(2)): Defendant shall:

- Be assigned to Judge Thomas Ryan for judicial supervision of probation.
- Conditions concurrent with Count 1.

Statutory Provisions

Defendant is ordered to submit blood or buccal sample and thumbprint pursuant to ORS 137.076.

Monetary Terms

Defendant shall be required to pay the following amounts on this count:

Fees and Assessments: Payable to the Court.

| Type | Amount | Actual Owed |
|--------------|---------------|--------------------|
| Fine-Felony | \$200.00 | \$200.00 |
| Total | \$200.00 | \$200.00 |

COUNT 6: MENACING

Count number 6, Menacing, 163.190, Misdemeanor Class A, committed on or about 07/07/2016. Conviction is based upon a Court Verdict of Guilty on 02/10/2017.

Suspended Imposition of Sentence

Imposition of sentence is suspended.

Probation

Defendant is placed on Supervised Probation for a period of 3 year(s) and shall be subject to the following conditions of Probation:

Defendant is subject to all general conditions of probation (ORS 137.540).

Furthermore, Defendant is subject to the following Special Conditions of Probation (ORS 137.540(2)): Defendant shall:

- Be assigned to Judge Thomas Ryan for judicial supervision of probation.
- Conditions concurrent with Count 1.

Monetary Terms

Defendant shall be required to pay the following amounts on this count:

Fees and Assessments: Payable to the Court.

| Type | Amount | Actual Owed |
|------------------|-----------------|--------------------|
| Fine-Misdemeanor | \$100.00 | \$100.00 |
| Total | \$100.00 | \$100.00 |

COUNT 7:

UNLAWFUL USE OF A WEAPON-FIREARM

Count number 7, Unlawful Use of a Weapon-Firearm, 166.220, Felony Class C, committed on or about 07/07/2016. Conviction is based upon a Court Verdict of Guilty on 02/10/2017.

Sentencing Guidelines

The Crime Severity Classification (CSC) on Count Number 7 is 6 and the Criminal History Classification (CHC) is I.

This sentence is pursuant to the following special factors:

- This is a Presumptive Sentence of Probation:

Probation

Defendant is sentenced to Supervised Probation for a period of 3 year(s) and shall be subject to the following conditions of Probation:

Defendant is subject to all general conditions of probation (ORS 137.540).

Furthermore, Defendant is subject to the following Special Conditions of Probation (ORS 137.540(2)): Defendant shall:

- Be assigned to Judge Thomas Ryan for judicial supervision of probation.
- Conditions concurrent with Count 1.

Statutory Provisions

Defendant is ordered to submit blood or buccal sample and thumbprint pursuant to ORS 137.076.

Monetary Terms

Defendant shall be required to pay the following amounts on this count:

Fees and Assessments: Payable to the Court.

| Type | Amount | Actual Owed |
|--------------|----------|-------------|
| Fine-Felony | \$200.00 | \$200.00 |
| Total | \$200.00 | \$200.00 |

**COUNT 8:
MENACING**

Count number 8, Menacing, 163.190, Misdemeanor Class A, committed on or about 07/07/2016. Conviction is based upon a Court Verdict of Guilty on 02/10/2017.

Suspended Imposition of Sentence

Imposition of sentence is suspended.

Probation

Defendant is placed on Supervised Probation for a period of 3 year(s) and shall be subject to the following conditions of Probation:

Defendant is subject to all general conditions of probation (ORS 137.540).

Furthermore, Defendant is subject to the following Special Conditions of Probation (ORS 137.540(2)):

Defendant shall:

- Be assigned to Judge Thomas Ryan for judicial supervision of probation.
- Conditions concurrent with Count 1.

Monetary Terms

Defendant shall be required to pay the following amounts on this count:

Fees and Assessments: Payable to the Court.

| Type | Amount | Actual Owed |
|------------------|----------|-------------|
| Fine-Misdemeanor | \$100.00 | \$100.00 |
| Total | \$100.00 | \$100.00 |

COUNT 9:

UNLAWFUL USE OF A WEAPON-FIREARM

Count number 9, Unlawful Use of a Weapon-Firearm, 166.220, Felony Class C, committed on or about 07/07/2016. Conviction is based upon a Court Verdict of Guilty on 02/10/2017.

Sentencing Guidelines

The Crime Severity Classification (CSC) on Count Number 9 is 6 and the Criminal History Classification (CHC) is I.

This sentence is pursuant to the following special factors:

- This is a Presumptive Sentence

Probation

Defendant is sentenced to Supervised Probation for a period of 3 year(s) and shall be subject to the following conditions of Probation:

Defendant is subject to all general conditions of probation (ORS 137.540).

Furthermore, Defendant is subject to the following Special Conditions of Probation (ORS 137.540(2)): Defendant shall:

- Be assigned to Judge Thomas Ryan for judicial supervision of probation.
- Conditions concurrent with Count 1.

Statutory Provisions

Defendant is ordered to submit blood or buccal sample and thumbprint pursuant to ORS 137.076.

Monetary Terms

Defendant shall be required to pay the following amounts on this count:

Fees and Assessments: Payable to the Court.

| Type | Amount | Actual Owed |
|--------------|-----------------|--------------------|
| Fine-Felony | \$200.00 | \$200.00 |
| Total | \$200.00 | \$200.00 |

COUNT 10: MENACING

Count number 10, Menacing, 163.190, Misdemeanor Class A, committed on or about 07/07/2016. Conviction is based upon a Court Verdict of Guilty on 02/10/2017.

Suspended Imposition of Sentence

Imposition of sentence is suspended.

Probation

Defendant is placed on Supervised Probation for a period of 3 year(s) and shall be subject to the following conditions of Probation:

Defendant is subject to all general conditions of probation (ORS 137.540).

Furthermore, Defendant is subject to the following Special Conditions of Probation (ORS 137.540(2)): Defendant shall:

- Be assigned to Judge Thomas Ryan for judicial supervision of probation.
- Conditions concurrent with Count 1.

Monetary Terms

Defendant shall be required to pay the following amounts on this count:

Fees and Assessments: Payable to the Court.

| Type | Amount | Actual Owed |
|------------------|---------------|--------------------|
| Fine-Misdemeanor | \$100.00 | \$100.00 |
| Total | \$100.00 | \$100.00 |

COUNT 11:

UNLAWFUL USE OF A WEAPON-FIREARM

Count number 11, Unlawful Use of a Weapon-Firearm, 166.220, Felony Class C, committed on or about 07/07/2016. Conviction is based upon a Court Verdict of Guilty on 02/10/2017.

Sentencing Guidelines

The Crime Severity Classification (CSC) on Count Number 11 is 6 and the Criminal History Classification (CHC) is I.

This sentence is pursuant to the following special factors:

- This is a Presumptive Sentence

Probation

Defendant is sentenced to Supervised Probation for a period of 3 year(s) and shall be subject to the following conditions of Probation:

Defendant is subject to all general conditions of probation (ORS 137.540).

Furthermore, Defendant is subject to the following Special Conditions of Probation (ORS 137.540(2)): Defendant shall:

- Be assigned to Judge Thomas Ryan for judicial supervision of probation.
- Conditions concurrent with Count 1.

Statutory Provisions

Defendant is ordered to submit blood or buccal sample and thumbprint pursuant to ORS 137.076.

Fees and Assessments: Payable to the Court.

Monetary Terms

Defendant shall be required to pay the following amounts on this count:

Fees and Assessments: Payable to the Court.

| Type | Amount | Actual Owed |
|--------------|-----------------|-----------------|
| Fine-Felony | \$200.00 | \$200.00 |
| Total | \$200.00 | \$200.00 |

Count 12: Menacing

Count number 12, Menacing, 163.190, Misdemeanor Class A, committed on or about 07/07/2016. Conviction is based upon a Court Verdict of Guilty on 02/10/2017.

Suspended Imposition of Sentence

Imposition of sentence is suspended.

Probation

Defendant is placed on Supervised Probation for a period of 3 year(s) and shall be subject to the following conditions of Probation:

Defendant is subject to all general conditions of probation (ORS 137.540).

Furthermore, Defendant is subject to the following Special Conditions of Probation (ORS 137.540(2)): Defendant shall:

- Be assigned to Judge Thomas Ryan for judicial supervision of probation.
- Conditions concurrent with Count 1.

Monetary Terms

Defendant shall be required to pay the following amounts on this count:

Fees and Assessments: Payable to the Court.

| Type | Amount | Actual Owed |
|------------------|-----------------|-----------------|
| Fine-Misdemeanor | \$100.00 | \$100.00 |
| Total | \$100.00 | \$100.00 |

**COUNT 13:
UNLAWFUL USE OF A WEAPON-FIREARM**

Count number 13, Unlawful Use of a Weapon-Firearm, 166.220, Felony Class C, committed on or about 07/07/2016. Conviction is based upon a Court Verdict of Guilty on 02/10/2017.

Sentencing Guidelines

The Crime Severity Classification (CSC) on Count Number 13 is 6 and the Criminal History Classification (CHC) is I.

This sentence is pursuant to the following special factors:

- This is a Presumptive Sentence

Probation

Defendant is sentenced to Supervised Probation for a period of 3 year(s) and shall be subject to the following conditions of Probation:

Defendant is subject to all general conditions of probation (ORS 137.540).

Furthermore, Defendant is subject to the following Special Conditions of Probation (ORS 137.540(2)): Defendant shall:

- Be assigned to Judge Thomas Ryan for judicial supervision of probation.
- Conditions concurrent with Count 1.

Statutory Provisions

Defendant is ordered to submit blood or buccal sample and thumbprint pursuant to ORS 137.076.

Monetary Terms

Defendant shall be required to pay the following amounts on this count:

Fees and Assessments: Payable to the Court.

| Type | Amount | Actual Owed |
|--------------|-----------------|--------------------|
| Fine-Felony | \$200.00 | \$200.00 |
| Total | \$200.00 | \$200.00 |

COUNT 14: MENACING

Count number 14, Menacing, 163.190, Misdemeanor Class A, committed on or about 07/07/2016. Conviction is based upon a Court Verdict of Guilty on 02/10/2017.

Suspended Imposition of Sentence

Imposition of sentence is suspended.

Probation

Defendant is placed on Supervised Probation for a period of 3 year(s) and shall be subject to the following conditions of Probation:

Defendant is subject to all general conditions of probation (ORS 137.540).

Furthermore, Defendant is subject to the following Special Conditions of Probation (ORS 137.540(2)): Defendant shall:

- Be assigned to Judge Thomas Ryan for judicial supervision of probation.
- Conditions concurrent with Count 1.

Monetary Terms

Defendant shall be required to pay the following amounts on this count:

Fees and Assessments: Payable to the Court.

| Type | Amount | Actual Owed |
|------------------|-----------------|--------------------|
| Fine-Misdemeanor | \$100.00 | \$100.00 |
| Total | \$100.00 | \$100.00 |

COUNT 15:

UNLAWFUL USE OF A WEAPON-FIREARM

Count number 15, Unlawful Use of a Weapon-Firearm, 166.220, Felony Class C, committed on or about 07/07/2016. Conviction is based upon a Court Verdict of Guilty on 02/10/2017.

Sentencing Guidelines

The Crime Severity Classification (CSC) on Count Number 15 is 6 and the Criminal History Classification (CHC) is I.

This sentence is pursuant to the following special factors:

- This is a Presumptive Sentence

Probation

Defendant is sentenced to Supervised Probation for a period of 3 year(s) and shall be subject to the following conditions of Probation:

Defendant is subject to all general conditions of probation (ORS 137.540).

Furthermore, Defendant is subject to the following Special Conditions of Probation (ORS 137.540(2)): Defendant shall:

- Be assigned to Judge Thomas Ryan for judicial supervision of probation.
- Conditions concurrent with Count 1.

Statutory Provisions

Defendant is ordered to submit blood or buccal sample and thumbprint pursuant to ORS 137.076.

Monetary Terms

Defendant shall be required to pay the following amounts on this count:

Fees and Assessments: Payable to the Court.

| Type | Amount | Actual Owed |
|--------------|----------|-------------|
| Fine-Felony | \$200.00 | \$200.00 |
| Total | \$200.00 | \$200.00 |

**COUNT 16:
MENACING**

Count number 16, Menacing, 163.190, Misdemeanor Class A, committed on or about 07/07/2016. Conviction is based upon a Court Verdict of Guilty on 02/10/2017.

Suspended Imposition of Sentence

Imposition of sentence is suspended.

Probation

Defendant is placed on Supervised Probation for a period of 3 year(s) and shall be subject to the following conditions of Probation:

Defendant is subject to all general conditions of probation (ORS 137.540).

Furthermore, Defendant is subject to the following Special Conditions of Probation (ORS 137.540(2)): Defendant shall:

- Be assigned to Judge Thomas Ryan for judicial supervision of probation.
- Conditions concurrent with Count 1.

Monetary Terms

Defendant shall be required to pay the following amounts on this count:

Fees and Assessments: Payable to the Court.

| Type | Amount | Actual Owed |
|------------------|-----------------|-----------------|
| Fine-Misdemeanor | \$100.00 | \$100.00 |
| Total | \$100.00 | \$100.00 |

**COUNT 17:
UNLAWFUL USE OF A WEAPON-FIREARM**

Count number 17, Unlawful Use of a Weapon-Firearm, 166.220, Felony Class C, committed on or about 07/07/2016. Conviction is based upon a Court Verdict of Guilty on 02/10/2017.

Sentencing Guidelines

The Crime Severity Classification (CSC) on Count Number 17 is 6 and the Criminal History Classification (CHC) is I.

This sentence is pursuant to the following special factors:

- This is a Presumptive Sentence

Probation

Defendant is sentenced to Supervised Probation for a period of 3 year(s) and shall be subject to the following conditions of Probation:

Defendant is subject to all general conditions of probation (ORS 137.540).

Furthermore, Defendant is subject to the following Special Conditions of Probation (ORS 137.540(2)): Defendant shall:

- Be assigned to Judge Thomas Ryan for judicial supervision of probation.
- Conditions concurrent with Count 1.

Statutory Provisions

Defendant is ordered to submit blood or buccal sample and thumbprint pursuant to ORS 137.076.

Monetary Terms

Defendant shall be required to pay the following amounts on this count:

Fees and Assessments: Payable to the Court.

| Type | Amount | Actual Owed |
|--------------|-----------------|--------------------|
| Fine-Felony | \$200.00 | \$200.00 |
| Total | \$200.00 | \$200.00 |

COUNT 18: MENACING

Count number 18, Menacing, 163.190, Misdemeanor Class A, committed on or about 07/07/2016. Conviction is based upon a Court Verdict of Guilty on 02/10/2017.

Suspended Imposition of Sentence

Imposition of sentence is suspended.

Probation

Defendant is placed on Supervised Probation for a period of 3 year(s) and shall be subject to the following conditions of Probation:

Defendant is subject to all general conditions of probation (ORS 137.540).

Furthermore, Defendant is subject to the following Special Conditions of Probation (ORS 137.540(2)): Defendant shall:

- Be assigned to Judge Thomas Ryan for judicial supervision of probation.
- Conditions concurrent with Count 1.

Monetary Terms

Defendant shall be required to pay the following amounts on this count:

Fees and Assessments: Payable to the Court.

| Type | Amount | Actual Owed |
|------------------|---------------|--------------------|
| Fine-Misdemeanor | \$100.00 | \$100.00 |
| Total | \$100.00 | \$100.00 |

COUNT 19:

UNLAWFUL USE OF A WEAPON-FIREARM

Count number 19, Unlawful Use of a Weapon-Firearm, 166.220, Felony Class C, committed on or about 07/07/2016. Conviction is based upon a Court Verdict of Guilty on 02/10/2017.

Sentencing Guidelines

The Crime Severity Classification (CSC) on Count Number 19 is 6 and the Criminal History Classification (CHC) is I.

This sentence is pursuant to the following special factors:

- This is a Presumptive Sentence

Probation

Defendant is sentenced to Supervised Probation for a period of 3 year(s) and shall be subject to the following conditions of Probation:

Defendant is subject to all general conditions of probation (ORS 137.540).

Furthermore, Defendant is subject to the following Special Conditions of Probation (ORS 137.540(2)): Defendant shall:

- Be assigned to Judge Thomas Ryan for judicial supervision of probation.
- Conditions concurrent with Count 1.

Statutory Provisions

Defendant is ordered to submit blood or buccal sample and thumbprint pursuant to ORS 137.076.

Monetary Terms

Defendant shall be required to pay the following amounts on this count:

Fees and Assessments: Payable to the Court.

| Type | Amount | Actual Owed |
|--------------|----------|-------------|
| Fine-Felony | \$200.00 | \$200.00 |
| Total | \$200.00 | \$200.00 |

**COUNT 20:
MENACING**

Count number 20, Menacing, 163.190, Misdemeanor Class A, committed on or about 07/07/2016. Conviction is based upon a Court Verdict of Guilty on 02/10/2017.

Suspended Imposition of Sentence

Imposition of sentence is suspended.

Probation

Defendant is placed on Supervised Probation for a period of 3 year(s) and shall be subject to the following conditions of Probation:

Defendant is subject to all general conditions of probation (ORS 137.540).

Furthermore, Defendant is subject to the following Special Conditions of Probation (ORS 137.540(2)): Defendant shall:

- Be assigned to Judge Thomas Ryan for judicial supervision of probation.
- Conditions concurrent with Count 1.

Monetary Terms

Defendant shall be required to pay the following amounts on this count:

Fees and Assessments: Payable to the Court.

| Type | Amount | Actual Owed |
|------------------|---------------|--------------------|
| Fine-Misdemeanor | \$100.00 | \$100.00 |
| Total | \$100.00 | \$100.00 |

COUNT 21:

DISORDERLY CONDUCT IN THE SECOND DEGREE

Count number 21, Disorderly Conduct in the Second Degree, 166.025, Misdemeanor Class B, committed on or about 07/07/2016. Conviction is based upon a Court Verdict of Guilty on 02/10/2017.

Suspended Imposition of Sentence

Imposition of sentence is suspended.

Probation

Defendant is placed on Supervised Probation for a period of 3 year(s) and shall be subject to the following conditions of Probation:

Defendant is subject to all general conditions of probation (ORS 137.540).

Furthermore, Defendant is subject to the following Special Conditions of Probation (ORS 137.540(2)): Defendant shall:

- Be assigned to Judge Thomas Ryan for judicial supervision of probation.

- Conditions concurrent with Count 1.

Monetary Terms

Defendant shall be required to pay the following amounts on this count:

Fees and Assessments: Payable to the Court.

| Type | Amount | Actual Owed |
|------------------|-----------------|--------------------|
| Fine-Misdemeanor | \$100.00 | \$100.00 |
| Total | \$100.00 | \$100.00 |

If convicted of a felony or a crime involving domestic violence, you may lose the right to buy, sell, transport, receive, or possess a firearm, ammunition, or other weapons in both personal and professional endeavors pursuant to ORS 166.250, ORS 166.291, ORS 166.300, and/or 18 USC 922(g).

MONEY AWARD

Judgment Creditor: State of Oregon

Judgment Debtor: Michael Aaron Strickland

Payees are to be paid as ordered under Monetary Terms.

Defendant is ordered to pay the following monetary totals, including restitution or compensatory fine amounts stated above, which are listed in the Money Award portion of this document:

| Type | Amount Owed |
|--------------------|-------------|
| Fine – Felony | \$2,000.00 |
| Fine – Misdemeanor | \$1,100.00 |
| Total | \$3,100.00 |

The court may increase the total amount owed by adding collection fees and other assessments. These fees and assessments may be added without further notice to the defendant and without further court order.

Subject to amendment of a judgment under ORS 137.107, money required to be paid as a condition of probation remains payable after revocation of probation only if the amount is included in the money award portion of the judgment document, even if the amount is referred to in other parts of the judgment document.

Any financial obligation(s) for conviction(s) of a violation, which is included in the Money Award, creates a judgment lien.

Payment Schedule

Payment of the fines, fees, assessments, and/or attorney's fees noted in this and any subsequent Money Award shall be scheduled by the clerk of the court pursuant to ORS 161.675.

Payable to:

Multnomah County Circuit Court
 1021 SW Fourth Avenue
 Portland, Oregon 97204
 P: 503-988-3235, option 3
 F: <http://courts.oregon.gov/multnomah>

/s/ Tom Ryan
 Circuit Court Judge

**ORDER ON MOTIONS IN LIMINE
(JANUARY 30, 2017)**

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

STATE OF OREGON,

Plaintiff,

v.

MICHAEL AARON STRICKLAND,

Defendant.

No. 16CR41718

Before: Thomas RYAN, Judge.

1. State's Motion to exclude evidence of unrelated prior altercation is granted, but the defendant may re-raise the issue outside the presence of the jury at trial, if defense wishes to do so.

2. Defendant's motion in limine for a language order is denied, for reasons put on record today.

3. The state motion to exclude the testimony of Sergeant Schell is granted, but the state is to have him available by phone.

/s/ Thomas Ryan
Judge

DATE SIGNED: 1/30/2017

**UCJ TEMPORARY SENTENCING ORDER ON
ALL FELONY & MISDEMEANOR COUNTS
(MAY 3, 2017)**

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

STATE OF OREGON,

Plaintiff,

v.

STRICKLAND, MICHAEL AARON,

Defendant.

Case No. 16CR41718

DA No. 2343964-1C

FTR

Clerk

Deputy District Attorney:

K. Molina, T. Jackson
Bar No. 123989, 114240

Defense Attorney:

J. Short, C. Trotter
Bar No. 003860, 135071

Defendant Appearance: In Person Out of Custody

Representation Status: Privately Retained

App.41a

The Court determines that the defendant is convicted of the below listed count(s).

Count: 1

Offense: UUW (Firearm)

Date of Incident: 7/7/16

Guilty based upon: Court Trial

Date of Guilty Finding 2/10/17

Statutory Requirements:

DNA Blood Draw/Buccal Sample

SENTENCE GUIDELINES

Crime Severity 6

Criminal History I

Presumptive Sentence

Departure Sentence

Special Factors:

Gun minimum is suspended under

ORS 161.610(5)(b)

Dispositional

Down

By Stipulation

Departure Reasons: as stated on the record

PROBATION

Type: Supervised

Duration: 3 years

The following special conditions of probation are imposed:

Probation Judge (if specified) Ryan

Other

- Def. should be closely suspended at least initially.
- Def. should not be sup. By the reduced supervision team.
- All classes/counseling as directed by P.O.
- Do not possess firearm, ammunition weapon.
- Def. cannot film/video any person before 1/1/18 after 1/1/18, Def. may film with prior permission of P.O.

No Contact Victim

Benjamin Kerensa, Malcolm Chaddock

MONEY AWARD

Fine \$ 200

PAYMENT TERMS:

Full payment of all financial obligations is due within 30 days of the date of this judgment unless a payment is authorized by the court collections unit, probation officer, or post prison supervision officer. The security deposit shall be applied to financial obligations ordered in this and any other circuit court case after satisfaction of any and all orders directing that the deposit be applied to outstanding

/s/ Thomas Ryan
Judge (Signature)

Dated: 5/3/17

ORDER OF THE COURT OF APPEALS
OF THE STATE OF OREGON DENYING
PETITION FOR RECONSIDERATION
(MAY 4, 2020)

IN THE COURT OF APPEALS OF THE
STATE OF OREGON

STATE OF OREGON,

Plaintiff-Respondent,

v.

MICHAEL AARON STRICKLAND, A/K/A
MICHAEL STRICKLAND,

Defendant-Appellant.

No A 165019

Multnomah County Circuit Court No. 16CR41718
Court of Appeals No. A165019

Before: Rex ARMSTRONG, Presiding Judge.

Appellant petitions for reconsideration of the court's decision dated April 1, 2020. The court has considered the petition and orders that the petition is denied.

The Petition for reconsideration is denied.

App.44a

/s/ Rex Armstrong
Presiding Judge

5/4/2020 7:26 AM

c: Mark J Geiger
Susan G Howe

**INDICTMENT
(AUGUST 3, 2016)**

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

STATE OF OREGON,

Plaintiff,

v.

MICHAEL AARON STRICKLAND DOB: ■■■■■■■■,

Defendant.

No. 16-CR-41718

DA #: 2343964-1

Crime Report PP 16-218154

MCJRP ELIGIBLE

Indictment for Violation of

ORS 166.220 (1,3,5,7,9,11, 13, 15,11,19)

ORS 163.190 (2,4,6,8,10,12,14,16,18,20)

ORS 166.025 (21)

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 1,3,5,7,9, 11,13,15,17,19–UNLAWFUL USE OF A WEAPON WITH A FIREARM, COUNT 2,4,6,8,10,12,14,16,18,20–MENACING, COUNT 21-DISORDERLY CONDUCT IN THE SECOND DEGREE, committed as follows:

COUNT 1

UNLAWFUL USE OF A WEAPON WITH A FIREARM

The said Defendant(s), MICHAEL AARON STRICKLAND, on or about July 07, 2016, 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, to wit: a balding male wearing a black shirt and dark pants, a firearm, 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(s) used and threatened the use of a firearm.

This count is a part of the same act or transaction as the conduct alleged in the other counts 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

MENACING

The said Defendant(s), MICHAEL AARON STRICKLAND, on or about July 07, 2016, in the County of Multnomah, State of Oregon, did unlawfully and intentionally attempt to place another person, to wit: a balding male wearing a black shirt and dark pants, 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 the other counts of this charging instrument. This count is of the same and similar character at the conduct alleged in the other counts of this charging instrument.

COUNT 3
UNLAWFUL USE OF A WEAPON WITH FIREARM

The said Defendant(s), MICHAEL AARON STRICKLAND, on or about July 07, 2016, 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, to wit: a male wearing a black hooded top and dark pants with a blue backpack, a firearm, 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(s) used and threatened the use of a firearm.

This count is a part of the same act or transaction as the conduct alleged in the other counts 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 4
MENACING**

The said Defendant(s), MICHAEL AARON STRICKLAND, on or about July 07, 2016, in the County of Multnomah, State of Oregon, did unlawfully and intentionally attempt to place another person, to wit: a male wearing a black hooded top and dark pants with a blue backpack, 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 the other counts 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
UNLAWFUL USE OF A WEAPON WITH A FIREARM**

The said Defendant(s), MICHAEL AARON STRICKLAND, on or about July 07, 2016, 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, to wit: a male with dark hair, black shirt, and tan pants wearing a scarf around his neck, a firearm, 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(s) used and threatened the use of a firearm.

This count is a part of the same act or transaction as the conduct alleged in the other counts 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
MENACING**

The said Defendant(s), MICHAEL AARON STRICKLAND, on or about July 07, 2016, in the County of Multnomah, State of Oregon, did unlawfully and intentionally attempt to place another person, to wit: a male with dark hair, black shirt, and tan pants wearing a scarf around his neck, 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 the other counts 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 WITH A FIREARM**

The said Defendant(s), MICHAEL AARON STRICKLAND, on or about July 07, 2016, 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, to wit: a male with a large video camera and backpack

with the words LiveU on the back, a firearm, 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(s) used and threatened the use of a firearm.

This count is a part of the same act or transaction as the conduct alleged in the other counts 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
MENACING**

The said Defendant(s), MICHAEL AARON STRICKLAND, on or about July 07, 2016, in the County of Multnomah, State of Oregon, did unlawfully and intentionally attempt to place another person, to wit: a male with a large video camera and backpack with the words LiveU on the back, 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 the other counts 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

UNLAWFUL USE OF A WEAPON WITH A FIREARM

The said Defendant(s), MICHAEL AARON STRICKLAND, on or about July 07, 2016, 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, to wit: a female with a black top, black skirt, and black cloth over her mouth, a firearm, 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(s) used and threatened the use of a firearm.

This count is a part of the same act or transaction as the conduct alleged in the other counts 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

MENACING

The said Defendant(s), MICHAEL AARON STRICKLAND, on or about July 07, 2016, in the County of Multnomah, State of Oregon, did unlawfully and intentionally attempt to place another person, to wit: a female with a black top, black skirt, and black cloth over her mouth, 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 the other counts 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 a Weapon with a Firearm

The said Defendant(s), MICHAEL AARON STRICKLAND, on or about July 07, 2016, 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, to wit: a male with a green top, dark backpack, and white mask on his face, a firearm, 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(s) used and threatened the use of a firearm.

This count is a part of the same act or transaction as the conduct alleged in the other counts 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
MENACING**

The said Defendant(s), MICHAEL AARON STRICKLAND, on or about July 07, 2016, in the County of Multnomah, State of Oregon, did unlawfully and intentionally attempt to place another person, to wit: a male with a green top, dark backpack, and white mask on his face, 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 the other counts 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 13
UNLAWFUL USE OF A WEAPON WITH A FIREARM**

The said Defendant(s), MICHAEL AARON STRICKLAND, on or about July 07, 2016, 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, to wit: a male wearing jeans, a dark top, a backpack, a green cloth on his face, and a multicolor mask on top of his head, a firearm, 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(s) used and threatened the use of a firearm.

This count is a part of the same act or transaction as the conduct alleged in the other counts 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 14
MENACING

The said Defendant(s), MICHAEL AARON STRICKLAND, on or about July 07, 2016, in the County of Multnomah, State of Oregon, did unlawfully and intentionally attempt to place another person, to wit: a male wearing jeans, a dark top, a backpack, a green cloth on his face, and a multicolor mask on top of his head, 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 the other counts 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 15

UNLAWFUL USE OF A WEAPON WITH A FIREARM

The said Defendant(s), MICHAEL AARON STRICKLAND, on or about July 07, 2016, 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, to wit: a male wearing tan pants, a blue jacket, and a red shirt, holding an orange bottle, a firearm, 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(s) used and threatened the use of a firearm.

This count is a part of the same act or transaction as the conduct alleged in the other counts 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 16

MENACING

The said Defendant(s), MICHAEL AARON STRICKLAND, on or about July 07, 2016, in the County of Multnomah, State of Oregon, did unlawfully and intentionally attempt to place another person, to wit: a male wearing tan pants, a blue jacket, and a red shirt, holding an orange bottle, 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 the other counts 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 17
UNLAWFUL USE OF A WEAPON WITH A FIREARM

The said Defendant(s), MICHAEL AARON STRICKLAND, on or about July 07, 2016, 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, to wit: a female with dark hair, black top, and black pants, a firearm, 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(s) used and threatened the use of a firearm.

This count is a part of the same act or transaction as the conduct alleged in the other counts 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 18
MENACING**

The said Defendant(s), MICHAEL AARON STRICKLAND, on or about July 07, 2016, in the County of Multnomah, State of Oregon, did unlawfully and intentionally attempt to place another person, to wit: a female with dark hair, black top, and black pants, 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 the other counts 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 19
UNLAWFUL USE OF A WEAPON WITH A FIREARM**

The said Defendant(s), MICHAEL AARON STRICKLAND, on or about July 07, 2016, 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, to wit: a male wearing a blue hooded top, dark pants, and a black messenger bag, a firearm, 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(s) used and threatened the use of a firearm.

This count is a part of the same act or transaction as the conduct alleged in the other counts 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 20
MENACING

The said Defendant(s), MICHAEL AARON STRICKLAND, on or about July 07, 2016, in the County of Multnomah, State of Oregon, did unlawfully and intentionally attempt to place another person, to wit: a male wearing a blue hooded top, dark pants, and a black messenger bag 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 the other counts 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 21
DISORDERLY CONDUCT IN THE SECOND DEGREE

The said Defendant(s), MICHAEL AARON STRICKLAND, on or about July 07, 2016, in the County of Multnomah, State of Oregon, did unlawfully and recklessly create a risk of public inconvenience, annoyance and alarm, by engaging in fighting and violent, tumultuous and threatening behavior, 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 the other counts 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 AUGUST 03, 2016.

A TRUE BILL

/s/ Stephen Kent
Foreperson of the Grand Jury

Rod Underhill (883246)
District Attorney
Multnomah County, Oregon

Security Amount (Def-STRICKLAND) Bail increased to \$250,000 by Judge Bottomly on July 08, 2016.

AFFIRMATIVE DECLARATION

The District Attorney hereby affirmatively declares for the record, as required by ORS 161 564, 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 KATHARINE
MOLINA OSB 123989 //klw

Pursuant to 2005 Or Laws ch 46 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.