

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

Court Nbr 21-CR-61063 DA 2442948-1  
Crime Report PP 21-345898

**BALLOT MEASURE 11**

**Indictment for Violation of**

- ORS 163.107 (1,2,3,4,5,6)
- ORS 163.185 (7,8,9)
- ORS 166.220 (10,11,12)
- ORS 166.270 (13)
- ORS 811.540 (14)

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 CLERK COURT  
 MULTNOMAH CO  
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STATE OF OREGON

Plaintiff,

v.

JOSHUA WILLIAM DEGERNESS  
DOB: 07/18/1982

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 1,2,3 - ATTEMPTED MURDER IN THE FIRST DEGREE WITH A FIREARM, COUNT 4,5,6 - ATTEMPTED MURDER IN THE FIRST DEGREE WITH A FIREARM, COUNT 7,8,9 - ATTEMPTED ASSAULT IN THE FIRST DEGREE WITH A FIREARM, COUNT 10,11,12 - UNLAWFUL USE OF A WEAPON WITH A FIREARM, COUNT 13 - FELON IN POSSESSION OF A FIREARM WITH A FIREARM, COUNT 14 - FELONY FLEEING OR ATTEMPTING TO ELUDE A POLICE OFFICER, committed as follows:

**COUNT 1**

**ATTEMPTED MURDER IN THE FIRST DEGREE WITH A FIREARM**

The said Defendant(s), **JOSHUA WILLIAM DEGERNESS**, on or about December 11, 2021, in the County of Multnomah, State of Oregon, did unlawfully and intentionally attempt cause the death of **KENNETH JACKSON**, another human being who was a Police Officer, the attempted death being related to the performance of official duties of **KENNETH JACKSON** in the justice system, and during the commission of this felony, the defendant used and threatened the use of a 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 connected together by two or more acts or transactions with the other counts of this charging instrument. This count is of the same and similar character as the conduct alleged in with the other counts of this charging instrument. This count constitutes part of a common scheme or plan based on two or more acts or transactions with the other counts of this charging instrument.

**COUNT 2**

**ATTEMPTED MURDER IN THE FIRST DEGREE WITH A FIREARM**

The said Defendant(s), **JOSHUA WILLIAM DEGERNESS**, on or about December 11, 2021, in the County of Multnomah, State of Oregon, did unlawfully and intentionally attempt cause the death of **JUSTIN D DAMERVILLE**, another human being who was a Police Officer, the attempted death being related to the performance of official duties of **JUSTIN D DAMERVILLE** in the justice system, and during the commission of this felony, the defendant used and threatened the use of a 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 connected together by two or more acts or transactions with the other counts of this charging instrument. This count is of the same and similar character as the conduct alleged in with the other counts of this charging instrument. This count constitutes part of a common scheme or plan based on two or more acts or transactions with the other counts of this charging instrument.

**COUNT 3**

**ATTEMPTED MURDER IN THE FIRST DEGREE WITH A FIREARM**

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The said Defendant(s), **JOSHUA WILLIAM DEGERNESS**, on or about December 11, 2021, in the County of Multnomah, State of Oregon, did unlawfully and intentionally attempt cause the death of **NORMAN STAPLES**, another human being who was a Police Officer, the attempted death being related to the performance of official duties of **NORMAN STAPLES** in the justice system, and during the commission of this felony, the defendant used and threatened the use of a 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 connected together by two or more acts or transactions with the other counts of this charging instrument. This count is of the same and similar character as the conduct alleged in with the other counts of this charging instrument. This count constitutes part of a common scheme or plan based on two or more acts or transactions with the other counts of this charging instrument.

**COUNT 4**

**ATTEMPTED MURDER IN THE FIRST DEGREE WITH A FIREARM**

The said Defendant(s), **JOSHUA WILLIAM DEGERNESS**, on or about December 11, 2021, in the county of Multnomah, State of Oregon, did unlawfully and intentionally attempt to cause the death of **KENNETH JACKSON**, another human being, defendant having unlawfully and intentionally attempted to cause the death of an additional human being, in the course of the same criminal episode, and during the commission of this felony, the defendant(s) used and threatened the use of a 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 connected together by two or more acts or transactions with 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. This count constitutes part of a common scheme or plan based on two or more acts or transactions with the other counts of this charging instrument.

**COUNT 5**

**ATTEMPTED MURDER IN THE FIRST DEGREE WITH A FIREARM**

The said Defendant(s), **JOSHUA WILLIAM DEGERNESS**, on or about December 11, 2021, in the county of Multnomah, State of Oregon, did unlawfully and intentionally attempt to cause the death of **JUSTIN D DAMERVILLE**, another human being, defendant having unlawfully and intentionally attempted to cause the death of an additional human being, in the course of the same criminal episode, and during the commission of this felony, the defendant(s) used and threatened the use of a 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 connected together by two or more acts or transactions with 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. This count constitutes part of a common scheme or plan based on two or more acts or transactions with the other counts of this charging instrument.

**COUNT 6**

**ATTEMPTED MURDER IN THE FIRST DEGREE WITH A FIREARM**

The said Defendant(s), **JOSHUA WILLIAM DEGERNESS**, on or about December 11, 2021, in the county of Multnomah, State of Oregon, did unlawfully and intentionally attempt to cause the death of **NORMAN STAPLES**, another human being, defendant having unlawfully and intentionally attempted to cause the death of an additional human being, in the course of the same criminal episode, and during the commission of this felony, the defendant(s) used and threatened the use of a 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 connected together by two or more acts or transactions with 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. This count constitutes part of a common scheme or plan based on two or more acts or transactions with the other counts of this charging instrument.

**COUNT 7**

**ATTEMPTED ASSAULT IN THE FIRST DEGREE WITH A FIREARM**

1 The said Defendant(s), **JOSHUA WILLIAM DEGERNESS**, on or about December 11, 2021, in the County of Multnomah, State of Oregon, did unlawfully and intentionally attempt to cause serious physical injury to **KENNETH JACKSON** by means of a deadly and dangerous weapon, to-wit: a firearm, 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,

This count is connected together by two or more acts or transactions with the other counts of this charging instrument. This count is of the same and similar character as the conduct alleged in with the other counts of this charging instrument. This count constitutes part of a common scheme or plan based on two or more acts or transactions with the other counts of this charging instrument.

#### COUNT 8

##### **ATTEMPTED ASSAULT IN THE FIRST DEGREE WITH A FIREARM**

The said Defendant(s), **JOSHUA WILLIAM DEGERNESS**, on or about December 11, 2021, in the County of Multnomah, State of Oregon, did unlawfully and intentionally attempt to cause serious physical injury to **JUSTIN D DAMERVILLE** by means of a deadly and dangerous weapon, to-wit: a firearm, 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,

This count is connected together by two or more acts or transactions with the other counts of this charging instrument. This count is of the same and similar character as the conduct alleged in with the other counts of this charging instrument. This count constitutes part of a common scheme or plan based on two or more acts or transactions with the other counts of this charging instrument.

#### COUNT 9

##### **ATTEMPTED ASSAULT IN THE FIRST DEGREE WITH A FIREARM**

The said Defendant(s), **JOSHUA WILLIAM DEGERNESS**, on or about December 11, 2021, in the County of Multnomah, State of Oregon, did unlawfully and intentionally attempt to cause serious physical injury to **NORMAN STAPLES** by means of a deadly and dangerous weapon, to-wit: a firearm, 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,

This count is connected together by two or more acts or transactions with the other counts of this charging instrument. This count is of the same and similar character as the conduct alleged in with the other counts of this charging instrument. This count constitutes part of a common scheme or plan based on two or more acts or transactions with the other counts of this charging instrument.

#### COUNT 10

##### **UNLAWFUL USE OF A WEAPON WITH A FIREARM**

The said Defendant(s), **JOSHUA WILLIAM DEGERNESS**, on or about December 11, 2021, 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 **KENNETH JACKSON**, 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 connected together by two or more acts or transactions with the other counts of this charging instrument. This count is of the same and similar character as the conduct alleged in with the other counts of this charging instrument. This count constitutes part of a common scheme or plan based on two or more acts or transactions with the other counts of this charging instrument.

#### COUNT 11

##### **UNLAWFUL USE OF A WEAPON WITH A FIREARM**

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The said Defendant(s), **JOSHUA WILLIAM DEGERNESS**, on or about December 11, 2021, 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 **JUSTIN D DAMERVILLE**, 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 connected together by two or more acts or transactions with the other counts of this charging instrument. This count is of the same and similar character as the conduct alleged in with the other counts of this charging instrument. This count constitutes part of a common scheme or plan based on two or more acts or transactions with the other counts of this charging instrument.

**COUNT 12**

**UNLAWFUL USE OF A WEAPON WITH A FIREARM**

The said Defendant(s), **JOSHUA WILLIAM DEGERNESS**, on or about December 11, 2021, 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 **NORMAN STAPLES**, 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 connected together by two or more acts or transactions with the other counts of this charging instrument. This count is of the same and similar character as the conduct alleged in with the other counts of this charging instrument. This count constitutes part of a common scheme or plan based on two or more acts or transactions with the other counts of this charging instrument.

**COUNT 13**

**FELON IN POSSESSION OF A FIREARM WITH A FIREARM**

The said Defendant(s), **JOSHUA WILLIAM DEGERNESS**, on or about December 11, 2021, in the County of Multnomah, State of Oregon, having previously been convicted in the Circuit Court of the State of Oregon for the County of Multnomah on October 17, 2003, of the felony of Burglary in the First Degree, did unlawfully and knowingly own, have in said defendant's possession, have under said defendant's custody and have under said defendant's control a firearm, 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 connected together by two or more acts or transactions with the other counts of this charging instrument. This count is of the same and similar character as the conduct alleged in with the other counts of this charging instrument. This count constitutes part of a common scheme or plan based on two or more acts or transactions with the other counts of this charging instrument.

**COUNT 14**

**FELONY FLEEING OR ATTEMPTING TO ELUDE A POLICE OFFICER**

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The said Defendant(s), JOSHUA WILLIAM DEGERNESS, on or about December 11, 2021, in the County of Multnomah, State of Oregon, being an operator of a motor vehicle upon a public highway and premises open to the public, and having been given a visible and audible signal to stop by a police officer who was in uniform and prominently displaying the police officer's badge of office and operating a vehicle appropriately marked showing it to be an official police vehicle, did unlawfully and knowingly, while still in the vehicle, flee and attempt to elude a pursuing police officer, contrary to the statutes in such cases made and provided and against the peace and dignity of the State of Oregon,

This count is connected together by two or more acts or transactions with the other counts of this charging instrument. This count is of the same and similar character as the conduct alleged in with the other counts of this charging instrument. This count constitutes part of a common scheme or plan based on two or more acts or transactions with the other counts of this charging instrument.

Dated at Portland, Oregon, in the county aforesaid, on DECEMBER 22, 2021.

Witnesses

Examined Before the Grand Jury in person (unless noted)

- Kristopher P Barber (By Simultaneous Television Transmission)
- Trent D Wiest
- Michael Jones
- Norman Staples
- Justin D Damerville
- Kenneth Jackson
- Zachary R Flippo (By Simultaneous Television Transmission)

Grand Jury Proceedings on: December 17, 2021

\_\_\_\_\_ A TRUE BILL  
 \_\_\_\_\_  
 /s/ C. C.  
 Foreperson of the Grand Jury

MIKE SCHMIDT (084679)  
District Attorney  
Multnomah County, Oregon

By \_\_\_\_\_ Deputy



Security Amount (Def - DEGERNESS) \$250,000 + \$250,000 + \$250,000 + \$250,000 + \$250,000 + \$250,000 + \$20,000 + \$20,000 + \$20,000 + \$5,000 + \$5,000 + \$5,000 + \$5,000 + \$5,000

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 (2) how the defendant pleads to the charge(s), the State's intention that any misdemeanor charged herein proceed as a misdemeanor MELISSA A MARRERO OSB 123846 /lj

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