

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

Court Nbr 22-CR-10692 DA 2445629-1  
Crime Report PP 22-56241  
PP 22-31073  
PP 22-1015

**RE-INDICTMENT**  
**BALLOT MEASURE 11**

**Indictment for Violation of**

ORS 163.115 (1,2,6,10,15)  
ORS 163.185 (3,7,12)  
ORS 163.175 (4,8,13)  
ORS 166.220 (5,9,14)  
ORS 163.107 (11)

**FILED**  
**MAR 28 2022**  
CIRCUIT COURT  
MULTNOMAH COUNTY, OREGON

Verified Correct Copy of Original 3/28/2022

STATE OF OREGON

Plaintiff,

v.

JOSEPH KELLY BANKS  
DOB: 11/22/1972

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 1,10,15 - MURDER IN THE SECOND DEGREE WITH A FIREARM, COUNT 2,6 - ATTEMPTED MURDER IN THE SECOND DEGREE WITH A FIREARM, COUNT 3,7,12 - ASSAULT IN THE FIRST DEGREE WITH A FIREARM, COUNT 4,8,13 - ASSAULT IN THE SECOND DEGREE WITH A FIREARM, COUNT 5,9,14 - UNLAWFUL USE OF A WEAPON WITH A FIREARM, COUNT 11 - ATTEMPTED MURDER IN THE FIRST DEGREE WITH A FIREARM, committed as follows:

**COUNT 1**

**MURDER IN THE SECOND DEGREE WITH A FIREARM**

The said Defendant(s), **JOSEPH KELLY BANKS**, on or about March 01, 2022, in the County of Multnomah, State of Oregon, did unlawfully and intentionally cause the death of **MARK JOHNSON**, another human being, 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 of the same and similar character as the conduct alleged in the other counts of this charging instrument and constitutes part of a common scheme or plan based on two or more acts or transactions with the other count(s) of this charging instrument.

**COUNT 2**

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

The said Defendant(s), **JOSEPH KELLY BANKS**, on or about February 28, 2022, in the County of Multnomah, State of Oregon, did unlawfully and intentionally attempt to cause the death of **THAD THOMAS**, another human being, 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 a part of the same act or transaction as the conduct alleged in counts 2-5 of this charging instrument and is of the same and similar character as the conduct alleged in the other counts of this charging instrument and constitutes part of a common scheme or plan based on two or more acts or transactions with the other count(s) of this charging instrument.

**COUNT 3**

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

22CR10692  
IN  
Indictment  
15045779



The said Defendant(s), **JOSEPH KELLY BANKS**, on or about February 28, 2022, in the County of Multnomah, State of Oregon, did unlawfully and intentionally cause serious physical injury to **THAD THOMAS** by means of a deadly and dangerous weapon, 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.

The state further alleges that the above-named victim did not substantially contribute to the commission of the above-described offense by precipitating the attack.

This count is a part of the same act or transaction as the conduct alleged in counts 2-5 of this charging instrument and is of the same and similar character as the conduct alleged in the other counts of this charging instrument and constitutes part of a common scheme or plan based on two or more acts or transactions with the other count(s) of this charging instrument.

#### COUNT 4

##### **ASSAULT IN THE SECOND DEGREE WITH A FIREARM**

The said Defendant(s), **JOSEPH KELLY BANKS**, on or about February 28, 2022, in the County of Multnomah, State of Oregon, did unlawfully and intentionally and knowingly cause physical injury to **THAD THOMAS**, by means of a deadly and dangerous weapon, 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 a part of the same act or transaction as the conduct alleged in counts 2-5 of this charging instrument and is of the same and similar character as the conduct alleged in the other counts of this charging instrument and constitutes part of a common scheme or plan based on two or more acts or transactions with the other count(s) of this charging instrument.

#### COUNT 5

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

The said Defendant(s), **JOSEPH KELLY BANKS**, on or about February 28, 2022, 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 **THAD THOMAS**, 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 counts 2-5 of this charging instrument and is of the same and similar character as the conduct alleged in the other counts of this charging instrument and constitutes part of a common scheme or plan based on two or more acts or transactions with the other count(s) of this charging instrument.

#### COUNT 6

##### **ATTEMPTED MURDER IN THE SECOND DEGREE WITH A FIREARM**

The said Defendant(s), **JOSEPH KELLY BANKS**, on or about February 28, 2022, in the County of Multnomah, State of Oregon, did unlawfully and intentionally attempt to cause the death of **LILLIAN CLOUD**, another human being, 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 a part of the same act or transaction as the conduct alleged in counts 6-9 of this charging instrument and is of the same and similar character as the conduct alleged in the other counts of this charging instrument and constitutes part of a common scheme or plan based on two or more acts or transactions with the other count(s) of this charging instrument.

#### COUNT 7

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

Verified Correct Copy of Original 3/28/2022.

The said Defendant(s), **JOSEPH KELLY BANKS**, on or about February 28, 2022, in the County of Multnomah, State of Oregon, did unlawfully and intentionally cause serious physical injury to **LILLIAN CLOUD** by means of a deadly and dangerous weapon, 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.

The state further alleges that the above-named victim did not substantially contribute to the commission of the above-described offense by precipitating the attack.

This count is a part of the same act or transaction as the conduct alleged in counts 6-9 of this charging instrument and is of the same and similar character as the conduct alleged in the other counts of this charging instrument and constitutes part of a common scheme or plan based on two or more acts or transactions with the other count(s) of this charging instrument.

#### COUNT 8

#### **ASSAULT IN THE SECOND DEGREE WITH A FIREARM**

The said Defendant(s), **JOSEPH KELLY BANKS**, on or about February 28, 2022, in the County of Multnomah, State of Oregon, did unlawfully and intentionally and knowingly cause physical injury to Lillian Cloud, by means of a deadly and dangerous weapon, 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 a part of the same act or transaction as the conduct alleged in counts 6-9 of this charging instrument and is of the same and similar character as the conduct alleged in the other counts of this charging instrument and constitutes part of a common scheme or plan based on two or more acts or transactions with the other count(s) of this charging instrument.

#### COUNT 9

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

The said Defendant(s), **JOSEPH KELLY BANKS**, on or about February 28, 2022, 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 **LILLIAN CLOUD**, 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 counts 6-9 of this charging instrument and is of the same and similar character as the conduct alleged in the other counts of this charging instrument and constitutes part of a common scheme or plan based on two or more acts or transactions with the other count(s) of this charging instrument.

#### COUNT 10

#### **MURDER IN THE SECOND DEGREE WITH A FIREARM**

The said Defendant(s), **JOSEPH KELLY BANKS**, on or about February 02, 2022, in the County of Multnomah, State of Oregon, did unlawfully and intentionally cause the death of **JEFF RAMIREZ**, another human being, 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 of the same and similar character as the conduct alleged in the other counts of this charging instrument and constitutes part of a common scheme or plan based on two or more acts or transactions with the other count(s) of this charging instrument.

#### COUNT 11

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

\_ Verified Correct Copy of Original 3/28/2022.\_

The said Defendant(s), **JOSEPH KELLY BANKS**, on or about February 02, 2022, in the county of Multnomah, State of Oregon, did unlawfully and intentionally attempt to cause the death of **STEPHEN BARRERA**, another human being, defendant having unlawfully and intentionally attempted to cause the death of **another person**, 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 a part of the same act or transaction as the conduct alleged in counts 12-15 of this charging instrument and is of the same and similar character as the conduct alleged in the other counts of this charging instrument and constitutes part of a common scheme or plan based on two or more acts or transactions with the other count(s) of this charging instrument.

**COUNT 12**

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

The said Defendant(s), **JOSEPH KELLY BANKS**, on or about February 02, 2022, in the County of Multnomah, State of Oregon, did unlawfully and intentionally cause serious physical injury to **STEPHEN BARRERA** by means of a deadly and dangerous weapon, 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.

The state further alleges that the above-named victim did not substantially contribute to the commission of the above-described offense by precipitating the attack.

This count is a part of the same act or transaction as the conduct alleged in counts 12-15 of this charging instrument and is of the same and similar character as the conduct alleged in the other counts of this charging instrument and constitutes part of a common scheme or plan based on two or more acts or transactions with the other count(s) of this charging instrument.

**COUNT 13**

**ASSAULT IN THE SECOND DEGREE WITH A FIREARM**

The said Defendant(s), **JOSEPH KELLY BANKS**, on or about February 02, 2022, in the County of Multnomah, State of Oregon, did unlawfully and intentionally and knowingly cause physical injury to Stephen **CHRISTOPHER BARRERA**, by means of a deadly and dangerous weapon 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 a part of the same act or transaction as the conduct alleged in counts 12-15 of this charging instrument and is of the same and similar character as the conduct alleged in the other counts of this charging instrument and constitutes part of a common scheme or plan based on two or more acts or transactions with the other count(s) of this charging instrument.

**COUNT 14**

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

The said Defendant(s), **JOSEPH KELLY BANKS**, on or about February 02, 2022, 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 Stephen Barrera, 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 counts 12-15 of this charging instrument and is of the same and similar character as the conduct alleged in the other counts of this charging instrument and constitutes part of a common scheme or plan based on two or more acts or transactions with the other count(s) of this charging instrument.

**COUNT 15**

**MURDER IN THE SECOND DEGREE WITH A FIREARM**

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The said Defendant(s), JOSEPH KELLY BANKS, on or about January 02, 2022, in the County of Multnomah, State of Oregon, did unlawfully and intentionally cause the death of ISAIAH HURST, another human being, 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 of the same and similar character as the conduct alleged in the other counts of this charging instrument and constitutes part of a common scheme or plan based on two or more acts or transactions with the other count(s) of this charging instrument.

Dated at Portland, Oregon, in the county aforesaid, on MARCH 28, 2022.

Witnesses

Examined Before the Grand Jury in person (unless noted)

- Colby J Panter
- Travis W Law
- Ryan Foote
- Kimberly M Hubbard
- Andrew Polas
- Michael Tabor
- Rodney Tabor
- Shayne Samora
- Stephen W Gandy
- Brent W Christensen
- Dustin J Lauritzon
- Thad Thomas
- Inez Hudson
- Lillian Cloud
- Sara Gibbons
- Darren L Posey
- Rico T Beniga
- Bobbie Olson (By Affidavit)
- Sue Giordano
- Carrisa Kirk
- Dan Alessio (By Report)
- Sean Hurst (By Report)
- Lea McLane
- Chad Steiner
- Jason Popiel (By Simultaneous Television Transmission)

Grand Jury Proceedings on:

- March 7, 2022
- March 9, 2022
- March 24, 2022

A TRUE BILL

*Allison Anslinger*  
/S/ Allison Anslinger  
Foreperson of the Grand Jury

MIKE SCHMIDT (084679)  
District Attorney  
Multnomah County, Oregon

By *Eric Zimmerman* Deputy

Security Amount (Def - BANKS) NO BAIL + \$250,000 + \$250,000 + \$250,000 + \$5,000 + \$250,000 + \$250,000 + \$250,000 + \$5,000 + NO BAIL + \$250,000 + \$250,000 + \$250,000 + \$5,000 + NO BAIL

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 J ERIC ZIMMERMAN OSB 041179 //jbm

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