

**In the Circuit Court of the State of Oregon
for Multnomah County**

Verified Correct Copy of Original 5/9/2022.

STATE OF OREGON,

Court Nbr 22-CR-21679 DA 2447929-1
Crime Report PP 22-118101
PP 22-680557
PP 22-801609
PP 22-912375

Plaintiff,

MICHAEL EDGAR BIVINS
DOB: 01/18/1988

**PROBABLE CAUSE
FOUND NOT FOUND**
MAY - 9 2022

AFFIDAVIT OF PROBABLE CAUSE
TO SUPPORT CONTINUED DETENTION
OF DEFENDANT

FILED

MAY - 9 2022

CIRCUIT COURT

Defendant(s)
JUDGE

I, Quinn Zemel, swear that I am a Deputy District Attorney for Multnomah County and that I have reviewed the police reports which have been filed in this case by police officers; that the crimes charged against defendant(s) occurred in Multnomah County and that the probable cause for detention following the arrest of defendant(s) is as follows:

This writer has reviewed an online report filed on May 2, 2022 that stated Congregation Shir Tikvah staff arrived on site at 2420 NE Sandy Boulevard in the morning on May 1, 2022 and found a large plate glass window had been smashed and that there was video footage of a suspect hitting the window with his shoulder. Detective Meredith Hooper, Portland Police Bureau, reported the window is a big double paned plate glass window she estimates would be more than \$1,000 to replace.

Officer Adrian Ledford, Portland Police Bureau, reported that on May 1, 2022 police responded to a report of a broken window at Everybody Eats PDX located at 138 NW 10th Avenue. Officer Ledford reported that police drove to the location and located a broken window at the business and that they spoke with the owner who would be boarding it up. Detective Hooper, reported to this writer that the damage to the window is valued at around \$1,800 and that Everybody Eats PDX is a black-owned business.

Officer Matthew Jacobsen, Portland Police Bureau, reported that on May 3, 2022 that he was made aware of a vandalism that had taken place at Congregation Beth Israel, located at 1927 NW Flanders Street. Officer Jacobsen reported that upon arrival he located graffiti in yellow paint on the north side of the building. Officer Jacobsen reported that the yellow graffiti stated "Die Juden."

Detective Hooper reported that on May 5, 2022, she was made aware of a fire that took place on May 3, 2022 at approximately 6:48 PM at the Muslim Community Center of Portland, located at 5325 N Vancouver Avenue. Detective Hooper reported that she reviewed surveillance footage of the incident that included a white male suspect, later identified as Michael Bivens, defendant, wearing a blue zippered hooded sweatshirt, a light blue COVID style mask, maroon colored pants, black dress style shoes, a black backpack, and carrying a blue reusable grocery style bag. Detective Hooper reported that in the surveillance footage the defendant pours clear liquid from a large jar all along the northeast portion of the building's wall and then lights a book of matches on fire and throws the on-fire matchbook onto the liquid he poured out. Detective Hooper reported that, after walking away from the fire and returning to check on it, the defendant then takes a light colored piece of cloth from the reusable grocery bag and pours contents from a bottle all over the cloth. Detective Hooper reported the defendant then used a lighter to light the cloth on fire and he throws the cloth on the liquid he had previously poured on the ground. Detective Hooper reported that flames immediately grew in size. Detective Hooper reported that Johanas Njoku, Logistics and Operations Manager of the Muslim Community Center of Portland, assisted police with obtaining the surveillance footage and that Njoku told police he was inside of the Mosque at the time of the fire along with several other people. Lieutenant Wendy Stanley, Portland fire & Rescue, reported that when she arrived on scene she observed black scorch marks, soot deposition and bubbled paint at the rear of the building with two inverted cone patterns on the wall. Lieutenant Stanley reported that a piece of wood door trim was affected by the fire.

Officer Matt Miller, Portland Police Bureau, reported that on May 6, 2022, police received an e-mail from Josh Kashinsky, Executive Director of Congregation Beth Israel Synagogue, that a rock was thrown through the window of the

school connected to the synagogue. Officer Miller reported that Kashinsky stated the rock that broke the window was located and that the rock had a letter "V" written on it in black ink. Detective Hopper reported to this writer that the broken window was a historic window with leaded glass that, based on her experience, would be well over \$1,000 to replace.

Detective Hopper reported that on May 8, 2022 she spoke with Chandler Watkins, a reporter at Fox 12. Detective Hopper reported that Watkins told her on May 4, 2022 the defendant came to speak with a different reporter at the station but that reporter was not available so Watkins agreed to speak with the defendant. According to Watkins, the defendant admitted to starting the fire at the Muslim Community Center of Portland and that he would "leave them alone for a while" and attack another mosque. Watkins also told police that the defendant stated he threw the rock through the window at Congregation Beth Israel and that he spray painted the side of the building. Watkins told police that the defendant stated the spray paint translated to "the Jews" and that "Jewish people are so sensitive, I didn't choose yellow paint for any reason other than that is what I had on hand." Watkins told police that the defendant described the symbol that was on the rock thrown through the window and that the defendant took a hammer out of his pants that had the same symbol on it. Watkins also told police that the defendant claimed responsibility for the vandalism of the synagogue located at NE 24th Avenue and NE Sandy Boulevard (Congregation Shir Tikvah). In addition, Watkins told police that the defendant made several statements about Jewish people including "I am not anti-Jews or anything, but even their own God hates them, why should we like them – the Holocaust, they had to do it" and "Jewish people deserve the hate that goes towards them, all religions are stupid. Do you know the first murder Jews were responsible for? Jesus Christ!" Watkins told police the defendant also stated he was going to smash the windows of any black owned or minority business. Watkins told police that the defendant told her that he would return to the news station the following Friday to have additional discussions.

Detective Hopper reported in an affidavit in an "Affidavit for Search Warrant" that on Friday, May 6, 2022, police located the defendant exit a TriMet bus at the intersection of NW 158th Avenue and NW Blueridge Drive and that the defendant was wearing the same clothing, except for shoes, that he had been wearing the prior Wednesday. Detective Hopper reported that police identified the defendant by his Oregon driver's license and detained him. Detective Hopper reported that, after acknowledging his Miranda rights and agreeing to speak with police, the defendant admitted to talking to a Fox 12 reporter but claimed only to have discussed the economy and President Biden, nothing about the vandalisms. Detective Hopper reported that the defendant's appearance is "remarkably similar" to the suspect in the surveillance footage including a prominent ridge across his eyebrow and that he is wearing the same shoes as in the Congregation Shir Tikvah incident. Detective Hopper reported that the defendant told police he lives in his mother's apartment which police located on SE Tenino Street.

Detective Hopper reported in an additional "Affidavit in Support of a Search Warrant" that police executed a search warrant at the Tenino apartment. Detective Hooper reported that she located a maroon/red hooded sweatshirt that matched the one from the Congregation Shir Tikvah incident on April 30, 2022, as well as the matching black/dark navy-blue sweatpants with tapered legs. Detective Hopper reported that the defendant's mother directed police to a blue hooded sweatshirt and oversized maroon colored sweatpants that Detective Hooper recognized from the Muslim Community Center of Portland incident. Detective Hooper reported that the defendant's mother also directed police to a black backpack that was in a bucket. Detective Hooper reported that the defendant's mother told police the defendant had used the backpack and when he returned it that it smelled badly so she had it soaking with soap. Detective Hooper reported it was the same backpack as in the surveillance footage from April 30, 2022 and May 3, 2022. Detective Hooper reported that police also located a can of yellow spray paint and a rock with the same matching "V" symbol as found earlier painted on it. Detective Hooper reported police also located a large stack of printed articles, one of which is titled "William Wilberforce on the Idea of Negro Inferiority."

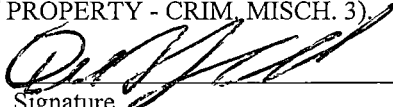
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I believe there is probable cause to believe the defendant, **MICHAEL EDGAR BIVINS**, has committed the crime(s) of: COUNT 1 - ARSON I (INTENTIONAL DAMAGE OF PROTECTED PROPERTY), COUNT 2 - CRIMINAL MISCHIEF I (DESTROY/DAMAGE, \$1,000 OR MORE), COUNT 3 - CRIMINAL MISCHIEF I (DESTROY/DAMAGE,

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\$1,000 OR MORE), COUNT 4 - CRIMINAL MISCHIEF III, COUNT 5 - CRIMINAL MISCHIEF II (INTENTIONAL), COUNT 6 - BIAS CRIME (TAMPER/INTERFERE W/ PROPERTY - CRIM. MISCH. 3), COUNT 7 - BIAS CRIME (TAMPER/INTERFERE W/ PROPERTY - CRIM. MISCH. 3), COUNT 8 - BIAS CRIME (TAMPER/INTERFERE W/ PROPERTY - CRIM. MISCH. 3), COUNT 9 - BIAS CRIME (TAMPER/INTERFERE W/ PROPERTY - CRIM. MISCH. 3) and COUNT 10 - BIAS CRIME (TAMPER/INTERFERE W/ PROPERTY - CRIM. MISCH. 3).

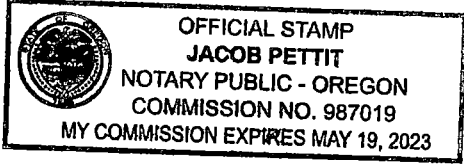
Date 05/09/2022


Signature

Quinn Zemel, DDA, OSB# 185173

SUBSCRIBED AND SWORN TO BEFORE
ME ON THE ABOVE DATE:





Notary Public For Oregon: 5-19-23
My Commission Expires:
 Deputy Clerk of the
Circuit Court
 Judge of the Circuit Court

AFFIDAVIT OF PROBABLE CAUSE