

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

Verified Correct Copy of Original 5/16/2022.

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
PP 22-115035

MCJRP ELIGIBLE

Plaintiff,

Indictment for Violation of

v.

ORS 164.325 (1)
ORS 164.365 (2,3,4,5,6)
ORS 166.155 (7,8,9,10,11)

MICHAEL EDGAR BIVINS
DOB: 01/18/1988

Defendant(s).

FILED
22 MAY 16 PM 1:05
Circuit Court
FOR MULTNOMAH COUNTY

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 - ARSON IN THE FIRST DEGREE, COUNT 2,3,4,5,6 - CRIMINAL MISCHIEF IN THE FIRST DEGREE, COUNT 7,8,9,10,11 - BIAS CRIME IN THE SECOND DEGREE, committed as follows:

COUNT 1

ARSON IN THE FIRST DEGREE

The said Defendant(s), MICHAEL EDGAR BIVINS, on or about May 03, 2022, in the County of Multnomah, State of Oregon, did unlawfully and intentionally damage protected property of another, located at 5325 N Vancouver Avenue, Portland, Oregon, 97217, by starting a fire, 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 the act was motivated by race, color, origin, religion, and/or sexual orientation.

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 2

CRIMINAL MISCHIEF IN THE FIRST DEGREE

The said Defendant(s), MICHAEL EDGAR BIVINS, on or about May 03, 2022, in the County of Multnomah, State of Oregon, did unlawfully and with intent to damage property, damage and destroy real property, in an amount exceeding one thousand dollars, the property of MUSLIM COMMUNITY CENTER OF PORTLAND, said defendant(s) having no right to do so nor reasonable ground to believe that defendant(s) had such right, 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 the act was motivated by race, color, origin, religion, and/or sexual orientation. 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 3

CRIMINAL MISCHIEF IN THE FIRST DEGREE

22CR21679
IN
Indictment
15272249



The said Defendant(s), **MICHAEL EDGAR BIVINS**, on or about May 02, 2022, in the County of Multnomah, State of Oregon, did unlawfully and with intent to damage property, damage and destroy real property, in an amount exceeding one thousand dollars, the property of Congregation Beth Israel, said defendant(s) having no right to do so nor reasonable ground to believe that defendant(s) had such right, 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 the act was motivated by race, color, origin, religion, and/or sexual orientation. 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 4

CRIMINAL MISCHIEF IN THE FIRST DEGREE

The said Defendant(s), **MICHAEL EDGAR BIVINS**, on or about May 04, 2022, in the County of Multnomah, State of Oregon, did unlawfully and with intent to damage property, damage and destroy real property, in an amount exceeding one thousand dollars, the property of **CONGREGATION BETH ISRAEL**, said defendant(s) having no right to do so nor reasonable ground to believe that defendant(s) had such right, 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 the act was motivated by race, color, origin, religion, and/or sexual orientation. 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

CRIMINAL MISCHIEF IN THE FIRST DEGREE

The said Defendant(s), **MICHAEL EDGAR BIVINS**, on or about April 30, 2022, in the County of Multnomah, State of Oregon, did unlawfully and with intent to damage property, damage and destroy real property, in an amount exceeding one thousand dollars, the property of **CONGREGATION SHIR TIKVAH**, said defendant(s) having no right to do so nor reasonable ground to believe that defendant(s) had such right, 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 the act was motivated by race, color, origin, religion, and/or sexual orientation. 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

CRIMINAL MISCHIEF IN THE FIRST DEGREE

The said Defendant(s), **MICHAEL EDGAR BIVINS**, on or about May 01, 2022, in the County of Multnomah, State of Oregon, did unlawfully and with intent to damage property, damage and destroy real property, in an amount exceeding one thousand dollars, the property of **EVERYBODY EATS PDX**, said defendant(s) having no right to do so nor reasonable ground to believe that defendant(s) had such right, 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 the act was motivated by race, color, origin, religion, and/or sexual orientation. 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

BIAS CRIME IN THE SECOND DEGREE

Verified Correct Copy of Original 5/16/2022.

The said Defendant(s), **MICHAEL EDGAR BIVINS**, on or about April 30, 2022, in the County of Multnomah, State of Oregon, did unlawfully and knowingly, with intent to cause substantial inconvenience to **CONGREGATION SHIR TIKVAH**, and because of the defendant's perception of **CONGREGATION SHIR TIKVAH**'s race, color, gender identity, religion, sexual orientation, disability, and national origin tamper and interfere with real property, the property of **CONGREGATION SHIR TIKVAH** by breaking a window, the said defendant having no right to do so nor reasonable ground to believe that defendant had such right, 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 8

BIAS CRIME IN THE SECOND DEGREE

The said Defendant(s), **MICHAEL EDGAR BIVINS**, on or about May 01, 2022, in the County of Multnomah, State of Oregon, did unlawfully and knowingly, with intent to cause substantial inconvenience to **EVERYBODY EATS PDX**, and because of the defendant's perception of **EVERYBODY EATS PDX**'s race, color, gender identity, religion, sexual orientation, disability, and national origin tamper and interfere with real property, the property of **EVERYBODY EATS PDX** by breaking a window, the said defendant having no right to do so nor reasonable ground to believe that defendant had such right, 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 9

BIAS CRIME IN THE SECOND DEGREE

The said Defendant(s), **MICHAEL EDGAR BIVINS**, on or about May 02, 2022, in the County of Multnomah, State of Oregon, did unlawfully and knowingly, with intent to cause substantial inconvenience to **CONGREGATION BETH ISRAEL**, and because of the defendant's perception of **CONGREGATION BETH ISRAEL'S** race, color, gender identity, religion, sexual orientation, disability, and national origin tamper and interfere with real property, the property of **CONGREGATION BETH ISRAEL** by putting paint on a wall, the said defendant having no right to do so nor reasonable ground to believe that defendant had such right, 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 10

BIAS CRIME IN THE SECOND DEGREE

The said Defendant(s), **MICHAEL EDGAR BIVINS**, on or about May 04, 2022, in the County of Multnomah, State of Oregon, did unlawfully and knowingly, with intent to cause substantial inconvenience to **CONGREGATION BETH ISRAEL**, and because of the defendant's perception of **CONGREGATION BETH ISRAEL'S** race, color, gender identity, religion, sexual orientation, disability, and national origin tamper and interfere with real property, the property of **CONGREGATION BETH ISRAEL** by breaking a window, the said defendant having no right to do so nor reasonable ground to believe that defendant had such right, 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 11

BIAS CRIME IN THE SECOND DEGREE

Verified Correct Copy of Original 5/16/2022.

The said Defendant(s), MICHAEL EDGAR BIVINS, on or about May 03, 2022, in the County of Multnomah, State of Oregon, did unlawfully and knowingly, with intent to cause substantial inconvenience to MUSLIM COMMUNITY CENTER OF PORTLAND, and because of the defendant's perception of MUSLIM COMMUNITY CENTER OF PORTLAND's race, color, gender identity, religion, sexual orientation, disability, and national origin tamper and interfere with real property, the property of MUSLIM COMMUNITY CENTER OF PORTLAND by starting a fire, the said defendant having no right to do so nor reasonable ground to believe that defendant had such right, 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.

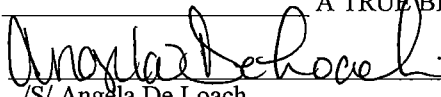
Dated at Portland, Oregon, in the county aforesaid, on MAY 16, 2022.

Witnesses

Examined Before the Grand Jury
in person (unless noted)

- Meredith Hopper
- Josh Kashinsky (By Simultaneous Television Transmission)
- Katherine Schneider
- Johnny Huff (By Simultaneous Television Transmission)
- Chandler Watkins
- Waleed Sadruddin (By Simultaneous Television Transmission)
- Pirouz Sedaghaty

Grand Jury Proceedings on:
May 12, 2022
May 16, 2022

A TRUE BILL

/S/ Angela De Loach
Foreperson of the Grand Jury

MIKE SCHMIDT (084679)
District Attorney
Multnomah County, Oregon

By  Deputy

Security Amount (Def - BIVINS) Bail Reduced to \$45,000 (by 05/09/22 order of Judge Johnston)

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 QUINN ZEMEL OSB 185173 //hc

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