



Rod Underhill, District Attorney

1021 SW Fourth Avenue, Room 600
Portland, OR 97204-1193
Phone: 503-988-3162 Fax: 503-988-3643
www.mcda.us

FOR IMMEDIATE RELEASE
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September 26, 2018 death investigation complete; no criminal charges filed

Today, Multnomah County District Attorney Rod Underhill announced the conclusion of an investigation into the use of force by Mr. Timothy Warren that resulted in the death of Mr. Joseph Magnuson on September 26, 2018 in Northeast Portland, Oregon.

The District Attorney's Office's review has determined that the use of force against Mr. Magnuson by Mr. Warren was a lawful act of self-defense, pursuant to Oregon law and that no criminal prosecution is warranted.

This criminal investigation started on September 26, 2018 at approximately 2 p.m. when Mr. Warren, who was on the job as a delivery driver, was confronted by Mr. Magnuson near the intersection of Northeast Hoyt and Northeast 29th Avenue.

During the investigation, it was determined that Mr. Warren was operating his company's delivery vehicle when Mr. Magnuson "very aggressively" began yelling at Mr. Warren to slow down. Mr. Warren stopped his truck and Mr. Magnuson continued to "berate him." Witnesses reported that Mr. Magnuson used racial slurs towards Mr. Warren, who is black.

The verbal altercation escalated when witnesses reported Mr. Magnuson attempted to strike Mr. Warren with his fist. Mr. Warren then punched Mr. Magnuson a single time above the left eye, which caused Mr. Magnuson to fall to the ground and briefly lose consciousness.

One of the witnesses contacted by law enforcement described the actions of Mr. Warren as defensive.

An autopsy was conducted and the Oregon State Medical Examiner's Office concluded Mr. Magnuson had been in extremely poor health and that those pre-existing conditions were a substantial contributing factor to his death.

"The wound to Mr. Magnuson's head inflicted by Mr. Warren's punch was superficial and not fatal," according to a memorandum prepared by Multnomah County Senior Deputy District Attorney Adam Gibbs, the prosecutor assigned to review this case. "The ensuing fall to the ground aggravated Mr. Magnuson's pre-existing conditions and resulted in his death."

As stated in the memorandum, "...Mr. Warren was within his right to exit his vehicle and verbally challenge the manner in which Mr. Magnuson was addressing him. Mr. Magnuson was the initial verbal aggressor; Mr. Warren responded in kind. Mr. Magnuson then escalated and became the initial physical aggressor; Mr. Warren again responded in kind."

"Mr. Magnuson's actions, as reported by all three witnesses and Mr. Warren, gave rise to a reasonable belief on Mr. Warren's part that a limited use of force was necessary to prevent injury to himself. This is sufficient under Oregon law to constitute a complete defense to any criminal charge that could arise out of this incident," the memorandum states.

A copy of the [full memorandum](#) is being released with this press release and can be obtained by [clicking here](#). Copies of the Portland Police Bureau's report on this case can be requested using the [City of Portland's Public Records Request portal](#). This case is documented under case number PP 18-329685.

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Contact: Brent Weisberg, Communications Director
Phone: 503.988.6567
Email: Brent.Weisberg@mcda.us