



Patricia W. Perlow
Lane County District Attorney

LANE COUNTY DISTRICT ATTORNEY'S OFFICE
125 EAST 8th AVENUE, ROOM 400
EUGENE, OREGON 97401-2926
FAX ONLY (541) 682-3890
(541) 682-4261

NEWS RELEASE

Date/Time of Release: Wednesday, August 5, 2020, 2:15 p.m.
From: Patty Perlow, Lane County District Attorney
RE: Grand Jury Investigation of June 28, 2020 incident

On Sunday, June 28, 2020, the advocacy group Black Unity held a children's march. The group started the event at Sladden Park, and marched with a large group to Skinner Butte Park for several hours of games, songs and activities. As the event was winding down, a smaller group of demonstrators, approximately 30 to 40 people, marched with the remaining children back toward Sladden Park by walking westbound on W. 1st Avenue and turning North on N. Adams Street. At around 6:23 pm, as the group approached the makeshift roundabout at N. Adams Street and Clark Street, a white Subaru approached the intersection traveling eastbound on Clark. Seeing the demonstrators were entering the roundabout from the southwest side of roadway, the driver, Travis Waleri, attempted to make an illegal left turn onto N. Adams Street by entering the opposing direction of travel and using the northeast section of the roundabout. During the turn, Isiah Wagoner, then a Black Unity leader providing traffic security for the demonstration, was struck on the left side of his body by the right side of Waleri's vehicle. The evidence clearly suggests the passenger mirror of the white Subaru had contact with Wagoner, though it is disputed how that contact occurred.

The contact between Waleri's vehicle and Wagoner caused Mr. Wagoner to spin to the right and stumble. Witness accounts vary as to whether Mr. Wagoner fell to the ground or was able to maintain his balance. Numerous members of the demonstration, having witnessed at least part of the incident, began to yell and chase Waleri's vehicle as it sped northbound away from the intersection. Mr. Wagoner was among the group of demonstrators that traveled nearly 1,700 feet to the apartment complex where they found Waleri's vehicle. Other demonstrators called 9-1-1 and walked the children back to Sladden Park.

Once the group of demonstrators located Waleri's vehicle, several members began to search the apartment complex for Waleri while others inspected the vehicle for evidence of identification and a suspect address. At 6:36 pm, Travis Waleri called 9-1-1 to report that he had a confrontation in the intersection with a member of the demonstration that struck the side mirror of his vehicle and the group

was gathering in the parking lot of his complex trying to locate him. When police arrived on scene, having received only limited information about what had occurred, they were met by a chaotic gathering of angry demonstrators demanding an arrest. At that point, Wagoner was lying in the grass adjacent to the apartment complex parking lot suffering from pain in his lower back and arm. Medics were called to the scene, evaluated Wagoner and transported him to the Sacred Heart Riverbend Hospital for further examination.

As the officers began conducting initial interviews to determine what had occurred, the demonstrators located Waleri's address from a piece of mail in his vehicle. The demonstrators descended upon Waleri's second story apartment and began pounding on his door and windows, demanding that he come out and face the crowd. Police officers had to stop their investigation to confront the angry crowd and insist they leave the platform to Waleri's apartment before they would contact him about the incident. A short, but tense standoff between police and the crowd ended when all members of the group exited the platform and an officer made contact with Waleri in his apartment.

Sergeant Matt Lowen of Eugene Police Department conducted an initial interview with Waleri within his apartment. During that interview, Waleri explained that he was returning from a family event when he attempted to turn from westbound W. 1st Avenue to northbound N. Adams Street. After starting the turn, Waleri observed the Children's March blocking the roadway on N. Adams Street and then redirected his vehicle to Jefferson Street then Clark Street to drive around the demonstrators. This account was corroborated by surveillance footage from a business located at the northwest corner of the intersection at W. 1st Avenue and N. Adams Street.

According to Waleri, as he approached N. Adams on Clark Street, from the West, he observed the protest group first entering the intersection on the East side of the roundabout. Waleri claimed that from his perspective there was sufficient room for him to make a left turn onto N. Adams by making the decision to illegally enter the westbound lane of travel and cutting the corner on the left side of the roundabout. Waleri said that he saw Wagoner entering the natural pedestrian walkway on the southwest corner of the intersection. Waleri also asserted that as he began to make his illegal turn onto N. Adams Street, Wagoner quickly approached his vehicle and struck the passenger mirror. Fearing a confrontation with the demonstrators, Waleri said he made the decision to continue driving up N. Adams Street to his apartment complex, as he observed several demonstrators run after his vehicle in his rearview mirror.

While Sergeant Lowen attempted to get an initial statement from Waleri regarding the illegal turn and contact with Wagoner, the crowd outside the apartment began to get more animated and contentious. The scene was depicted in a Facebook Live video posted online by one of the demonstrators. Concerned for the safety of Waleri and the officers on scene, and at Waleri's suggestion, Sergeant Lowen made the decision to escort Waleri from the apartment in handcuffs to a police vehicle that had been coordinated to transport Waleri to Eugene Police Headquarters. Having failed to establish probable cause for Waleri's arrest, pending further investigation into the crash, Waleri was later

released. Isiah Wagoner received numerous tests at the hospital and was later released with non-life threatening injuries, primarily significant lower back pain.

In an effort to thoroughly investigate the circumstances of the crash, the Eugene Police Department assigned the Major Collision Investigations Unit (hereinafter "MCI"). MCI, led by the two most experienced members of the team, conducted an exhaustive investigation that included interviewing all known witnesses, constructing a 3D scan of the scene, collecting all known surveillance videos and photographs of the incident, capturing drone photography of the intersection, conducting time/distance calculations and experiments, and collecting medical records for Wagoner. Once complete, the investigation was turned over to the District Attorney's Office for potential prosecution and the case was set for a Grand Jury review.

Grand Jury proceedings began on July 24, 2020. The state called 13 civilian witnesses to the incident, including Isiah Wagoner, and five police officers. The civilian witnesses were largely selected because they were adults within the group of demonstrators that purported to have a clear view of the incident and had knowledge of the events just before and after the crash. Several of the witnesses were people in leadership roles within Black Unity. In addition, the state presented medical records, many photographs, time/distance analysis, airbag control module evidence from Waleri's vehicle, a vehicle inspection report, 9-1-1 calls that were contemporaneous in time to the incident, the Facebook Live video, and the recorded statements of Waleri.

In the end, the Grand Jury was instructed on the law and asked to consider the charges of Attempted Murder in the Second Degree, Assault in the Second Degree, Assault in the Third Degree, Assault in the Fourth Degree, Failure to Perform the Duties of a Driver, Reckless Driving and Recklessly Endangering Another Person. After deliberation, the Grand Jury returned a "no true bill" on all charges. The "no true bill" will be filed with the court this afternoon, Mr. Wagoner now having been notified of the Grand Jury's decision.

Sr. Prosecutor Chris Parosa will be available for media briefing at 3:30 p.m. today at the Lane County Public Service Building, 125 E. 8th Ave., Harris Hall.