

**ALEX GARDNER**  
Lane County District Attorney  
125 E. 8<sup>th</sup> Avenue  
Eugene, OR 97401  
(541) 682-4261 (341) 682-3890 (fax)

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

THE STATE OF OREGON,  
Plaintiff,

vs.

BRANDON LEE PLUNK,  
Defendant.

**INFORMATION**

The above named defendant is accused on oath by the Lane County District Attorney as follows:

1. ROBBERY IN THE FIRST DEGREE
2. BURGLARY IN THE FIRST DEGREE
3. ATTEMPTED AGGRAVATED MURDER
4. MANSLAUGHTER IN THE FIRST DEGREE
5. FELON IN POSSESSION OF A FIREARM

committed as follows:

**COUNT 1**

The defendant, on or about November 24, 2010, in Lane County, Oregon, did unlawfully and knowingly and in the course of committing or attempting to commit theft, use or threaten the immediate use of physical force on Aaron James Walker, with the intent of preventing or overcoming resistance to the taking, or compelling the owner of the property or another person to deliver the property or engage in conduct which might aid in the commission of the theft, while armed with a deadly weapon, while causing or attempting to cause serious physical injury to Aaron James Walker; contrary to statute and against the peace and dignity of the State of Oregon.

**COUNT 2**

The defendant, on or about November 24, 2010, in Lane County, Oregon, did unlawfully and knowingly enter or remain in a building located in Eugene, Oregon, with the intent to commit the crime of theft and assault therein, and while effecting entry to said building, and while in said building, and in immediate flight from said building did attempt to cause physical injury to another person, and did use or threaten to use a dangerous and deadly weapon upon another person; contrary to statute and against the peace and dignity of the State of Oregon.

**COUNT 3**

The defendant, on or about November 24, 2010, in Lane County, Oregon, acting together with Sirius Combs, while committing or attempting to commit the crime of Robbery in the First Degree, and in the course of and in furtherance of the crime of Robbery in the First Degree or during the immediate flight therefrom, did unlawfully, personally and intentionally attempt to cause the death of Aaron Walker, a human being, and a person not a participant in the crime of Robbery in the First Degree; contrary to statute and against the peace and dignity of the State of Oregon.

COUNT 4

The defendant, on or about November 24, 2010, in Lane County, Oregon, did unlawfully and recklessly cause the death of Sirius Combs, a human being, under circumstances manifesting an extreme indifference to the value of human life; contrary to statute and against the peace and dignity of the State of Oregon.

COUNT 5

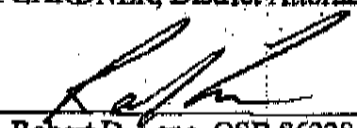
The defendant, on or about November 24, 2010, in Lane County, Oregon, did unlawfully and knowingly own, possess or use a handgun firearm, the said defendant having been previously convicted of a felony under the laws of Oregon, another state or the United States within the past 15 years; contrary to statute and against the peace and dignity of the State of Oregon.

DATED January 14, 2011 at Eugene, Lane County, Oregon.

ORS 164.415/Class A Felony  
ORS 164.225/Class A Felony  
ORS 163.095/Class A Felony  
ORS 163.118/Class A Felony  
ORS 166.270/Class C Felony

ALEX GARDNER, District Attorney

By:



Robert D. Lane, OSB 86228  
Assistant District Attorney  
Bob.lane@co.lane.or.us

DOB: 01/29/1983  
Agency: EGA 0000  
DA No.: 11-328  
Control:

\*\*This Information alleges offenses subject to Ballot Measure 11 sentencing minimums.\*\*

**IN THE CIRCUIT COURT OF THE STATE OF OREGON FOR LANE COUNTY**

**THE STATE OF OREGON,**

Plaintiff.

vs.

Plunk, Brandon Lee,

Defendant.

BOOKING NUMBER: \_\_\_\_\_

AGENCY NUMBER: EPD 10-18965

Booking Charges: Robbery I, Burglary I,  
Manslaughter I, Attempted Aggravated  
Murder

Date/Time of Arrest: January 14, 2011 @  
3:00 p.m.

**AFFIDAVIT OF PROBABLE CAUSE**

I, Dan Brazier, swear that the above-named defendant was arrested on the date and time above, and for the above crime - that the crime occurred in Lane County, Oregon, and the probable cause for the arrest is as follows:

I am involved in the investigation of a robbery that occurred on November 24, 2010, at about 8:59 p.m. at the Dutch Brothers Coffee kiosk located at 2115 Franklin Boulevard, Eugene, Lane County, Oregon. During the robbery there was an exchange of gunfire between the victim and one of the suspects, which resulted in the death of that suspect. I was called to the scene on November 24, 2010, at about 10:15 p.m. Upon my arrival I spoke to Eugene Police Sergeant Shawn Marsh. Sergeant Marsh told me when officers arrived at the scene they located a deceased person, Sirius Elisha Combs, lying in the doorway of the business. Combs was dressed in dark clothing and he had a bandana covering his face. Combs was clutching a wad of US currency, and there was a handgun lying near him.

I personally spoke to the victim of the robbery, Aaron Walker, on November 24, 2010, and November 29, 2010. Walker told me he is an employee of Dutch Brothers Coffee, and he was working alone at the Franklin Boulevard Dutch Brothers on November 24, 2010. There was normal customer traffic prior to the incident. About twenty minutes before the incident a co-worker drove up to the window and had a brief conversation with Walker. The employee left, and about twenty minutes later, Walker heard a tapping at the back door and thought it was probably the co-worker returning. Walker looked out the window and saw a person dressed in all black. That dress was similar to how the co-worker was dressed, and Walker assumed it was that person. Walker unlocked the door and began opening it. The door was pulled open by the suspect, Sirius Combs. Combs was dressed in black clothing, with a hood pulled over his head and a bandanna covering his face. Combs pulled a handgun out of his front waistband and pointed it toward Walker's chest. Combs held the gun in his right hand. Combs said, "I'm going to kill you.... Get back." Combs walked through the door as Walker stepped back with his hands up. Combs repeated he was going to kill Walker as he demanded, "Where's the box?" Walker told Combs to calm down, and that it didn't work like that. Walker explained there was a till, but no safe. Walker stepped back further and opened the till drawer. At this point Walker stood on one side of the till drawer as Combs stood on the other. Both men were facing each other about arms-length away. Walker's back was toward the drive-up window as he told Combs to take the money. Walker and Combs were still facing each other. Walker had his hands up. Combs continued pointing the gun at Walker as Combs grabbed U.S. currency out of the till with his left hand.

Walker told me when Combs had emptied the till he told him to, "Turn around." At this point, Walker believed the danger level had increased greatly. Walker had complied with Combs' demands to this point, and Combs had taken the money out of the till. Walker thought Combs was having him turn around so he could execute him. Walker believed Combs was going to put a bullet in his head.

Walker told me he began to slowly turn to his right, in a clockwise direction. As he turned around, Walker noticed Combs was looking down. Walker realized this was his one chance to survive. Walker lowered his hands as he

turned. Walker reached into his waistband with his right hand and pulled out his Glock .40 caliber handgun. Walker quickly chambered a round with his left hand and immediately fired toward Combs. Combs fired his handgun at least twice toward Walker, as Walker continued to fire.

Walker told me Combs fell back and collapsed in the doorway. He maintained money in one hand and the handgun in the other. Walker told Combs to stay down. Walker realized Combs was still a threat to him because the handgun was still in his hand. Walker stepped out the door and was standing over Combs on the back porch. He was preparing to reach down and disarm Combs when he noticed a person, the second suspect, standing on the northwest corner of the coffee stand. This suspect raised a handgun toward Walker. Walker raised his gun and fired twice, as the suspect fired once or twice. Walker backed into the building as he fired. Walker looked outside and saw the second suspect running toward the north. Walker looked around the corner to confirm the second suspect was gone. Walker noticed the tip jar was lying on the ground and assumes the second suspect grabbed it during the robbery.

Walker told me he returned to Combs and took Combs' gun out of his hand and laid it on the ground. Walker immediately called 911. As Walker was on the phone with 911, a Lane County Sheriff's Deputy arrived. Walker told me he did not recognize either suspect.

On December 1, 2010, I obtained video surveillance from Wendy's Restaurant, 1895 Franklin Boulevard, Eugene, Oregon, from November 24, 2010. I believed Combs may have eaten at Wendy's based on the contents of his stomach at autopsy. I reviewed the video surveillance and found Combs walked into Wendy's with a second person at 8:36 p.m. This second person has since been identified as Brandon Plunk. Combs and Plunk order food to go and then left Wendy's with food in hand at 8:43 p.m., about fourteen minutes before the robbery began. The Wendy's Restaurant is about 2 1/2 blocks from the Dutch Brothers Coffee kiosk.

On December 2, 2010, I showed the Wendy's video surveillance to Aaron Walker. Walker identified the two subjects in the video as being consistent in appearance to the two suspects who robbed him.

On December 13, 2010, I spoke to Douglas Gene Baker at the Lane County Jail. Baker was incarcerated on unrelated matters, and offered to assist with this investigation. Baker told me he had received information from Everett Hallbach, another inmate that Jeremy Kenneth Shorter was present during the robbery.

On December 31, 2010, I provided Baker with a digital recorder and an earpiece that would allow for recording cellular telephone conversations. I instructed Baker to record phone conversations with Jeremy Shorter.

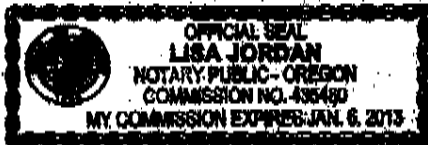
On January 1, 2011, at about 11:00 a.m., I spoke to Baker in person. Baker told me he communicated with Shorter by telephone on January 1, 2010, just after 12:00 a.m. Baker provided me with the digital recording. During this conversation, Baker told Shorter that Hallbach told him Shorter was involved. Shorter told Baker he was, "across the street." Shorter told Baker, "I was there, but I wasn't there." Shorter told Baker they (the police) were looking for somebody that walked up behind them, and not somebody that was with them. Shorter said this person was just walking up for a cup of coffee. Shorter told Baker he was the only person there that knew Combs. Shorter told Baker he needed to explain what happened. Baker asked Shorter if Combs was trying to collect money or if he was robbing the Dutch Brothers. Shorter told Baker that Combs was robbing the Dutch Brothers. Shorter told Baker he was driving Combs around and Combs told him he was just going to go up and get a cup of coffee. Shorter said Combs left his bag and, "burner," (gun) in the car. (I know based on my personal observations Combs' backpack was on his person during the robbery, and that he was armed with a handgun). Shorter told Baker that Combs lifted his jacket and said it (the gun) was in his bag. Shorter told Baker that Combs, "went over there and then fucking everything popped off....."

I showed Baker the video surveillance from Wendy's. Baker later told me the person who was with Combs in Wendy's was Brandon Plunk, a friend of Baker's.

On January 1, 2010, at about 11:45 a.m., I was present when Shorter called Baker by telephone. During this conversation Baker told Shorter he had a feeling there was another, "homie," there (during the robbery). Baker told Shorter he needed to contact this other person and make arrangements to have him contact Baker. Shorter replied, "Yeah, yeah." Baker confronted Shorter about not being honest with him the previous night. Shorter told Baker he wanted to talk more, but not over the phone. Shorter said he wanted to tell Baker in person. Shorter told Baker that if there was anything he could have done at that time (the robbery) he would have. Shorter sounded emotional when he told Baker he would have done anything if he could have.

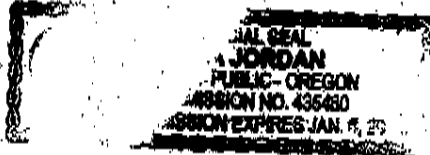
On January 13, 2011, I spoke to \_\_\_\_\_ my Shorter in person. Shorter told me he was \_\_\_\_\_ with his friends, Sirus Combs and Brandon Plunk, on the evening of November 24, 2010. Shorter, Plunk, and Combs were in a stolen vehicle. Shorter was driving. Plunk and Combs had been drinking alcohol. Shorter, Combs, and Plunk decided to go to the Market of Choice at 1960 Franklin Boulevard, Eugene, Oregon, to purchase more alcohol. Shorter parked in the old DMV parking lot at Franklin and Walnut Street because he didn't want to be seen in a stolen vehicle. Shorter watched as Combs and Plunk walked past the Market of Choice and over to the Wendy's Restaurant at 1895 Franklin Boulevard. Shorter watched as Combs and Plunk left the Wendy's after a few minutes and walked to the Dutch Brothers Coffee. Shorter exited the vehicle and he watched from directly across the street. Shorter heard yelling and saw Combs was inside the Dutch Brothers building. Shorter heard six to eight gunshots, and saw Combs lying in the doorway. Shorter saw Plunk on the northwest side of the building shortly after hearing the first gunshots. Shorter saw Plunk fire two gunshots from a handgun toward the building. Shorter saw Plunk run northeast bound toward the Willamette River. Shorter wiped the stolen vehicle for fingerprints, and left the scene on foot. Shorter received a phone call from Plunk after leaving the scene. Plunk instructed Shorter to leave the area. Shorter met up with Plunk several hours later and was told by Plunk not to say anything about what happened because they were the only two who knew what happened, and that if they never talked then no one else would ever know.

On January 14, 2011, I arrested Plunk and interviewed him at the Eugene Police Department. Plunk denied any involvement in the incident, and said he hadn't seen Combs in a week. Plunk invoked his right to an attorney.



*DR*  
 Dan Brazel,  
 Detective

SUBSCRIBED AND SWORN TO before me this 14th day of January, 2011



*Lisa Jordan*  
 NOTARY PUBLIC FOR THE STATE OF OREGON  
 My Commission Expires: 1/6/13

THIS MATTER coming before the court on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_ for a determination of probable cause existed to arrest the Defendant. The Court having made such determination; IT IS HEREBY ORDERED that the defendant may be detained pending further proceedings in the Court.

DATED this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_  
 \_\_\_\_\_  
 Circuit Court Judge