

SUPREME COURT OF OREGON

State v. Ayon-Urbano

375 Or. 376 (2026) · No. SC S072084 · Decided June 4, 2026

SUMMARY

The Oregon Supreme Court dismissed an alternative writ of mandamus sought by David Ayon-Urbano concerning a trial court order quashing a subpoena to Meta Platforms, Inc. for records in an ongoing criminal prosecution. The court declined to resolve the asserted compulsory-process and Stored Communications Act issues because the record was limited, Meta agreed to preserve the records, and the relator had not established a special loss warranting mandamus relief. The court stated that a future mandamus petition addressing the same issues was not foreclosed.

CASE DETAILS

|                       |                                                                                                                                                                                                                                                                                                                                                                 |
|-----------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| COURT                 | Supreme Court of Oregon                                                                                                                                                                                                                                                                                                                                         |
| WRITING FOR THE COURT | Per curiam; Flynn, Chief Justice; Duncan, Justice; DeHoog, Justice; Bushong, Justice; James, Justice; Masih, Justice                                                                                                                                                                                                                                            |
| JURISDICTION          | Supreme Court of Oregon                                                                                                                                                                                                                                                                                                                                         |
| DECIDED               | June 4, 2026                                                                                                                                                                                                                                                                                                                                                    |
| DOCKET                | SC S072084                                                                                                                                                                                                                                                                                                                                                      |
| DISPOSITION           | dismissed                                                                                                                                                                                                                                                                                                                                                       |
| PROCEDURAL POSTURE    | Original proceeding in mandamus arising from the Marion County Circuit Court's order quashing a subpoena served by a criminal defendant on Meta Platforms, Inc. The Oregon Supreme Court had allowed the mandamus petition to consider constitutional and statutory issues but dismissed the alternative writ without reaching those issues.                    |
| STANDARD OF REVIEW    | Mandamus is an extraordinary remedy committed to the court's broad discretion. Relief is generally inappropriate when the relator has a plain, speedy, and adequate remedy in the ordinary course of law; in discovery disputes, direct appeal ordinarily suffices unless denial of relief would cause a special loss beyond the ordinary burden of litigation. |
| PRECEDENTIAL VALUE    | Published Oregon Supreme Court opinion; precedential as to the mandamus adequate-remedy and special-loss analysis, but not a merits                                                                                                                                                                                                                             |

decision on the compulsory-process or Stored Communications Act questions.

#### **PARTIES**

David Ayon-Urbano, Defendant-Relator and Plaintiff-Relator v. State of Oregon, Plaintiff-Adverse Party, Meta Platforms, Inc., Defendant-Adverse Party

#### **TOPICS**

criminal procedure

appellate procedure

discovery criminal

sixth amendment

right to counsel

#### **PRACTICE AREAS**

Criminal procedure

Appellate procedure

Mandamus

Discovery and subpoenas

Constitutional law

#### **QUESTIONS PRESENTED**

1. Whether mandamus relief should issue to review the trial court's order quashing a pretrial subpoena for records served on Meta Platforms, Inc.
2. Whether the possibility that subpoenaed records might be lost, altered, or deleted established the special loss necessary to justify mandamus relief.
3. Whether the court should resolve the defendant's state and federal compulsory-process claims and related Stored Communications Act issues in the mandamus proceeding.

#### **HOLDINGS**

1. Mandamus relief was not warranted on the present record because Ayon-Urbano did not establish a special loss that could not be addressed through ordinary trial and appellate processes.
2. The court declined to resolve the constitutional, statutory, and related procedural questions because they arose on a limited record during an ongoing prosecution and included issues not yet presented to or addressed by the trial court.

#### **KEY QUOTATIONS**

*“Mandamus is an extraordinary remedy and serves a limited function.”* (379)

*“Nothing in our decision today forecloses relator’s right to file a future mandamus petition in this case, addressing the same issues relating to a subpoena for production of records, at a later date or stage of the litigation.”* (381)

#### **FACTUAL BACKGROUND**

Ayon-Urbano was being prosecuted on serious criminal charges, including second-degree murder. Before trial, he sought records from Meta Platforms, Inc. through a subpoena issued with the trial court's approval, but the trial court later quashed the subpoena. He argued that the records were subject to possible loss, alteration, or deletion and that denying access violated his compulsory-process rights. Meta represented that it would preserve

the records through the conclusion of the prosecution, appeals, and post-conviction proceedings, while Ayon-Urbano had begun pursuing alternative means of obtaining the information.

## PROCEDURAL HISTORY

During an ongoing criminal prosecution, David Ayon-Urbano served Meta with a subpoena for records with the trial court's approval. The Marion County Circuit Court quashed the subpoena. Ayon-Urbano sought mandamus relief in the Oregon Supreme Court, arguing that the order violated his compulsory-process rights under the Oregon and United States Constitutions. The Supreme Court dismissed the alternative writ because he had not established a special loss warranting extraordinary mandamus relief, particularly after Meta agreed to preserve the records and alternative avenues for obtaining information remained available.

## DISPOSITION

dismissed

## CASES CITED

- HotChalk Inc. v. Lutheran Church—Missouri Synod, 372 Or. 249, 255, 257, 259, 548 P.3d 812 (2024)
- Lindell v. Kalugin, 353 Or. 338, 347, 297 P.3d 1266 (2013)
- State ex rel. Automotive Emporium v. Murchison, 289 Or. 265, 269, 611 P.2d 1169 (1980)
- State ex rel. Anderson v. Miller, 320 Or. 316, 882 P.2d 1109 (1994)
- Gwin v. Lynn, 344 Or. 65, 176 P.3d 1249 (2008)