

EXEMPLIFICATION



IN THE SUPERIOR COURT OF OREGON
COUNTY OF RICHLAND

EXEMPLIFICATION

I, Abigail Swift, the undersigned, Clerk of the above-entitled Court certify that the attached is a full, true, and correct copy of the original on file. IN WITNESS I have signed the exemplification and affix the seal of this court.

DATE: Dec. 29, 20XX – 1 Clerk of the above entitled Court Abigail Swift

I, Evan Wiggins, Superior Court Judge of the above entitled court certify that the Court is a court of record having a Clerk and seal; that the Court Clerk who signed the foregoing attestation is a duly appointed and qualified clerk, and as such, duly qualified to execute said certificate of attestation; that the same is in due form, according to the laws of the state of Oregon; that the signature to said attestation is the Clerk's genuine handwriting, and that all her official acts, as such, clerk, are entitled to full faith and credit.

IN WITNESS my signature and seal of this court.

Evan Wiggins

DATE: Dec. 29, 20XX-1 Judge of the above-entitled Court _____

I, Doug Smith, Court Administrator about the above-entitled Court, certify that the Honorable Judge, whose name is subscribed in the preceding certificate, was, at the time of signing the same Judge of this Court and was duly commissioned, qualified and authorized by law to execute said certificate and that his/her signature to said certificate is genuine.

IN WITNESS I have signed this exemplification and affix the seal of the court.

Doug Smith

DATE: Dec. 29, 20XX-1 Court Administrator of the above-entitled court _____

I certify that this is a full, true, and correct on file in this office.

Abigail Swift

Clerk, Superior Court of the state of Oregon, Richland County

**Superior Court of Oregon
County of Richland**

State of Oregon, Plaintiff,

vs.

Alexandra Torres 5/23/XX-27

Defendant. _____ DOB _____

PCN: XX-666431

SID: 958477733

No.20XX-0- 49998765

**Felony Judgment and Sentence --
Jail One Year or Less
(FJS)**

Clerk’s Action Required, 2.1, 4.1, 4.3, 5.2, 5.3,
5.5, 5.7

Defendant Used Motor Vehicle

Juvenile Decline Mandatory Discretionary

I. Hearing

1.1 The court conducted a sentencing hearing this date; the defendant, the defendant's lawyer, and the (deputy) prosecuting attorney were present.

II. Findings

2.1 Current Offenses: The defendant is guilty of the following offenses, based upon

guilty plea (date) _____ jury-verdict (date) _____ bench trial (date) _____

Count	Crime	OCW (w/subsection)	Class	Date of Crime
1	Violation of the Uniform Contolled Substances Act - amphetamines	69.50.403(1)(e)	C	2/2/XX-8

Class: FA (Felony-A), FB (Felony-B), FC (Felony-C),

(If the crime is a drug offense, include the type of drug in the second column.)

Additional current offenses are attached in Appendix 2.1a.

The jury returned a special verdict or the court made a special finding with regard to the following:

The defendant used a **firearm** in the commission of the offense in Count _____. OCW 9.94A.602, 9.94A.533.

The defendant used a **deadly weapon other than a firearm** in committing the offense in Count _____ . OCW 9.94A.602, 9.94A.533.

Count _____ is a **criminal street gang**-related felony offense in which the defendant compensated, threatened, or solicited a **minor** in order to involve that minor in the commission of the offense. OCW 9.94A.833.

Count _____ is the crime of **unlawful possession of a firearm** and the defendant was a **criminal street gang** member or associate when the defendant committed the crime. OCW 9.94A.702, 9.94A. ____.

The defendant has a **chemical dependency** that has contributed to the offense(s). OCW 9.94A.607.

The crime(s) charged in Count _____ involve(s) **domestic violence**. OCW 10.99.020.

Count _____ is a felony in the commission of which the defendant used a **motor vehicle**. OCW46.20.285.

Counts _____ encompass the same criminal conduct and count as one crime in determining the offender score (OCW 9.94A.589).

Other current convictions listed under different cause numbers used in calculating the offender score are (list offense and cause number):

Entry 18. Felony Judgment and Sentences – Jail One Year Or Less –3 of 10

	Crime	Cause Number	Court (County & State)
1.			
2.			

Additional current convictions listed under different cause numbers used in calculating the offender score are attached in Appendix 2.1b.

2.2 Criminal History:

	Crime	Date of Crime	Date of Sentence	Sentencing Court (County & State)	A or J Adult, Juv.	Type of Crime	DV* Yes
1	Theft in the third degree	8/20 /XX-9	12/23 /XX-9	Richland District		Misd	
2	Unlawful issuance of bank check	4/11 /XX-9	7/6/ /XX-9	Richland District		Misd	
3							
4							
5							

* DV: Domestic Violence was pled and proved.

Additional criminal history is attached in Appendix 2.2.

The defendant committed a current offense while on community placement/community custody (adds one point to score). OCW 9.94A.525.

The prior convictions listed as numbers _____, above, or in appendix 2.2, are one offense for purposes of determining the offender score (OCW 9.94A.525).

2.3 Sentencing Data:

Count No.	Offender Score	Seriousness Level	Standard Range (not including enhancements)	Plus Enhancements*	Total Standard Range (including enhancements)	Maximum Term
1	0	C	0-60 days		0-60	5 yr.

(F) Firearm , (D) Other deadly weapons, (CSG) criminal street gang involving minor.
 Additional current offense sentencing data is attached in Appendix 2.3.

2.4 Exceptional Sentence. The court finds substantial and compelling reasons that justify an exceptional sentence:

- below the standard range for Count(s) _____.
 - above the standard range for Count(s) _____.
 - The defendant and state stipulate that justice is best served by imposition of the exceptional sentence above the standard range and the court finds the exceptional sentence furthers and is consistent with the interests of justice and the purposes of the sentencing reform act.
 - Aggravating factors were stipulated by the defendant, found by the court after the defendant waived jury trial, found by jury, by special interrogatory.
 - within the standard range for Count(s) _____, but served consecutively to Count(s) _____.
- Findings of fact and conclusions of law are attached in Appendix 2.4. Jury’s special interrogatory is attached. The Prosecuting Attorney did did not recommend a similar sentence.

2.5 Ability to Pay Legal Financial Obligations. The court has considered the total amount owing, the defendant's past, present, and future ability to pay legal financial obligations, including the defendant's financial resources and the likelihood that the defendant's status will change. The court finds that:

- The defendant has the ability or likely future ability to pay the legal financial obligations imposed herein. OCW 9.94A.753.
- The following extraordinary circumstances exist that make restitution inappropriate (OCW 9.94A.753):
_____.
- The defendant has the present means to pay costs of incarceration. OCW 9.94A.760.

III. Judgment

- 3.1 The defendant is **guilty** of the Counts and Charges listed in Paragraph 2.1 and Appendix 2.1.
- 3.2 The court **dismisses** Counts _____ in the charging document.

IV. Sentence and Order

It is ordered:

4.1 Confinement. The court sentences the defendant as follows:

- (a) **Confinement.** OCW 9.94A.589. A term of total confinement in the custody of the county jail:
 _____ 2 months on Count 1 _____ months on Count _____
 _____ months on Count _____ months on Count _____
 _____ months on Count _____ months on Count _____

Actual number of months of total confinement ordered is: one _____.

All counts shall be served concurrently, except for the following which shall be served consecutively:

_____.

The sentence herein shall run consecutively with the sentence in cause number(s) _____

_____.

but concurrently to any other felony cause not referred to in this Judgment. OCW 9.94A.589.

Confinement shall commence immediately unless otherwise set forth here: _____.

_____.

Partial Confinement. The defendant may serve the sentence, if eligible and approved, in partial confinement in the following programs, subject to the following conditions: _____.

- work crew OCW 9.94A.725 home detention OCW 9.94A.731, .190
 work release OCW 9.94A.731

Conversion of Jail Confinement (Nonviolent and Nonsex Offenses). OCW 9.94A.680(3). The county jail is authorized to convert jail confinement to an available county supervised community option, to reduce the time spent in the community option by earned release credit consistent with local correctional facility standards, and may require the offender to perform affirmative conduct pursuant to OCW 9.94A.

The defendant shall receive credit for time served in an available county supervised community option prior to sentencing. The jail shall compute time served.

Alternative Conversion. OCW 9.94A.680. 30_ days of total confinement ordered above are hereby converted to 240 __ hours of community restitution (service) (8 hours = 1 day, nonviolent offenders only, 30 days maximum) under the supervision of the Department of Corrections (DOC) to be completed on a schedule established by the defendant's community corrections officer but not less than _____ hours per month.

Alternatives to total confinement were not used because of: _____
 criminal history failure to appear (finding required for nonviolent offenders only) OCW 9.94A.680.

- (b) **Credit for Time Served:** The defendant shall receive credit for time served prior to sentencing if that confinement was solely under this cause number. OCW 9.94A.505. The jail shall compute time served.

4.2 Community Custody. OCW 9.94A.505, .702.

(A) The defendant shall serve _____ months (up to 12 months) in community custody.

The court may order community custody under the jurisdiction of DOC for up to 12 months if the defendant is convicted of a violent offense, a crime against a person under OCW 9.94A.411, or felony violation of chapter 69.50 or 69.52 OCW or an attempt, conspiracy or solicitation to commit such a crime. For offenses committed on or after June 7, 2006, the court shall impose a term of community custody under OCW 9.94A.701 if the offender is guilty of failure to register (second or subsequent offense) under OCW 9A.44.130(11)(a) and for offenses after June 12, 2008 for unlawful possession of a firearm with a finding that the defendant was a member or associate of a criminal street gang. The defendant shall report to DOC not later than 72 hours after release from custody at the address provided in open court or by separate document.

(B) While on community custody, the defendant shall: (1) report to and be available for contact with the assigned community corrections officer as directed; (2) work at DOC-approved education, employment and/or community restitution (service); (3) notify DOC of any change in defendant's address or employment; (4) not consume controlled substances except pursuant to lawfully issued prescriptions; (5) not unlawfully possess controlled substances while on community custody; (6) not own, use, or possess firearms or ammunition;

(7) pay supervision fees as determined by DOC; (8) perform affirmative acts as required by DOC to confirm compliance with the orders of the court; and (9) abide by any additional conditions imposed by DOC under OCW 9.94A.704 and .706. The defendant’s residence location and living arrangements are subject to the prior approval of DOC while on community custody.

The court orders that during the period of supervision the defendant shall:

consume no alcohol.

have no contact with: _____.

remain within outside of a specified geographical boundary, to wit:

participate in the following crime-related treatment or counseling services: Richland County Drug Rehabilitation

undergo an evaluation for, and fully comply with, treatment for domestic violence substance abuse mental health anger management.

comply with the following crime-related prohibitions: _____.

Other conditions:

(C) The conditions of community custody shall begin immediately upon release from confinement unless otherwise set forth here: _____.

Court Ordered Treatment: If any court orders mental health or chemical dependency treatment, the defendant must notify DOC and the defendant must release treatment information to DOC for the duration of incarceration and supervision. OCW 9.94A.562.

4.3 Legal Financial Obligations: The defendant shall pay to the clerk of this court:

JASS CODE

<i>PCV</i>	\$ <u>500</u>	Victim assessment	OCW 7.68.035
<i>PDV</i>	\$ _____	Domestic Violence assessment	OCW 10.99.080
<i>CRC</i>	\$ _____	Court costs, including OCW 9.94A.760, 9.94A.505, 10.01.160, 10.46.190	
		Criminal filing fee \$ _____	FRC
		Witness costs \$ _____	WFR
		Sheriff service fees \$ _____	SFR/SFS/SFW/WRF
		Jury demand fee \$ _____	JFR
		Extradition costs \$ _____	EXT
		Other \$ _____	
<i>PUB</i>	\$ _____	Fees for court appointed attorney	OCW 9.94A.760
<i>WFR</i>	\$ _____	Court appointed defense expert and other defense costs	OCW 9.94A.760
	\$ _____	DUI fines, fees and assessments	
<i>CLF</i>	\$ _____	Crime lab fee <input type="checkbox"/> suspended due to indigency	OCW 43.43.690
	\$ <u>100</u>	DNA collection fee	OCW 43.43.7541
<i>FPV</i>	\$ _____	Specialized forest products	OCW 76.48.140
	\$ _____	Other fines or costs for: _____	

RTN/RJN \$ _____ Emergency response costs (Vehicular Assault, Vehicular Homicide, Felony DUI only, \$1000 maximum) OCW 38.52.430
 Agency: _____

RTN/RJN \$ _____ Restitution to: _____

RTN/RJN \$ _____ Restitution to: _____

\$ _____ Restitution to: _____
 (Name and Address--address may be withheld and provided confidentially to Clerk of the Court's office.)

\$ 600 **Total** OCW

9.94A.760

- The above total does not include all restitution or other legal financial obligations, which may be set by later order of the court. An agreed restitution order may be entered. OCW 9.94A.753. A restitution hearing:
 - shall be set by the prosecutor.
 - is scheduled for _____ (date).
- The defendant waives any right to be present at any restitution hearing (sign initials): _____.
- Restitution** Schedule attached.

Restitution ordered above shall be paid jointly and severally with:

Name of other defendant **Cause Number** (Victim's name) (Amount-\$)

RJN

The Department of Corrections (DOC) or clerk of the court shall immediately issue a Notice of Payroll Deduction. OCW 9.94A.7602, OCW 9.94A.760(8).

All payments shall be made in accordance with the policies of the clerk of the court and on a schedule established by DOC or the clerk of the court, commencing immediately, unless the court specifically sets forth the rate here: Not less than \$ _____ per month commencing _____.
 OCW 9.94A.760.

The defendant shall report to the clerk of the court or as directed by the clerk of the court to provide financial and other information as requested. OCW 9.94A.760(7)(b).

The court orders the defendant to pay costs of incarceration at the rate of \$ _____ per day, (actual costs not to exceed \$100 per day). (JLR) OCW 9.94A.760.

The financial obligations imposed in this judgment shall bear interest from the date of the judgment until payment in full, at the rate applicable to civil judgments. OCW 10.82.090. An award of costs on appeal against the defendant may be added to the total legal financial obligations. OCW 10.73.160.

4.4 DNA Testing. The defendant shall have a biological sample collected for purposes of DNA identification analysis and the defendant shall fully cooperate in the testing. The appropriate agency shall be responsible for obtaining the sample prior to the defendant's release from confinement. OCW 43.43.754.

HIV Testing. The defendant shall submit to HIV testing. OCW 70.24.340.

4.5 No Contact:

The defendant shall not have contact with _____ (name) including, but not limited to, personal, verbal, telephonic, written or contact through a third party until _____ (which does not exceed the maximum statutory sentence).

The defendant is excluded or prohibited from coming within _____ (distance) of:
 _____ (name of protected person(s))'s home/ residence work place school (other location(s)) _____, or
 other location _____ until _____ (which does not exceed the maximum statutory sentence).

A separate Domestic Violence No-Contact Order or Antiharassment No-Contact Order is filed concurrent with this Judgment and Sentence.

4.6 Other: _____

_____.

4.7 Off-Limits Order. (Known drug trafficker). OCW 10.66.020. The following areas are off limits to the defendant while under the supervision of the county jail or Department of Corrections: _____
_____.

V. Notices and Signatures

5.1 Collateral Attack on Judgment. If you wish to petition or move for collateral attack on this Judgment and Sentence, including but not limited to any personal restraint petition, state habeas corpus petition, motion to vacate judgment, motion to withdraw guilty plea, motion for new trial or motion to arrest judgment, you must do so within one year of the final judgment in this matter, except as provided for in OCW 10.73.100. OCW 10.73.090.

5.2 Length of Supervision. If you committed your offense prior to July 1, 2000, you shall remain under the court's jurisdiction and the supervision of the Department of Corrections for a period up to 10 years from the date of sentence or release from confinement, whichever is longer, to assure payment of all legal financial obligations unless the court extends the criminal judgment an additional 10 years. If you committed your offense on or after July 1, 2000, the court shall retain jurisdiction over you, for the purpose of your compliance with payment of the legal financial obligations, until you have completely satisfied your obligation, regardless of the statutory maximum for the crime. OCW 9.94A.760 and OCW 9.94A.505(5). The clerk of the court has authority to collect unpaid legal financial obligations at any time while you remain under the jurisdiction of the court for purposes of your legal financial obligations. OCW 9.94A.760(4) and OCW 9.94A.753(4).

5.3 Notice of Income-Withholding Action. If the court has not ordered an immediate notice of payroll deduction in Section 4.1, you are notified that the Department of Corrections (DOC) or the clerk of the court may issue a notice of payroll deduction without notice to you if you are more than 30 days past due in monthly payments in an amount equal to or greater than the amount payable for one month. OCW 9.94A.7602. Other income-withholding action under OCW 9.94A.760 may be taken without further notice. OCW 9.94A.7606.

5.4 Community Custody Violation.

(a) If you are subject to a first or second violation hearing and DOC finds that you committed the violation, you may receive as a sanction up to 60 days of confinement per violation. OCW 9.94A.633.

(b) If you have not completed your maximum term of total confinement and you are subject to a third violation hearing and DOC finds that you committed the violation, DOC may return you to a state correctional facility to serve up to the remaining portion of your sentence. OCW 9.94A.714.

5.5 Firearms. You may not own, use or possess any firearm unless your right to do so is restored by a superior court in Oregon State, and by a federal court if required. You must immediately surrender any concealed pistol license. (The clerk of the court shall forward a copy of the defendant's driver's license, identicard, or comparable identification to the Department of Licensing along with the date of conviction or commitment.) OCW 9.41.040, 9.41.047.

5.6 Reserved.

5.7 Motor Vehicle: If the court found that you used a motor vehicle in the commission of the offense, then the Department of Licensing will revoke your driver’s license. The clerk of the court is directed to immediately forward an Abstract of Court Record to the Department of Licensing, which must revoke your driver’s license. OCW 46.20.285.

5.8 Other: _____.

Done in Open Court and in the presence of the defendant this date: June 3, 20XX-8

Henry Evans

Judge/Print Name: Henry Evans

Jane Parker

Jerry Chan

Alexandra Torres

Deputy Prosecuting Attorney
OSBA No. 14923
Print Name: Jane Parker

Attorney for Defendant
OSBA No. 17779
Print Name: Jerry Chan

Defendant
Print Name: Alexandra Torres

Voting Rights Statement: I acknowledge that I have lost my right to vote because of this felony conviction. If I am registered to vote, my voter registration will be cancelled.

My right to vote is provisionally restored as long as I am not under the authority of DOC (not serving a sentence of confinement in the custody of DOC and not subject to community custody as defined in OCW 9.94A.030). I must re-register before voting. The provisional right to vote may be revoked if I fail to comply with all the terms of my legal financial obligations or an agreement for the payment of legal financial obligations.

My right to vote may be permanently restored by one of the following for each felony conviction: a) a certificate of discharge issued by the sentencing court, OCW 9.94A.637; b) a court order issued by the sentencing court restoring the right, OCW 9.92.066; c) a final order of discharge issued by the indeterminate sentence review board, OCW 9.96.050; or d) a certificate of restoration issued by the governor, OCW 9.96.020. Voting before the right is restored is a class C felony, OCW 29A.84.660. Registering to vote before the right is restored is a class C felony, OCW 29A.84.140. Defendant’s signature: *Alexandra Torres*

I am a certified or registered interpreter, or the court has found me otherwise qualified to interpret, in the _____ language, which the defendant understands. I interpreted this Judgment and Sentence for the defendant into that language.

I certify under penalty of perjury under the laws of the state of Oregon that the foregoing is true and correct.

Signed at (city) _____, (state) _____, on (date) _____.

Interpreter

Print Name

VI. Identification of the Defendant

958477733
SID No. _____ Date of Birth _____
(If no SID complete a separate Applicant card 5/23/27
(form FD-258) for State Patrol)

FBI No. 999076653 _____ Local ID No. 7594939 _____

PCN No. XX-666431 _____ Other _____

Alias name, DOB: _____

Race:

Asian/Pacific Islander Black/African-American Caucasian
 Native American Other: _____

Ethnicity:

Hispanic
 Non-Hispanic

Sex:

Male
 Female

Fingerprints: I attest that I saw the defendant who appeared in court affix his or her fingerprints and signature on this document.

Clerk of the Court, Deputy Clerk, __Marie Spence_____ Dated: June 3, 20XX-8

The defendant's signature:

Left four fingers taken simultaneously	Left Thumb	Right Thumb	Right four fingers taken simultaneously
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