

COURT OF APPEALS
DIVISION II

09 JUN 12 PM 10:25

STATE OF WASHINGTON

DEPUTY

NO. 37845-1-II

IN THE COURT OF APPEALS OF THE STATE OF WASHINGTON
DIVISION II

STATE OF WASHINGTON, Respondent

v.

JEREMY GENE DUNN, Appellant

FROM THE SUPERIOR COURT FOR CLARK COUNTY
THE HONORABLE BARBARA D. JOHNSON
CLARK COUNTY SUPERIOR COURT CAUSE NO. 07-1-01898-1

BRIEF OF RESPONDENT

Attorneys for Respondent:

ARTHUR D. CURTIS
Prosecuting Attorney
Clark County, Washington

Rachael Rogers Probstfeld, WSBA #37878
Deputy Prosecuting Attorney

Clark County Prosecuting Attorney
1013 Franklin Street
PO Box 5000
Vancouver WA 98666-5000
Telephone (360) 397-2261

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I. STATEMENT OF THE CASE

Jeremy Dunn, appellant, was found guilty of possession of methamphetamine, driving without a license and no valid identification, and bail jumping on a class C felony after a jury trial in Clark County Superior Court. The court set sentencing for June 4, 2008 at 2:30pm.

On June 4, 2008 the appellant was sentenced. Before sentencing the Court sought clarification of the offender score:

JUDGE: All right, very well. First of all, we need to clarify prior criminal history and the sentencing range.

DEFENSE ATTORNEY: Okay. I think the State—the State and I agree that he has a prior offender score of 8, so with the two new felonies he would have an offender score of 9 for sentencing purposes. And that is also what the—the PSI reflects is a —is a score of 9.

-(SRP 214-15)

The court further clarified:

THE COURT: Let me also clarify that for the record a number of the convictions that have counted towards the offender score are out-of-state convictions, if not all of them. Is there an acknowledgment by the defendant here that the criminal history is counted by counsel's representation here at previously 8 points and now 9 or more points for purposes of sentencing? Is that correct, Mr. Dunn?

DEFENDANT: Yes, ma'am.

-(SRP 216)

II. RESPONSE TO ASSIGNMENT OF ERROR

A. **Defense Counsel was Not Ineffective**

Appellant assigns error to defense counsel for stipulating to the offender score used in calculating his sentencing range.

To properly calculate a defendant's offender score, the SRA requires that sentencing courts determine a defendant's criminal history based on his or her prior convictions and the level of seriousness of the current offense. State v. Wiley, 124 Wn.2d 679 (1994). Out-of-State convictions must be classified according to the comparable offense definitions and sentences provided by Washington law, and the sentencing court must compare the elements of the out-of-state offense with the elements of the comparable Washington crime. RCW 9.94A.525(3); State v. Ford, 137 Wn.2d 472, 479 (1999).

The State generally bears the burden of proving the existence and comparability of a defendant's prior out-of-state convictions; however a defendant's affirmative acknowledgment that his prior out-of-state convictions are properly included in his offender score satisfies the SRA requirements. Ford, 137 Wn.2d at 483 n.5.

Appellant argues that defense counsel was ineffective because he acknowledged appellant's offender score to include the conviction of five

Oregon felonies. Defense counsel did not dispute the existence of these five felonies nor the comparability of these felonies to Washington felonies. (5RP 214). Further, the sentencing court clarified that the defendant agreed with the inclusion of the prior Oregon convictions in his offender score: “Is there an acknowledgement by the defendant here that the criminal history is as counted by counsel’s representation here at previously 8 points and now 9 or more points for purposes of sentencing? Is that correct, Mr. Dunn?” To which the defendant replied, “Yes, ma’am.” (5RP 216). Thus defense counsel affirmatively agreed with the State’s classification that the five felonies in Oregon constitute felonies for the purpose of scoring in Washington. *See State v. Hunter*, 116 Wn. App. 300, 302 (2003), (holding that because defense counsel affirmatively acknowledged the correctness of the State’s classification of the out-of-state convictions, the sentencing court properly included the convictions in the defendant’s offender score), *aff’d by State v. Ross*, 152 Wn.2d 220 (2004) (finding defendant was not permitted to challenge on appeal the inclusion of out-of-state convictions in offender score where defense counsel affirmatively acknowledged to the sentencing court the correctness of the State’s classification).

To prove that trial counsel was so ineffective as to allow for a remand, the appellant must first establish that 1) counsel’s performance

was deficient, that counsel made errors so serious that counsel was not functioning as the counsel guaranteed the defendant by the Second Amendment to the Constitution, and 2) that the deficient performance prejudiced the defense. Strickland v. Washington, 466 U.S. 668 (1984). The appellant is required to show that counsel's errors were so serious as to deprive the appellant of a fair trial, a trial whose result is reliable. *Id.*

Appellant alleges ineffective assistance of counsel because defense counsel agreed that appellant's prior offender score was an 8, those points based off prior felonies committed in the State of Oregon. One of the elements the defendant must show to prevail on an ineffective assistance of counsel claim is to show that he was prejudiced by the conduct of defense counsel. *Id.* Appellant has not shown that the State would not have produced evidence that the conduct on the part of appellant for which he received the contested five felony convictions in Oregon would also have constituted felonies in Washington. Thus, the appellant has shown no prejudice by his stipulation to the offender score; he has not shown the result would have been different but for defense counsel's conduct. *See State v. Hernandez-Hernandez*, 104 Wn. App. 263, 264 (2001).

Further, the court and defense were in possession of certified documents (4RP 135) (contained herein as Appendices 1 through 5), documenting some of the defendant's prior convictions out of the State of

Oregon. Those documents show the conduct of the defendant which resulted in his convictions for Theft 1 and Attempt to Elude are equivalent to the conduct required to be convicted of felonies in the State of Washington.

1. THEFT

Regarding Oregon Case No. 97102137A, the appellant plead guilty to two counts Theft in the First Degree. According to certified court documents, the defendant was guilty of the first count of Theft in the First Degree by “unlawfully and knowingly commit theft of 30-30 Winchester rifle with octagon barrel, a firearm, the property of Terry Youngblood.” (Appendix 2). Further, the Oregon documents show he did commit the second count of Theft in the First Degree by “unlawfully and knowingly commit[ing] theft of 30-30 Winchester rifle with lever action, a firearm, the property of Terry Youngblood.”

In the State of Washington, a person commits the crime of theft a firearm (RCW 9A.56.300) if that person “commits theft of any firearm.” A person commits theft in the State of Washington by “wrongfully obtain(ing) or exert(ing) unauthorized control over the property or services of another with intent to deprive him of such property.” RCW 9A.56.020.

In the State of Washington a “firearm” is defined as “a weapon or device from which a projectile or projectiles may be fired by an explosive such as gunpowder.”

In Oregon, a person commits a theft when, “with intent to deprive another of property, or to appropriate property to the person or to a third person, the person: (1) takes, appropriates, obtains or withholds such property from an owner thereof.” ORS 164.055.

In Oregon, a firearm is defined as: a weapon, by whatever name known, which is designed to expel a projectile by the action of black powder or smokeless powder and which is readily capable of use as a weapon.” ORS 164.055(2)(c).

The Oregon and Washington definitions of firearms are essentially equivalent. The definitions of theft are equivalent. Therefore, the defendant’s Theft 1 conviction for taking a firearm is equivalent to a Washington Theft of a Firearm, which is a Class B felony and his criminal history properly reflects a point on his offender score for this conduct.

Regarding Oregon Case No. 97122731, the appellant also plead guilty to one count of Theft in the First Degree. (Appendix 1). According to certified court documents, the defendant was guilty of the Count of Theft in the First Degree by “unlawfully and knowingly commit[ing] theft

of a mountain bike, a cellular phone, and a purse with money, the value of \$750 or more, the property of Debora S. Hartshorne.”

An Oregon Theft 1, wherein the value of the property stolen is worth \$750 is comparable to a Washington Theft 2. RCW 9A.56.040 states that a person is guilty of theft in the second degree if he commits theft of property which exceeds two hundred and fifty dollars in value, but does not exceed one thousand five hundred dollars in value.

Therefore, Mr. Dunn’s Theft 1 conviction is equivalent to a Washington Theft 2, which is a Class C Felony. Thus, it would count as a point on the appellant’s offender score.

2. ATTEMPT TO ELUDE

Regarding the appellant’s three convictions for Attempt to Elude out of Oregon, appellant argues that the Oregon Attempt to Elude statute is much broader than the Washington statute for Attempt to Elude and would allow for a felony conviction for conduct, that if committed in the State of Washington, would not constitute a felony. Washington’s statute does include an element which is not included in the Oregon state, reckless driving. An individual in Washington must drive recklessly when he flees an officer, whereas in Oregon an individual must simply drive (no manner specified) to be convicted of Attempt to Elude. However, in all of

the appellant's Attempt to Elude cases, he was simultaneously charged with reckless driving. (Appendices 3, 4 and 5).

ORS 811.140 states "a person commits the offense of reckless driving if the person recklessly drives a vehicle upon a highway or other premises described in this section in a manner that endangers the safety of persons or property." "Recklessly" means "that a person is aware of and consciously disregards a substantial and unjustifiable risk that the result will occur or that the circumstance exists. The risk must be of such nature and degree that disregard thereof constitutes a gross deviation from the standard of care that a reasonable person would observe in the situation." ORS 161.085(9).

In Washington, the element of reckless driving contained in the felony Attempt to Elude statute requires showing that the defendant drove his vehicle in a reckless manner. "Recklessness" is defined as "a person is reckless or acts recklessly when he knows of and disregards a substantial risk that a wrongful act may occur and his disregard of such substantial risk is a gross deviation from conduct that a reasonable man would exercise in the same situation." RCW 9A.08.010(1)(c).

The definitions of reckless in Washington and Oregon are comparable. Further, by also being charged with reckless driving in the State of Oregon while Attempting to Elude or Flee an Officer fulfills the

extra element of the Washington Attempt to Elude statute. Therefore all of the defendant's Oregon Attempts to Elude are comparable to the Washington Attempt to Elude and were properly counted in his offender score.

Defense counsel is not required to make every possible objection in order to provide effective assistance of counsel. The appellant must show that he was prejudiced by the alleged ineffectiveness in order to prevail. The appellant's score was properly counted based on a review of the certified court documents of his prior Oregon convictions. Defense counsel did not commit ineffective assistance of counsel by stipulating to the offender score and by counseling his client to so stipulate. The appellant received a proper sentence and there is no issue for appeal.

B. Appellant was Not Deprived of a Fair and Impartial Jury

The appellant alleges in his statement of additional grounds that Juror Number 10 indicated that his ability to be objective was impacted by prior jury experience. (SAG page 3). However, the appellant misquotes Juror Number 10. In fact, Juror Number 10 stated "Well, I don't—I don't think—it's going to impact, you know my ability to be objective. It—you know. I mean, I—I'm a very objective—I'm into facts and figures and I'm into proof." (3RP 19). Further, when asked by the prosecuting

attorney if the juror would be able to set his prior frustration aside and objectively evaluate the facts presented and the evidence presented today, the juror responded, “absolutely.” (3RP 19). When defense counsel asked the juror whether he had any preconceived notions of what the evidence was going to be, the juror indicated he had no preconceived notions. (3RP 21).

After further voir dire with Juror Number 10 the Court inquired as to the defendant’s opinion as to keeping Juror Number 10 and the appellant indicated he agreed with his attorney and felt Juror Number 10 would not be a problem. (3RP 22).

A criminal defendant is guaranteed the right to have a trial by an impartial jury of his peers. The Court followed proper procedure and further inquired into a juror about whose impartiality there had been questions. The voir dire of Juror Number 10 indicates that he would be impartial and did not have preconceived notions about the evidence that would be presented and that he could set his frustrations aside and be a fair and impartial juror.

The appellant’s right to a fair and impartial jury was not violated.

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///

///

III. CONCLUSION

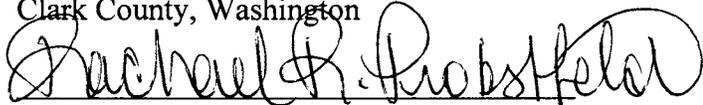
The trial court should be affirmed in all respects.

DATED this 8 day of January, 2009.

Respectfully submitted:

ARTHUR D. CURTIS
Prosecuting Attorney
Clark County, Washington

By:



Rachael Rogers Probstfeld, WSBA #37878
Deputy Prosecuting Attorney

APPENDICES

1

110

Handwritten signature/initials

1 LC 97-14381, CONE/HARMON, A-F, C-F
VICTIM

2 Control Number: DOA:

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4

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IN THE CIRCUIT COURT OF THE STATE OF OREGON

6

FOR THE COUNTY OF LINN

7

STATE OF OREGON,)

8

Plaintiff,)

No. 97122731 *A*

9

vs.)

INDICTMENT

10

JEREMY GENE DUNN,)

ORS 164.225 Count 1

11

GABRIEL M. STEWART,)

164.005 Count 2

11

Defendant(s).)

12

The above-named defendant(s) is (are) accused by the Grand

13

Jury of Linn County, State of Oregon, by this Indictment of the

14

offense of Burglary in the First Degree, Theft in the First

15

Degree, committed as follows:

16

Count 1

17

The said defendant(s) did, in Linn County, State of Oregon,

18

on or about September 17, 1997, unlawfully and knowingly enter

19

and/or remain in a dwelling located at 552 N. 6th Street,

20

Harrisburg, OR, with the intent to commit the crime of theft

21

therein, contrary to the Statutes in such cases made and provided

22

and against the peace and dignity of the State of Oregon.

23

The State further alleges that the above-described offense

24

occurred in an occupied dwelling.

25

Count 2

26

The said defendant(s) did, in Linn County, State of Oregon,

27

on or about September 17, 1997, unlawfully and knowingly commit

28

Jesse Curtille
District Attorney
PO Box 100
Albany, OR 97321
(503)967-3036

IN THE CIRCUIT DISTRICT COURT OF THE STATE OF OREGON

FOR THE COUNTY OF LINN

STATE OF OREGON,

Plaintiff,

vs.

JEREMY GENE DUNN,

Defendant(s).

JUDGMENT OF CONVICTION AND SENTENCE Case No. 97122731

Defendant Info:

J. McCormick Preciding Judge. 08/31/78 DUB Control# 0330451
K. Carlile (Deputy) District Attorney. SID#
K. Tibbets Defense Attorney. LC 97-14381 Agency#

X Attorney appointed after Court found defendant to be indigent.
Attorney waived after the defendant was advised of right to an attorney.

THIS MATTER comes before the Court for appearance on 2 July 1998, the State of Oregon appearing by the District Attorney for Linn County, Oregon, and the defendant appearing in person and having been charged with the crime(s) of: Ct1 Burglary in the First Degree Ct2 Theft in the First Degree committed on or about September 17, 1997

defendant waived Grand Jury,
defendant was arraigned and entered a plea of
No Contest Guilty to the crime(s) listed below at *
defendant having withdrawn former plea of Not Guilty and
pled No Contest Guilty to the crime(s) listed below at *
the Court found the plea was made freely, voluntarily and with
full knowledge of the charges, the maximum penalty and that
there is a factual basis for the plea, and received the plea,
X defendant previously been convicted of the crime(s) listed
at * by X plea or verdict,
* Ct2 Theft in the First Degree CSC 3 CHC I

and defendant knowingly waived two day waiting period before sentencing,
The Court having found that the defendant violated the terms of the Diversion Conditional Discharge Agreement and sentences defendant as stated below.

X IT IS ORDERED that Count(s) 1 in the accusatory instrument are hereby dismissed, as to this defendant.

The Court finds that the defendant's Criminal History Classification (CHC) and Crime Seriousness Classification (CSC) is as stated above for each crime(s),

The Court finds substantial and compelling reasons for durational/dispositional departure, any one of which would justify departure, as stated on the record.

IT IS HEREBY OR RED AND ADJUDGED that:
PRISON

Defendant is sentenced to the custody of the Department of
Corrections/Linn County Supervisory Authority

for the crime of _____

for a period of _____ months; and

for the crime of _____

for a period of _____ months; and

for the crime of _____

for a period of _____ months; and

The sentence(s) shall be consecutive to _____

Defendant is sentenced pursuant to ORS 137.700-707.

Defendant shall serve a minimum period of _____ months
(as to Count _____) pursuant to ORS 161.610.

Sentence is a Determinate Sentence pursuant to ORS 137.635

Defendant shall serve post-prison supervision term of _____
months, less time actually served pursuant to ORS 144.103.

Defendant shall serve post prison supervision term of _____
months.

If defendant violates the conditions of post-prison supervi-
sion, the defendant shall be subject to sanctions including
the possibility of additional imprisonment in accordance with
rules of the State Sentencing Guidelines Board.

PROBATION

Defendant (as to Count 2) is placed on probation to _____ the
Court Linn County Supervisory Authority for a
period of 24 months upon the terms and conditions set forth
in the attached Conditions of Probation.

Defendant (as to Count _____) is placed on probation to _____ the
Court _____ Linn County Supervisory Authority for a
period of _____ months upon the terms and conditions set forth
in the attached Conditions of Probation.

Defendant (as to Count _____) is placed on probation to _____ the
Court _____ Linn County Supervisory Authority for a period of _____
months upon the terms and conditions set forth in the
attached Conditions of Probation despite there being a
presumptive prison term of _____ months.

Defendant (as to Count _____) is sentenced to _____ days in the
custody of the Linn County Supervisory Authority beginning
_____ and is remanded to the custody of the
Linn County Sheriff.

IT IS ORDERED that defendant _____ may _____ may not be
considered by the executing, releasing or supervisory authority
for any form of temporary leave from custody, reduction in
sentence, work release, alternative incarceration program or
program of conditional or supervised release authorized by law
for which the defendant is otherwise eligible at the time of this
sentencing, pursuant to Senate Bill 936 (1997), sections 14
and/or 15.

IT IS FURTHER ORDERED defendant shall pay financial obliga-
tions stated in the Money Judgment. Financial obligations shall
be paid to Linn County Courts, P.O. Box 1749, Albany, OR 97321.

IT IS FURTHER ORDERED that any security heretofore posted in
this matter

_____ shall be applied to obligations stated in the Money Judgment,
_____ shall be returned to the person depositing security.

Defendant shall provide a blood sample pursuant to ORS 137.076
(DNA) and shall reimburse the appropriate agency for costs.

Defendant shall report to Linn County Jail for fingerprinting.
Defendant shall submit to an HIV test pursuant to ORS 135.139.
Defendant was advised of the right to appeal this judgment.
In that regard:

The Court hereby finds that defendant is indigent and if defendant chooses to appeal, the court hereby appoints the State Public Defender to represent defendant on appeal and orders that a transcript be prepared for appeal at public expense.

The Court hereby finds that if defendant chooses to appeal, the State Public Defender is directed to submit formal motion for appointment supported by a new affidavit of indigence.

OTHER: Eligible for 936 treatment.

MONEY JUDGMENT

Judgment Creditor is the State of Oregon and Judgment Debtor is the above-named defendant.

\$ _____ Fine.

\$ 100 Unitary Fee. \$100.00.... Felony \$90.00.... DUII
\$ 60.00.... Misdemeanor \$30.00.... Violation
\$500.00... Additional for Chapter 163 crimes

\$ _____ DUII Conviction Fee. \$130.00

\$ _____ County Jail Assessment.

\$ 80 Attorney Fees.

\$ _____ Reimbursement to Linn County Sheriff's Office/Corrections Division, State of Oregon, for the costs of drawing and transmitting blood sample. (ORS 137.076) (\$45.00)

#1 \$ 250 Restitution to Gregory and Deborah Hartschorn
552 N 6th St, Harrisburg OK 97446

#2 \$ 1605 Restitution to Allstate Insurance Co, P.O. Box
1269 Eugene, OR 97440 Claim No. 168 2198418 RKIF

\$ _____ Restitution to Joint and several with co-defendant(s).

\$ _____ Restitution to _____

\$ _____ Compensatory Fine to _____

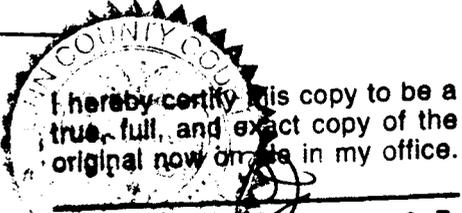
\$ _____ Other _____

\$ 2035 TOTAL MONEY JUDGMENT.

Money Judgment shall be paid at the rate of at least _____ per month, commencing _____, to be paid to the Linn County Courts, PO Box 1749, Albany, OR 97321 (DO NOT PAY VICTIM DIRECTLY).

DATED this 2 day of July, 1998.

[Signature]
CIRCUIT/DISTRICT JUDGE



CONDITIONS OF SUPERVISION

DEFENDANT: Jull DOCKET # 9712-2731 COUNTY LINN

THE PROBATIONER SHALL:

I. GENERAL (CORRECTIONS PROBATION):

Comply with the standard conditions of probation specified by ORS 137.540(1) and report to Linn County Corrections Office, 118 2nd Ave SE, Suite F, Albany, immediately, but not later than 5 days after release.

II. GENERAL (COURT PROBATION):

- 1. Not use or possess controlled substances unless prescribed by a physician.
- 2. Not leave the State of Oregon without prior written permission by the Court.
- 3. Not change employment or residence without prior written permission from the Court.
- 4. Obey all laws (municipal, county, state, and federal).

III. SPECIAL CONDITIONS (either Corrections or Court probation):

- 1. Pay financial obligations as ordered in Money Judgment.
- 2. Serve 10 days in the custody of the Linn County Supervisory Authority beginning immediately
No Credit for time served. Consecutive to any other sentence.
- 3. Abstain from the use of intoxicants, including alcohol and controlled substances, unless prescribed by a physician.
- 4. Report to Linn County Supervisory Authority other: _____ for alcohol evaluation and comply with treatment, and pay \$90.00 fee directly to evaluator.
- 5. Attend Alcohol Impact Panel and pay \$50.00 fee directly to Panel.
- 6. Refrain from knowingly associating with persons who use or possess controlled substances illegally, or from frequenting places where such substances are kept or sold.
- 7. Not contact or associate with, either directly or indirectly:
 - A. Co-defendant or crime partners: Gabe Stewart & Ken Welch
 - B. Persons known to be engaged in criminal activities.
 - C. Persons under age _____ except under specific circumstances specified in writing by the Court.
 - D. Other: victims and their residence
- 8. Report to the Linn County Supervisory Authority, Compensatory Service Office, located in the Courthouse Sheriff's Civil Office, within 5 days of release and serve _____ days of Compensatory Service (e.g., community service, EHD, work crew, CIC, jail), to be completed by _____
- 9. Be supervised under the terms and conditions of intensive supervision for at least _____ months.
- 10. Attend cognitive skills training if directed by probation officer
- 11. Actively seek employment & set up payment plan with P.O.
- 12. _____

IN THE CIRCUIT/DISTRICT COURT OF THE STATE OF OREGON

FOR THE COUNTY OF LINN

99 FEB-5 AM 10:35

STATE OF OREGON,

Plaintiff,

vs.

JEREMY GENE DUNN

Defendant(s).

JUDGMENT OF CONVICTION AND SENTENCE AFTER PROBATION VIOLATION Case No. 972751

Defendant Info:

JACKSON L. FROST Presiding Judge. Control#
R. DINGMORE (deputy) District Attorney. DOB
J. COYTANO Defense Attorney. SID
Court Reporter. DA Agency#

THIS MATTER comes before the Court on FEBRUARY 4, 1999 the State of Oregon appearing by the District Attorney for Linn County, Oregon, the defendant appearing in person upon Order of the Court directing defendant to appear and show cause why probation should not be revoked, and defendant having previously on 4-2-98, been convicted of the crime of

committed 9797 CSC 2 CHC F
committed CSC CHC
committed CSC CHC

and the Court having found that defendant violated the terms of probation,

NOW, THEREFORE, defendant's probation is hereby

Revoked (as to Count), and defendant is sentenced to a period of incarceration of months, in the custody of the Linn County Supervisory Authority/Department of Corrections with a post-prison supervision term of months. If defendant violates the conditions of post-prison supervision, the defendant shall be subject to sanctions including the possibility of additional imprisonment in accordance with rules of the State Sentencing Guidelines Board.

Revoked, and defendant is sentenced to days in the custody of the Linn County Supervisory Authority (as to Count).

Continued and Modified (as to Count 2), as follows:

- 1. RESTAIN FROM USE OF ALCOHOL AND CONTROLLED SUBSTANCE
2. SERVE 20 DAYS LINN CO. SUPERVISORY AUTHORITY
3. ATTEND DRUG TREATMENT AS RECOMMENDED BY SUPERVISORY AUTHORITY

Defendant shall not be given credit for time served.

IT IS ORDERED that defendant may may not be considered, by the executing, releasing or supervisory authority, for releases, programs and alternative sanctions pursuant to Senate Bill 936 (1997), sections 14 and/or 15.

DATED this 4th day of February, 1999.

JUDGE

I hereby certify this copy to be a true, full, and exact copy of the original now on file in my office.

12/10/2007

2

12

FILED
STATE OF OREGON

27 OCT -9 PM 1:26

COUNTY ADMINISTRATOR
[Signature]

1 LC 97-7160 HARMON P, A-F/C-F/C-F/C-F JAIL MEASURE 11
2 VICTIM
2 Control Number: DOA:

5 IN THE DISTRICT/CIRCUIT COURT OF THE STATE OF OREGON
6 FOR THE COUNTY OF LINN

7	STATE OF OREGON,)	
)	
8	Plaintiff,)	No. 97102137F <i>X</i>
)	
9	vs.)	DISTRICT ATTORNEY'S
)	INFORMATION
10	JEREMY GENE DUNN,)	
11	JIMMY LEE HENSON,)	ORS 164.225 COUNT 1
	<u>Defendant(s).</u>)	ORS 164.055 COUNTS 2 THROUGH 4

12 The above-named defendant(s) is (are) accused by the Dis-
13 trict Attorney of Linn County, State of Oregon, by this Informa-
14 tion of the offense of Count 1 - Burglary in the First Degree,
15 Counts 2 through 4 - Theft in the First Degree, committed as
16 follows:

17 Count 1

18 The said defendant(s) did, in Linn County, State of Oregon,
19 on or about May 19, 1997, unlawfully and knowingly enter and
20 remain in a dwelling located at 31076 Wyatt Drive, Harrisburg,
21 OR, with the intent to commit the crime of theft therein,
22 contrary to the Statutes in such cases made and provided and
23 against the peace and dignity of the State of Oregon.

24 Count 2

25 The said defendant(s) did, in Linn County, State of Oregon,
26 on or about May 19, 1997, unlawfully and knowingly commit theft
27 of 30-30 Winchester rifle with octagon barrel, a firearm, the
28

Jessie Carille
District Attorney
PO Box 100
Albany, OR 97321
(503)947-3836

1 | property of Terry Youngblood, contrary to the Statutes in such
2 | cases made and provided and against the peace and dignity of the
3 | State of Oregon.

4 | Count 3

5 | The said defendant(s) did, in Linn County, State of Oregon,
6 | on or about May 19, 1997, unlawfully and knowingly commit theft
7 | of 30-30 Winchester rifle with lever action, a firearm, the
8 | property of Terry Youngblood, contrary to the Statutes in such
9 | cases made and provided and against the peace and dignity of the
10 | State of Oregon.

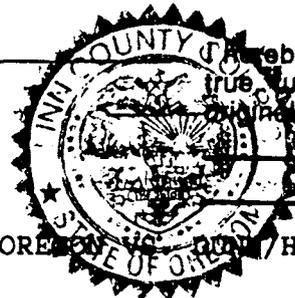
11 | Count 4

12 | The said defendant(s) did, in Linn County, State of Oregon,
13 | on or about May 19, 1997, unlawfully and knowingly commit theft
14 | of shotgun with pump action, a firearm, the property of Terry
15 | Youngblood, contrary to the Statutes in such cases made and
16 | provided and against the peace and dignity of the State of
17 | Oregon.

18 |
19 |
20 |
21 |
22 |
23 | DATED this 9th day of October, 1997.

24 | Jason Carlile
25 | District Attorney

26 | By DeAnn Ferrari
27 | DeAnn Ferrari, OSB# 94305
28 | Deputy District Attorney



I hereby certify this copy to be a true, full, and exact copy of the original now on file in my office.

12-10-2007

1 LC 97-7160 HARMON P, A-F/C-F/C-F/C-F/C-F/C-F
VICTIM

2 Control Number: DOA:

3

4

5

IN THE DISTRICT/CIRCUIT COURT OF THE STATE OF OREGON

6

FOR THE COUNTY OF LINN

7 STATE OF OREGON,)

8 Plaintiff,)

No. 97102137

9 vs.)

INDICTMENT

10 JEREMY GENE DUNN,)

ORS 164.225 COUNT 1

11 JIMMY LEE HENSON,)

ORS 164.055 COUNTS 2 - 6

12 Defendant(s).)

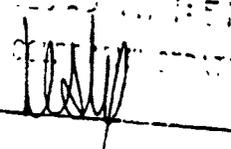
13 The above-named defendant(s) is (are) accused by the Grand
14 Jury of Linn County, State of Oregon, by this Indictment of the
15 offense of Count 1 - Burglary in the First Degree, Counts 2
16 through 6 - Theft in the First Degree, committed as follows:

17 Count 1

18 The said defendant(s) did, in Linn County, State of Oregon,
19 on or about May 19, 1997, unlawfully and knowingly enter and
20 remain in a dwelling located at 31076 Wyatt Drive, Harrisburg,
21 OR, with the intent to commit the crime of theft therein,
22 contrary to the Statutes in such cases made and provided and
23 against the peace and dignity of the State of Oregon.

24 Count 2

25 The said defendant(s) did, in Linn County, State of Oregon,
26 on or about May 19, 1997, unlawfully and knowingly commit theft
27 of 30-30 Winchester rifle with octagon barrel, a firearm, the
28 property of Ken Hiday, contrary to the Statutes in such cases

FILED
CLERK OF DISTRICT COURT
BY 

1 made and provided and against the peace and dignity of the State
2 of Oregon.

3
4 Count 3

5 The said defendant(s) did, in Linn County, State of Oregon,
6 on or about May 19, 1997, unlawfully and knowingly commit theft
7 of 30-30 Winchester rifle with lever action, a firearm, the
8 property of Ken Hiday, contrary to the Statutes in such cases
9 made and provided and against the peace and dignity of the State
10 of Oregon.

11
12 Count 4

13 The said defendant(s) did, in Linn County, State of Oregon,
14 on or about May 19, 1997, unlawfully and knowingly commit theft
15 of shotgun with pump action, a firearm, the property of Ken
16 Hiday, contrary to the Statutes in such cases made and provided
17 and against the peace and dignity of the State of Oregon.

18
19 Count 5

20 The said defendant(s) did, in Linn County, State of Oregon,
21 on or about May 19, 1997, unlawfully and knowingly commit theft
22 of a model 50 Winchester 12 guage shotgun, a firearm, the
23 property of Ken Hiday, contrary to the Statutes in such cases
24 made and provided and against the peace and dignity of the State
25 of Oregon.



I hereby certify this copy to be a
true and exact copy of the
original on file in my office.

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Count 6

The said defendant(s) did, in Linn County, State of Oregon, on or about May 19, 1997, unlawfully and knowingly commit theft of a .25 caliber semiautomatic pistol, a firearm, the property of Terry Youngblood, contrary to the Statutes in such cases made and provided and against the peace and dignity of the State of Oregon.

Witnesses Examined
Before the Grand Jury

Terry Youngblood
Twyla Holt
P. Harmon
M. Harmon
Ken Hiday

✓ _____ A TRUE BILL

Michelle D. Moeller

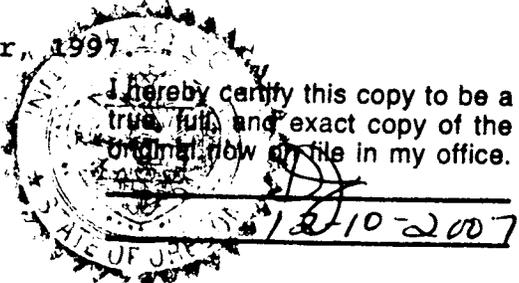
Foreman of the Grand Jury

DeAnn Ferrari

DeAnn Ferrari, OSB# 94305
(Deputy) District Attorney

(Asterisk * indicates
appeared by report only)

Dated this 18th day of December, 1997.



Jason Curfiss
District Attorney
PO Box 100
Albany, OR 97321
(503)967-3836

CASE CURRENTLY SET FOR TRIAL.

FILED
CLERK OF DISTRICT COURT
LINN COUNTY, OREGON
6/29/98

93 JUL 23 PM 4:32

IN THE DISTRICT/CIRCUIT COURT OF THE STATE OF OREGON
FOR THE COUNTY OF LINN

STATE OF OREGON,

Plaintiff,

) PETITION TO ENTER PLEA
) OF ~~GUILTY~~/NO CONTEST

vs.

JEREMY GENE DUNN

Defendant.

) Case No. 97102137

I wish to plead [] GUILTY [X] NO CONTEST to the charge(s) of:

THEFT IN THE FIRST DEGREE - COUNTS 2 & 3

alleged to have been committed on or about MAY 19, 1997.

I understand that by entering this plea, I am giving up:

1. My right to a trial by jury.
2. My right to have an attorney present to represent me at such trial. If I cannot afford an attorney, one will be appointed to represent me at State expense.
3. My right to confront and cross-examine witnesses.
4. My right to remain silent. If I choose not to testify, that fact may not be commented upon or used against me during the trial.
5. My legal status of being innocent until proven guilty beyond a reasonable doubt.

I have told my lawyer everything I know about this case. I am satisfied with the representation I have received from my lawyer. I understand that no recommendation, prediction or agreement as to sentencing by or between my attorney and/or the District Attorney is binding on the Court. No promise or threat has been made to me by anyone to induce me to enter this plea.

If I am presently on probation or parole, I understand that my plea of ~~guilty~~ No Contest in this case may result in revocation of that probation or parole.

I understand that if I am adjudged a dangerous offender, a different or additional penalty is authorized by reason of such a determination and that a determination that I am a dangerous offender may be made after I enter this plea.

I also understand that if I am not a citizen of the United States, conviction of a crime may result, under the laws of the United States, in deportation, exclusion from admission to the United States or denial of naturalization.

The maximum penalty which could be imposed in this matter is 5 month/years in jail and a fine of up to \$ 100,000 FOR EACH COUNT.

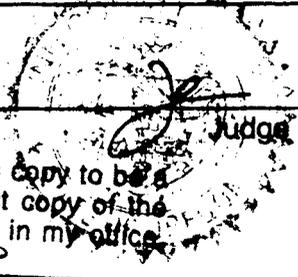
I have read and understand this entire document and submit my plea of:
[] GUILTY [X] NO CONTEST to the above charge(s).

[Signature]
Defendant

Subscribed and sworn to before me JUNE 23, 1998

Notary Public for _____
My Commission Exp: _____

I hereby certify this copy to be a true, full, and exact copy of the original now on file in my office.



126102007

IN THE CIRCUIT DISTRICT COURT OF THE STATE OF OREGON

FOR THE COUNTY OF LINN

STATE OF OREGON
LINN COUNTY COURTS

STATE OF OREGON,

Plaintiff,

vs.

JEREMY GENE DUNN,

98 JUL -6 AM 11:16

TRIAL COURT ADMINISTRATOR

JUDGMENT OF CONVICTION
AND SENTENCE

Case No. 97102137

Defendant(s).

J. McCormick

Presiding Judge. 08/31/78 DOB
Court Reporter. SID#

J. Carls (Deputy) District Attorney. SSN#
K. Tibbitts Defense Attorney. LC 97-7150 Agency#

Attorney appointed after Court found defendant to be indigent.
Attorney waived after the defendant was advised of right to an attorney.

THIS MATTER comes before the Court for appearance on 2 July 1998, the State of Oregon appearing by the District Attorney for Linn County, Oregon, and the defendant appearing in person and having been charged with the crime(s) of: Count 1 - Burglary in the First Degree, Counts 2 thru 6 - Theft in the First Degree.

committed on or about May 19, 1992.

defendant waived Grand Jury.

defendant was arraigned and entered a plea of

Not Guilty to the crime(s) listed below at

defendant having withdrawn former plea of Not Guilty and

pled Not Guilty to the crime(s) listed below at

the Court found the plea was made freely, voluntarily and with

full knowledge of the charges, the maximum penalty and that

there is a factual basis for the plea, and received the plea,

defendant previously been convicted of the crime(s) listed

at * by X plea or verdict.

* of 2 Theft in the First Degree

of 3 Theft in the First Degree

CSC 2 CHC I
CSC 2 CHC I
CSC CHC
CSC CHC

and defendant knowingly waived two day waiting period before

sentencing.

The Court having found that the defendant violated the terms

of the ~~the~~ Diversion ~~or~~ Conditional Discharge Agreement and

sentences defendant as stated below.

IT IS ORDERED that Count(s) 1 and 4-6 in the accusatory

instrument are hereby dismissed, as to this defendant.

The Court finds that the defendant's Criminal History Classification (CHC) and Crime Seriousness Classification (CSC) is as stated above for each crime(s).

The Court finds substantial and compelling reasons for durational/dispositional departure, any one of which would justify departure, as stated on the record.

IT IS HEREBY OR RED AND ADJUDGED that:

PRISON

Defendant is sentenced to the custody of the Department of Corrections/Linn County Supervisory Authority for the crime of _____

_____ for a period of _____ months; and for the crime of _____

_____ for a period of _____ months; and for the crime of _____

_____ for a period of _____ months; and The sentence(s) shall be consecutive to _____

Defendant is sentenced pursuant to ORS 137.700-707.

Defendant shall serve a minimum period of _____ months (as to Count _____) pursuant to ORS 161.610.

Sentence is a Determinate Sentence pursuant to ORS 137.635

Defendant shall serve post-prison supervision term of _____ months, less time actually served pursuant to ORS 144.103.

Defendant shall serve post-prison supervision term of _____ months.

If defendant violates the conditions of post-prison supervision, the defendant shall be subject to sanctions including the possibility of additional imprisonment in accordance with rules of the State Sentencing Guidelines Board.

PROBATION

Defendant (as to Count 2) is placed on probation to _____ the Court Linn County Supervisory Authority for a period of 18 months upon the terms and conditions set forth in the attached Conditions of Probation.

Defendant (as to Count 3) is placed on probation to _____ the Court Linn County Supervisory Authority for a period of 18 months upon the terms and conditions set forth in the attached Conditions of Probation.

~~Defendant (as to Count _____) is placed on probation to _____ the Court _____ Linn County Supervisory Authority for a period of _____ months upon the terms and conditions set forth in the attached Conditions of Probation despite there being a presumptive prison term of _____ months.~~

~~Defendant (as to Count _____) is sentenced to _____ days in the custody of the Linn County Supervisory Authority beginning _____ and is returned to the custody of the Linn County Sheriff.~~

IT IS ORDERED that defendant may _____ may not be considered by the executing, releasing or supervisory authority for any form of temporary leave from custody, reduction in sentence, work release, alternative incarceration program or program of conditional or supervised release authorized by law for which the defendant is otherwise eligible at the time of this sentencing, pursuant to Senate Bill 936 (1997), sections 14 and/or 15.

IT IS FURTHER ORDERED defendant shall pay financial obligations stated in the Money Judgment. Financial obligations shall be paid to Linn County Courts, P.O. Box 1749, Albany, OR 97321.

IT IS FURTHER ORDERED that any security heretofore posted in this matter _____ shall be applied to obligations stated in the Money Judgment, _____ shall be returned to the person depositing security.

~~Defendant shall provide a blood sample pursuant to ORS 163.026 (DNA) and shall reimburse the appropriate agency for costs.~~

IN THE CIRCUIT/DISTRICT COURT OF THE STATE OF OREGON
 STATE OF OREGON
 FOR THE COUNTY OF LINN

99 FEB -5 AM 10:35

STATE OF OREGON,

Plaintiff, TRIAL COURT ADMINISTRATOR JUDGMENT OF CONVICTION AND SENTENCE
 BY [Signature] AFTER PROBATION VIOLATION
 Case No. 970231

vs.

JEREMY WENE DUNN

Defendant Info:

Defendant(s)	Control#
<u>JACKSON L. FROST</u> Presiding Judge.	DOB
<u>R. DUNBLORE</u> (Deputy) District Attorney.	SID
<u>J. BOYDANO</u> Defense Attorney.	SSN
_____ Court Reporter. <u>DA</u>	Agency#

THIS MATTER comes before the Court on FEBRUARY 4, 1999, the State of Oregon appearing by the District Attorney for Linn County, Oregon, the defendant appearing in person upon Order of the Court directing defendant to appear and show cause why probation should not be revoked, and defendant having previously on 4-2-98, been convicted of the crime of

<u>CR. 2 THEFT I</u>	_____	CSC <u>2</u> CHC <u>F</u>
committed <u>5-11-97</u>		
<u>CR. 6 THEFT I</u>	_____	CSC <u>2</u> CHC <u>F</u>
committed <u>5-19-97</u>		
committed _____		CSC _____ CHC _____

and the Court having found that defendant violated the terms of probation,

NOW, THEREFORE, defendant's probation is hereby

Revoked (as to Count _____), and defendant is sentenced to a period of incarceration of _____ months, in the custody of the Linn County Supervisory Authority/Department of Corrections with a post-prison supervision term of _____ months. If defendant violates the conditions of post-prison supervision, the defendant shall be subject to sanctions including the possibility of additional imprisonment in accordance with rules of the State Sentencing Guidelines Board.

Revoked, and defendant is sentenced to _____ days in the custody of the Linn County Supervisory Authority (as to Count _____).

- Continued and Modified (as to Count 2, 6), as follows:
1. ABSTAIN FROM USE OF ALCOHOL AND CONTROLLED SUBSTANCES
 2. SERVE 20 DAYS JAIL LINN CO. SUPERVISORY AUTHORITY, CONSECUTIVE TO 0712231

Defendant shall not be given credit for time served.

IT IS ORDERED that defendant may _____ may not be considered, by the executing, releasing or supervisory authority, for releases, programs and alternative sanctions pursuant to Senate Bill 936 (1997), sections 14 and/or 15.

DATED this 4th day of FEBRUARY, 1999

I hereby certify this copy to be a true, full, and exact copy of the original now on file in my office.

JUDGE

12/10/2007

IN THE CIRCUIT COURT OF THE STATE OF OREGON
FOR THE COUNTY OF LINN

STATE OF OREGON,

Plaintiff,

vs.

JEREMY GENE DUNN,

Defendant.

BY [Signature]

Case No. 97102137

ORDER AMENDING JUDGMENT
AND SENTENCING AFTER
PROBATION VIOLATION

The following amendment(s) are to be entered and made a part of the Judgment of Conviction and Sentence, dated December 1, 1999, in the above referenced case, to-wit:

NOW, THEREFORE, defendant's probation is hereby

x Revoked (as to Count(s) 2 & 3), and defendant is sentenced to a period of incarceration of 4 months, in the custody of the Linn County Supervisory Authority/Department of Corrections with post-prison supervision term of 12 months. If defendant violates the conditions of post-prison supervision, the defendant shall be subject to sanctions including the possibility of additional imprisonment in accordance with rules of the State Sentencing Guidelines Board.

___ Revoked, and defendant is sentenced to ___ days in the custody if the Linn County Supervisory Authority (as to Count(s) ___).

___ Continued and Modified (as to Count(s) ___), as follows:

ORDERED this 3 day of Jan, ²⁰⁰⁰1999, and entered nunc pro tunc on the 1st day of December, 1999.

[Signature]
Circuit Court Judge



I hereby certify this copy to be a true, full, and exact copy of the original now on file in my office.

[Signature]
12-10-2007

3

IN THE CIRCUIT COURT OF THE STATE OF OREGON
FOR THE COUNTY OF MULTNOMAH

A

STATE OF OREGON

CASE NO. 0106-34432

v.

DA NO. 1268650

Dunn, Jeremy

Charge fel. att to elude
Count 1

Defendant

SGL TEMPORARY SENTENCING ORDER

SENTENCING DATE 8/30/01 Court Reporter _____ Cassette No. CD 824

Dist. Atty C. Prinz Bar No. _____ Def. Atty J. Steen Bar No. _____

The Defendant is indigent for purposes of court appointed counsel in this case.

The Court appointed counsel in this case.

Defendant is unrepresented by counsel and knowingly waived any right to an attorney after having been informed of that right.

In Custody ROR Security Release Matrix Close Street PRSP

Guilty By: Guilty Plea No Contest Plea Court Jury Date of Guilty Finding 8/30/01

Date of Crime 6/12/01 Grid Coordinates Z and E

Presumptive Sentence Durational Departure Dispositional Departure 936 hrs of fortunate serv

IMPRISONMENT: 6 Months Prison and 12 Months Post-Prison Supervision

Consecutive to _____ Concurrent to _____

PROBATION: _____ Months: Multnomah County Department of Community Corrections Bench Probation

The Following Special Conditions Of Probation Are Imposed:

Jail Sanction Units in Multnomah County Jail Work Release Authorized Passes Authorized

Consecutive to _____ Concurrent to _____

* Commence Immediately (*If not marked to commence immediately, TSI shall be set by Sheriff)

Non-Jail Sanction Units on Work Release TSI shall be set by Sheriff Passes Authorized

Consecutive to _____ Concurrent to _____
Non-Jail Sanction Units of ACS; _____ Non-Jail Sanction Units at Forest Project (Minimum 20 SU, Maximum 50 SU)

No Use/Intoxicants; Alcohol Eval/Treatment; No Use/Pos/ Controlled Subst; Drug Eval/Treat

Random UA; Breath/Blood Test; DNA; Search; Prob Superv Fee as required by P/O

Additional Conditions As Follows: _____

ENTERED
AUG 31 2001
IN REGISTER BY JKT

MONEY JUDGMENT: Fine \$ _____ Indigent Defense Expenses \$ 105 UA / \$50 CAA

(Statutory assessments and fees applicable to each conviction are to be imposed by the Clerk of the Court and are part of this Money Judgment unless waived.)

Restitution \$ _____ Victim _____

Restitution \$ _____ Victim _____

Payment Terms on Money Judgment per PRSP

OTHER: DM Ct. (2)

Waive PSI Waive 48 Hours Lic Susp Lic Revoke DNA

DATED: 8/30/01

JUDGE BEARDEN

IN THE CIRCUIT COURT OF THE STATE OF OREGON
FOR MULTNOMAH COUNTY

A

THE STATE OF OREGON,

Plaintiff

Case No. 01 06 34432

v.

D.A. No. 1268650

Jeremy Gene DUNN

Residence and phone.

Defendant

ORDER ENTERING PLEA OF GUILTY
PURSUANT TO PETITION FILED
ENTERED
AUG 31 2001
IN REGISTER BY JKT

IT IS ORDERED that the following be entered of record:

Appearances: Craig Pinks Dep. DA: JASON STANLEY Def. Atty.

() defendant's plea of GUILTY: () and arraignment (truly named in charging instrument, or as follows:

() to Felony Attempt to Elude as charged in ct. 1
Count indictment, information, complaint

() to the lesser, included offense of _____

() defendant's withdrawal of his former plea of Not Guilty and his Plea of GUILTY.

() this case continued pending receipt of a presentence investigation conducted by _____

() the Corrections Division: () long form: () short form

() previous report updated; must be received by _____

() Diagnostic Center; must be received by _____

() other _____

() the following matters be continued pending disposition of the within case: () indictment;

() count(s) _____ of the indictment. () other cases, Nos. _____

() this case continued for sentence to _____
(day, date and time)

() the within matter be continued to a later date yet to be determined by the Court.

() other _____

DATED this 30th day of August, 2001.



JUDGE

IN THE CIRCUIT COURT FOR THE STATE OF OREGON
FOR THE COUNTY ON MULTNOMAH

SGL

STATE OF OREGON

Circuit Court No.: **C01-06-34432**
District Attorney No.: **DA 1268650**

v.

JEREMY GENE DUNN

DOB: **8/31/78**

JUDGMENT OF CONVICTION AND SENTENCE **01**

Date of Proceeding: **8/30/01**

Def. Atty: **JASON STEEN**

Dist. Atty: **CRAIG PRINS**

Cassette No.: **CD 824**

Custody Status: **X** Custody; Recognizance; Security Posted; Matrixed.

Defendant is convicted of the following offense(s):

Count	Offense	Date of Incident
ONE	FELONY ATTEMPTING TO ELUDE A POLICE OFFICER	6/12/01

- X** Count(s) **ONE** involved operation of a motor vehicle;
Defendant's ODL: ;
Defendant is unrepresented and knowingly waived counsel;
- X** Defendant waived two-calendar-day delay before sentencing.
- X** Defendant is indigent for purposes of court appointed counsel in this case.
- X** The court appointed counsel in this case.

IT IS ADJUDGED THAT DEFENDANT HAS BEEN CONVICTED on defendant's plea of:

- X** Guilty;
no contest;
not guilty and verdict of guilty, by jury trial;
not guilty and verdict of guilty, by court trial.

All other counts contained in the charging instrument in this case are hereby dismissed on the motion of the District Attorney in the interest of justice. **COUNT TWO DISMISSED MOS.**

ENTERED
 SEP - 3 2001
 REGISTERED BY SB

Defendant was advised of the right to appeal (ORS 137.020).

JUDGMENT OF CONVICTION AND SENTENCE

PAGE 1

Original: Court; Dist. Atty.; Prob.; Def. Atty.; Jail; Judge

DISPOSITION ON COUNT **ONE**

IT IS ORDERED THAT THE FOLLOWING SENTENCE IS IMPOSED:

DEPARTURE SENTENCING OR PRESUMPTIVE SENTENCE:

This sentence is a dispositional departure, and the Court finds substantial and compelling reasons as stated in the record for this departure; **GRID 2 - E; UPWARD STIPULATED DEPARTURE.**

IT IS ORDERED THAT THE FOLLOWING SENTENCE IS IMPOSED:

IMPRISONMENT - a term for **SIX** months, and a period of post-prison supervision for **12** months. If the defendant violates the conditions for post-prison supervision, the defendant shall be subject to sanctions including the possibility of additional imprisonment in accordance with the rules of the State SGL Board. Defendant is committed to the custody of the **Multnomah County Sheriff's Office.**

DEFENDANT MAY BE CONSIDERED BY THE EXECUTING OR RELEASING AUTHORITY FOR ANY FORM OF TEMPORARY LEAVE FROM CUSTODY, REDUCTION IN SENTENCE, WORK RELEASE, ALTERNATIVE INCARCERATION PROGRAM OR PROGRAM OF CONDITIONAL OR SUPERVISED RELEASE AUTHORIZED BY LAW FOR WHICH THE DEFENDANT IS OTHERWISE ELIGIBLE AT THE TIME OF SENTENCING.

CREDIT FOR TIME SERVED.

JUDGMENT OF CONVICTION AND SENTENCE

Original: Court; Dist. Atty.; Prob.; Def. Atty.; Jail; Judge

PAGE 2

MONEY JUDGMENT ON COUNT **ONE**

IT IS ADJUDGED THAT DEFENDANT PAY THE FOLLOWING OBLIGATIONS:

THE JUDGMENT CREDITOR IS THE STATE OF OREGON WHILE THE JUDGMENT DEBTOR IS THE DEFENDANT.

OBLIGATION:		Waived
* (1) Penalty Assessment (CIC)	\$105.00	
(2) Restitution (REST)	\$	
(3) Indigent Defense Recovery (IDRC)	\$ 50.00	
(4) Fine (FINE)	\$	
* (5) BPST (BPAS)	\$	
* (6) DUII Conviction (DMVC)	\$	
(7) DMV Records (MVRA)	\$	
* (8) Jail Assessment (CJAS)	\$	
(9) Other:	\$	
 TOTAL MONEY JUDGMENT	 \$155.00	

*Unless a waiver is indicated, those fees and assessments marked are to be imposed administratively if the amount is left blank, and will be a condition of probation, and will be subject to judgment docketing.

TERMS OF PAYMENT: The amount of the money judgment is:
 suspended until defendant released from custody;

Date Signed: **AUGUST 30, 2001.**



Signature of JUDGE

FRANK L. BEARDEN

Typed or Printed Name of Judge

JUDGMENT OF CONVICTION AND SENTENCE

PAGE 3

Original: Court; Dist. Atty.; Prob.; Def. Atty.; Jail; Judge

IN THE CIRCUIT COURT OF THE STATE OF OREGON
FOR MULTNOMAH COUNTY

R

STATE OF OREGON,

Plaintiff,

C 01 06 34432

DA No. 126 8650

Citation No. _____

v.

Jeremy Gene Dunn
Defendant,

PETITION TO PLEAD GUILTY / NO CONTEST
AND WAIVER OF JURY TRIAL

FILED
AUG 31 2001
4th JUDICIAL DISTRICT

The defendant represents to the Court:

1. My full true name is Jeremy GENE DUNN
but I also am known as _____

2. I am 22 years of age. I have gone to school through 11th
My physical and mental health are satisfactory. I am not under the influence of any drugs or intoxicants, except _____

3. I understand my right to hire or have the Court appoint a lawyer to help me.

(a) I am represented by: JASON STEEN

(b) I choose to give up my right to a lawyer; I will represent myself: _____ (defendant's initials).

4. I have told my lawyer all the facts I know about the charge(s) against me. My lawyer has advised me of the nature of the charge(s), the defenses, if any, that I have in this case. I am satisfied with the advice and help I have received from my lawyer.

5. I understand that I have the following rights: (1) the right to jury trial; (2) the right to see, hear and cross-examine or question all witnesses who testify against me at trial; (3) the right to remain silent about all facts of the case; (4) the right to subpoena witnesses and evidence in my favor; (5) the right to have my lawyer assist me at trial; (6) the right to testify at trial; (7) the right to have the jury told, if I decide not to testify at trial, that they cannot hold that decision against me; and (8) the right to require the prosecutor to prove my guilt beyond a reasonable doubt.

6. I understand that I give up all of the rights listed in paragraph 5 when I plead either "Guilty" or "No Contest." I understand that I give up: (1) any defenses I may have to the charge(s); (2) objections to evidence; and (3) challenges to the accusatory instrument.

7. I want to plead Guilty / No Contest to the charge(s) of: Felony Fleeing or
Att. 1 to Elude - (CFel)

8. I know that a No Contest Plea will result in a Guilty finding regarding the charge(s) listed in Paragraph 7.

9. I know that when I plead "Guilty" or "No Contest" to the charge(s) in paragraph 7, the maximum possible sentence is 5 year(s) in prison (jail), and a fine with assessments totaling \$ 100,000, including a mandatory fine of \$ 105. I also know that the Court can impose a minimum sentence of _____

Further I know that these maximum and minimum sentences can be added to sentences in these other cases: _____

Finally, I know that my driver's license (can) (will) (cannot) be suspended for 12 months

10. I understand that I might () will not () be sentenced as a dangerous offender, which could increase each maximum sentence to 30 years, with a 15 year minimum.

11. I have been told that if my crime involved my use or threatened use of a firearm I (can) (will) receive a mandatory minimum sentence without parole or work release for a period of _____

12. I know that if I am not a United States citizen, my plea may result in my deportation from the USA, or denial of naturalization, or exclusion from future admission to the United States.

13. I know that this plea can affect probation or parole and any hearing I may have regarding probation or parole. If probation or parole is revoked, I know that the rest of the sentence in each of those cases could be imposed and executed, and could be added to any sentence in this case.

14. I know that the sentence is up to the Court to decide. The District Attorney may provide reports or other information if requested by the Court. I understand that the District Attorney will make the following recommendation to the Court about my sentence or about other pending charges. This recommendation is () is not () made pursuant to ORS 135.432 (2):

56L 2E: CT1 stipulated upward dep. departure
26 months jail concurrent to clackamas County
sanction; CTS, 936 credit; 12 months PPS;
1A fee, legal fee, CT 2 Dismissed

15-A. I plead Guilty because, in Multnomah County, Oregon, I did the following: ON 6/12/01, while
operating a motor vehicle on a public way; having been given
visible & audible signals to stop, from law enforcement, I
did knowingly attempt to elude police.

15-B. I plead No Contest because I understand that a jury or judge could find me guilty of the charge(s), so I prefer to accept the plea offer (defendant's initials: _____)

16. I declare that no government agents have made any threats or promises to me to make me enter this plea other than the District Attorney's recommendation set forth in Paragraph 14, except: _____

17. I understand if my sentence includes a period of supervised probation, and I am accused of violating the terms of the probation, I may have an opportunity to waive my rights to a hearing before a judge by accepting the sanction offered by the probation officer. The severity of the sanction would depend upon the nature of my violation. I would know what the sanction would be before agreeing to it. Even if I agree to the sanction, the judge or prosecutor has the option to schedule a hearing on the alleged violation. I also understand I would have the right to a hearing before a judge to determine if I had violated my probation and, if so, what sanction, if any, might be imposed.

18. I am signing this plea petition and entering this plea voluntarily, intelligently, and knowingly.

8/30/01
(Date)

[Signature]
(Defendant's Signature)

CERTIFICATE OF COUNSEL

I am the lawyer for the defendant and I certify:

1. I have read and explained fully to the defendant the allegations contained in the accusatory instrument(s). I believe defendant understands the charges and all possible defenses to them. I have explained alternatives and trial strategies to defendant.

2. I have explained to the defendant the maximum and minimum penalties that could be imposed for each charge and for all charges together.

3. The plea(s) offered by defendant is (are) justified by my understanding of the facts related to me.

4. To the best of my knowledge and belief, the declarations made by defendant in the foregoing petition are true and accurate.

5. To the best of my knowledge, defendant's decision to enter this plea is made voluntarily, intelligently, and knowingly.

I recommend that the Court accept the plea.

I have signed this certificate in the presence of the defendant and after full discussion of its contents with the defendant.

8/30/01
(Date)

[Signature]
(Lawyer's Signature)

99367
(Bar No.)

Case No. 0106 34432

In the Circuit Court of the State of Oregon For Multnomah County

STATE OF OREGON,

Plaintiff,

v.

JEREMY GENE DUNN

DOB: 08/31/1978

Defendant.

Court Nbr 01-06-34432
DA Case 1268650
Crime Report PP 01-53869

Indictment for Violation of

ORS 811.540 (1)
ORS 811.140 (2)

4TH JUDICIAL DIST.
01 JUL 20 PM 12: 23
FILED

The above-named defendant is accused by the Grand Jury of Multnomah County, State of Oregon, by this indictment of crime(s) of: COUNT 1 - FELONY FLEEING OR ATTEMPTING TO ELUDE A POLICE OFFICER, COUNT 2 - RECKLESS DRIVING committed as follows:

COUNT 1

FELONY FLEEING OR ATTEMPTING TO ELUDE A POLICE OFFICER

The said defendant, on or about June 12, 2001, in the County of Multnomah, State of Oregon, being an operator of a motor vehicle upon a public highway and premises open to the public, and having been given a visible and audible signal to stop by a police officer who was in uniform and prominently displaying the police officer's badge of office or operating a vehicle appropriately marked showing it to be an official police vehicle did unlawfully and knowingly, while still in the vehicle, flee and attempt to elude a pursuing police officer, contrary to the statutes in such cases made and provided and against the peace and dignity of the State of Oregon,

COUNT 2

RECKLESS DRIVING

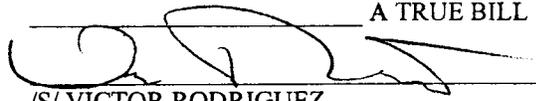
The said defendant, on or about June 12, 2001, in the County of Multnomah, State of Oregon, did unlawfully and recklessly drive a vehicle upon a public highway and premises open to the public, in a manner that endangered the safety of persons or property, contrary to the statutes in such cases made and provided and against the peace and dignity of the State of Oregon,

Dated at Portland, Oregon, in the county aforesaid, on JULY 20, 2001.

Witnesses

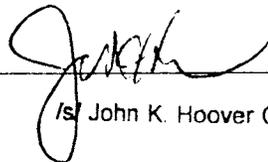
Examined Before the Grand Jury
JASON WALTERS

A TRUE BILL



/S/ VICTOR RODRIGUEZ
Foreman of the Grand Jury

MICHAEL D. SCHRUNK (67111)
District Attorney
Multnomah County, Oregon

By  Deputy
/s/ John K. Hoover OSB 72125

Security Amount \$5,000 + \$2,500

AFFIRMATIVE DECLARATION

The District Attorney hereby affirmatively declares for the record, as required by ORS 161.566, upon the date scheduled for the first appearance of the defendant, and before the court asks under ORS 135.020 how the defendant pleads to the charge(s), the State's intention that any misdemeanor charged herein proceed as a misdemeanor. RHODES OSB 00081/JS

ENTERED
JUL 20 2001
IN REGISTER BY SLJ

4

copies

11-13

IN THE CIRCUIT COURT OF THE STATE OF OREGON FOR THE COUNTY OF CLACKAMAS

11-14 DJ

STATE OF OREGON JUDGMENT ENTERED
 Defendant: Jeremy Gene Dunn Case No. 00-1283
 JUDGMENT OF CONVICTION AND SENTENCE

1. Hearing date: 10/25/00 Reporter _____ Tape No. _____
 2. Prosecutor: BROOK OSB No. 96233 Defense Counsel: Jenny Cooke OSB No. 79193
 Defendant appeared personally: with counsel without counsel after knowingly waiving the right to counsel.

3. The defendant is convicted of the following offenses:

COUNT	OFFENSE	PLEA	VERDICT
1	Attempting to Elude a Police Officer (felony)	Guilty	Guilty
4	DWS (misdemeanor)	Guilty	Guilty
5	Reckless Driving	Guilty	Guilty

Defendant waives 48 hour delay before sentencing. Defendant was advised of his appeal rights.

4. SENTENCE FOR COUNT 1:

<input type="checkbox"/> SENTENCE FOR FELONIES GRIPBLOCK: <u>2E</u> <input checked="" type="checkbox"/> _____ months Clackamas County Supervisory Authority <input type="checkbox"/> _____ months Oregon Department of Corrections to be followed by _____ years post prison supervision <input type="checkbox"/> Presumptive probation <input type="checkbox"/> Presumptive prison <input type="checkbox"/> _____ months BM 11 minimum (ORS 137.700) <input type="checkbox"/> _____ months firearms minimum (ORS 161.610) <input type="checkbox"/> _____ months property crimes minimum (ORS 137.717) <input type="checkbox"/> Determinate Sentence per ORS 137.635 <input type="checkbox"/> Dangerous Offender <input type="checkbox"/> Dispositional departure to prison <input type="checkbox"/> Dispositional departure to probation <input type="checkbox"/> Durational departure <input type="checkbox"/> Fact/Departure findings on attached addendum <input type="checkbox"/> Defendant waives 48-hour delay in transport.	<input type="checkbox"/> SENTENCE FOR MISDEMEANORS <input type="checkbox"/> Imposition of sentence continued <input type="checkbox"/> Execution of _____ days jail suspended <input type="checkbox"/> _____ days jail <input type="checkbox"/> executed immediately <input type="checkbox"/> as a condition of probation <input type="checkbox"/> eligible for <input type="checkbox"/> work release <input type="checkbox"/> electronic surveillance <input type="checkbox"/> after serving _____ days in jail <input type="checkbox"/> Report to jail to be booked and released Other orders: _____ <u>No proper purpose would be served by imposing probation or any condition upon defendant's release</u>
--	--

Handwritten note: sentence of discharge under ORS 161.715

5. FINE: _____ Suspended: _____ Due: _____

6. ASSESSMENTS/FEEES: Pay all statutory fees and assessments on the attached Money Judgement (to be calculated by the Trial Court Administrator). The court finds that the defendant has the present and future ability to pay _____ amounts ordered.

7. PROBATION: _____ months _____ to the Court _____ to Clackamas Community Corrections

Obey all laws, court orders and general conditions of probation
 Pay fines, fees, costs, assessments and restitution set forth in the Money Judgement section of this order
 Enter and complete residential center program Enter and complete ESP/IDP program
 Complete Theft Talk Program Complete Anger Management Counseling
 To custody of the Clackamas County Sheriff for _____ felony sentencing guidelines custody units in the county jail
 To custody of Clackamas Community Corrections for:
 _____ custody units work release _____ custody units ESP _____ hours community service work
 Includes special conditions on attached addendum for: substance abuse sex offenders financial crimes

8. Counts dismissed: 2 and 3 Cases dismissed: _____

9. Driving privileges suspended / revoked for ONE years. A copy of this order shall be sent to Oregon DMV.

10. Defendant may be considered by the executing or releasing authority or by the Clackamas County Supervising Authority for any form of temporary leave from custody, reduction in sentence, work release, alternative incarceration program or program of conditional or supervised release authorized by law for which the defendant is otherwise eligible.
 Defendant is ineligible for any form of temporary leave from custody, reduction in sentence, work release, alternative incarceration program or program of conditional or supervised release for substantial and compelling reasons as stated on the record in open court. Defendant is eligible for earned time credit under ORS 169.110 only.

11. Addendum is attached for additional counts/orders.

Jail 10/27/00

SENTENCE ON ADDITIONAL COUNTS

1. SENTENCE FOR COUNT <u>5</u> <i>Reckless Driving</i> Case No. <u>00-1283</u>	
Sentence of Incarceration: _____	
<input type="checkbox"/> Concurrent with:	<input type="checkbox"/> Consecutive to:
<input checked="" type="checkbox"/> Identical and Concurrent with: <u>Count 4</u>	<input type="checkbox"/> Identical and Consecutive to:
<input type="checkbox"/> SENTENCE FOR FELONIES GRIDBLOCK: <input type="checkbox"/> _____ months Clackamas County Supervisory Authority <input type="checkbox"/> _____ months Oregon Department of Corrections to be followed by _____ years post prison supervision <input type="checkbox"/> Presumptive probation <input type="checkbox"/> Presumptive prison <input type="checkbox"/> _____ months BM 11 minimum (ORS 137.700) <input type="checkbox"/> _____ months firearms minimum (ORS 161.610) <input type="checkbox"/> _____ months property crimes minimum (ORS 137.717) <input type="checkbox"/> Determinate Sentence per ORS 137.635 <input type="checkbox"/> Dangerous Offender <input type="checkbox"/> Dispositional departure to probation <input type="checkbox"/> Dispositional departure to prison <input type="checkbox"/> Durational departure <input type="checkbox"/> Fact/Departure findings on attached addendum <input type="checkbox"/> Defendant waives 48-hour delay in transport.	<input checked="" type="checkbox"/> SENTENCE FOR MISDEMEANORS <input type="checkbox"/> Imposition of sentence continued. <input type="checkbox"/> Execution of _____ days jail suspended. <input checked="" type="checkbox"/> <u>90</u> days jail <input checked="" type="checkbox"/> Executed immediately <input type="checkbox"/> as a condition of probation <input type="checkbox"/> eligible for <input type="checkbox"/> work release <input type="checkbox"/> electronic surveillance <input type="checkbox"/> after serving _____ days in jail <input type="checkbox"/> Report to jail to be booked and released Other orders: _____ _____ _____ _____
2. FINE: _____	Suspended: _____ Due: _____
3. ASSESSMENTS/FEEES: <input checked="" type="checkbox"/> Pay all statutory fees and assessments on the attached Money Judgement (to be calculated by the Trial Court Administrator). The court finds that the defendant has the present and future ability to pay amounts ordered.	
4. PROBATION: _____ months _____ to the Court _____ to Clackamas Community Corrections <input type="checkbox"/> Obey all laws, court orders and general conditions of probation <input type="checkbox"/> Pay fines, fees, costs, assessments and restitution set forth in the Money Judgement section of this order <input type="checkbox"/> Enter and complete residential center program <input type="checkbox"/> Enter and complete ESP/IDP program <input type="checkbox"/> Complete Theft Talk Program <input type="checkbox"/> Complete Anger Management Counseling <input type="checkbox"/> To custody of the Clackamas County Sheriff for _____ felony sentencing guidelines custody units in the county jail <input type="checkbox"/> To custody of Clackamas Community Corrections for: <input type="checkbox"/> _____ custody units work release <input type="checkbox"/> _____ custody units ESP <input type="checkbox"/> _____ hours community service work <input type="checkbox"/> Includes special conditions on attached addendum for: <input type="checkbox"/> substance abuse <input type="checkbox"/> sex offenders <input type="checkbox"/> financial crimes	
5. <input type="checkbox"/> Counts dismissed:	<input type="checkbox"/> Cases dismissed:
6. <input checked="" type="checkbox"/> Driving privileges suspended revoked for <u>one</u> and <u>years</u> A copy of this order shall be sent to Oregon DMV.	
7. <input type="checkbox"/> Defendant may be considered by the executing or releasing authority or by the Clackamas County Supervising Authority for any form of temporary leave from custody, reduction in sentence, work release, alternative incarceration program or program of conditional or supervised release authorized by law for which the defendant is otherwise eligible. <input type="checkbox"/> Defendant is ineligible for any form of temporary leave from custody, reduction in sentence, work release, alternative incarceration program or program of conditional or supervised release for substantial and compelling reasons as stated on the record in open court. <input type="checkbox"/> Defendant is eligible for earned time credit under ORS 169.110 only.	

ADDITIONAL ORDERS

(Specify count(s) to which additional order(s) apply)

MONEY JUDGMENT (Total All Counts)

Judgment Creditor: State of Oregon

Case # 00-1283

Judgment Debtor: Jeremy Gene Dunn

Name and address of persons to whom court disburses restitution of compensatory fines: (may be payee's designatee)

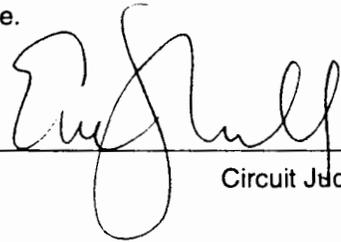
- | | | |
|----------|----------|----------|
| 1. _____ | 4. _____ | 7. _____ |
| _____ | _____ | _____ |
| _____ | _____ | _____ |
| 2. _____ | 5. _____ | 8. _____ |
| _____ | _____ | _____ |
| _____ | _____ | _____ |
| 3. _____ | 6. _____ | 9. _____ |
| _____ | _____ | _____ |
| _____ | _____ | _____ |

Judgment Amount Detail (all counts)	Imposed	Suspended	Due
Assessments: Cases Filed Before July 1, 1992			
Victim's Assessment (CIC)	\$ _____	_____	_____
BPST Assessment (BPAS)	_____	_____	_____
DWS Assessment (MVRA)	_____	_____	_____
County Assessment (CJAS)	_____	_____	_____
County Assessment (LEML)	_____	_____	_____
Assessments: Cases Filed After July 1, 1992			
Unitary Assessment (UNAS)	\$ <u>105/65/65</u>	_____	\$ <u>235</u>
County Assessment (CJAS)	_____	_____	_____
County Assessment (LEML)	_____	_____	_____
Assessments: Incident Date after July 13, 1995			
Chapter 163 offenses			
Dom Vio Assessment (DVAS)	\$ _____	_____	_____
Fine	_____	_____	_____
Attorney's Fees	<u>300</u>	_____	\$ <u>300</u>
Extradition costs	_____	_____	_____
DUII Conviction	_____	_____	_____
Other Costs	_____	_____	_____
Compensatory fine ("C") / Restitution ("R") (see above)			
1. <input type="checkbox"/>	_____	_____	_____
2. <input type="checkbox"/>	_____	_____	_____
3. <input type="checkbox"/>	_____	_____	_____
4. <input type="checkbox"/>	_____	_____	_____
TOTAL DUE	_____	_____	<u>535. -</u>

- Immediately due
- Report to the Clackamas County Court Collections Clerk in Room 104 by , 19 to set up payment schedule.
- At \$ per month, beginning on , 19 , and at the direction of the Clackamas County Courts Collections Clerk.
- Restitution joint and several with in Case No.
- Other

If all or part of any monetary obligation is suspended it is shown above.
 Bail or Security is automatically applied unless ordered otherwise.

Date of Judgment: Oct 25, 2000



 Circuit Judge

5. I understand that certain factors may affect the length of my sentence and that the court may depart from the sentencing guidelines presumptive sentence and order that this sentence be served consecutively to any other sentence (please specify): _____

6. **PAROLE/PROBATION**

I understand that if I am on parole or probation, a conviction in this case could cause my probation or parole to be revoked and I could receive an additional sentence because of this plea.

I am not on probation or parole for any crimes. I am on probation or parole for the crime(s) of: HARASSMENT
MSA 9C126

7. **AGE, EDUCATION, CITIZENSHIP**

My age is 22. The highest grade I completed in school was 11th.

I am I am not a citizen of the United States. I understand that if I am not a citizens of the United States, a criminal conviction could cause me to be deported, denied United States citizenship, or refused the right to re-enter the United States.

8. **WAIVE OF WAITING PERIOD BEFORE SENTENCING**

After pleading guilty, I understand that I have the right to wait 48 hours before being sentenced.

I wish to be sentence immediately. I wish to exercise my right to wait 48 hours before being sentenced.

9. **STATEMENT OF VOLUNTARY PLEA OF GUILTY**

I believe that my lawyer has done all that anyone could do to counsel and assist me. I AM SATISFIED WITH THE ADVICE AND HELP HE HAS GIVEN ME; I recognize that if I have been told by my lawyer that I might receive probation or a light sentence, this is merely his prediction and is not binding on the Court.

I OFFER MY PLEA OF "GUILTY" FREELY AND VOLUNTARILY AND OF MY OWN ACCORD AND WITH FULL UNDERSTANDING OF ALL THE MATTERS SET FORTH IN THE INDICTMENT AND IN THIS PETITION AND IN THE CERTIFICATE OF MY LAWYER WHICH FOLLOWS.

SIGNED: [Signature] DATED: 10-15-00

STREET ADDRESS: 910 CCS

CITY, STATE: _____ ZIP: _____

PHONE: _____

10. **CERTIFICATE OF COUNSEL**

I have reviewed with the defendant this petition, the facts for this case, all discovery, applicable law, possible sentences, defenses and motions and I believe there is factual basis for the defendant's plea of guilty. To my knowledge, the plea is being freely and voluntarily entered.

SIGNED: [Signature] DATED: 10/15/00

ATTORNEY'S NAME PRINTED: Jenny Cooke BAR NO.: 79193

Pril
warrants

CLACKAMAS COUNTY OR
FILED
13 JUL 20 11:01 12
8-1 [initials]
FILED BY

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IN THE CIRCUIT COURT OF THE STATE OF OREGON
FOR THE COUNTY OF CLACKAMAS

STATE OF OREGON,)
Plaintiff,) No. 00-1283
-vs-) ARRAIGNMENT
JEREMY GENE DUNN,)
Defendant.)

This matter coming on to be heard on July 3, 2000, before the Honorable
ALAN R. JACK, State of Oregon appearing by Matthew H. Mattox, Deputy District
Attorney, defendant appearing in person and with counsel, Mike Czaiko, for arraignment
only, and it appearing to the Court that an accusatory instrument has been filed charging the
defendant with the crime of FLEEING OR ATTEMPTING TO ELUDE A POLICE
OFFICER (Count 1 and Count 2), DRIVING UNDER THE INFLUENCE OF
INTOXICANTS (Count 3), DRIVING WHILE SUSPENDED (Count 4), and RECKLESS
DRIVING (Count 5).

At this time the defendant was duly arraigned by waiving the reading of said
instrument in open Court and by receiving a true copy of same, and the Court being fully
advised;

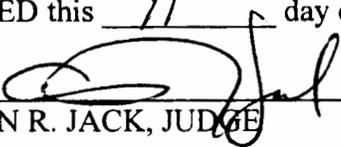
IT IS HEREBY ORDERED that trial be set for September 13, 2000, at 9:00 a.m., said
defendant and counsel having been given notice of said date and time in open court.

Clackamas County District Attorney
807 Main Street, Room 7, Oregon City, OR 97045

1 IT IS FURTHER ORDERED that defendant be released on his own recognizance on
2 the following conditions:

- 3 1. That he refrain from the use of drugs; and
- 4 2. That he refrain from the use of alcohol.

5 DATED this 11 day of July, 2008 ~~Month and Year.~~

6 
7 ALAN R. JACK, JUDGE

8 Submitted by:
9 CLACKAMAS COUNTY
10 DISTRICT ATTORNEY'S OFFICE
11 Matthew H. Mattox, #90334

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Clackamas County District Attorney
807 Main Street, Room 7, Oregon City, OR 97045

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IN THE DISTRICT COURT OF THE STATE OF OREGON
FOR CLACKAMAS COUNTY
CLACKAMAS COUNTY COURTHOUSE
807 Main Street Oregon City, Oregon 97045
(503) 655-8453

JEREMY GENE DUNN
3415 NW HWY 101 #9
DEPOE BAY OR 97341

NOTICE OF COURT ACTION AGAINST DRIVER LICENSE

Docket #: CR9802545 Charge: DWS/Felony - C/FEL
Drivers Lic. 5999822 DOB: 8/31/78 Bail: \$0.00
Date of Incident: 12/15/98 Sched Appearance Date:

FAIL TO APPEAR (MINOR OFFENSE)/FAIL TO COMPLY

- () FAIL TO APPEAR - Defendant failed to appear for a hearing for a minor traffic offense (ORS 809.220).
(X) FAIL TO COMPLY OR PAY FINE (ORS 809.210)

FAIL TO APPEAR FOR A MAJOR OFFENSE

- () The defendant FAILED TO APPEAR FOR A HEARING, FOR A MAJOR TRAFFIC OFFENSE, (ORS 809.220(1)(a)). The defendant's driving privilege will be suspended.

OTHER SUSPENSION ACTIONS

- () FAIL TO APPEAR BAIL (ORS 810.310)
() FAIL TO COMPLY - DRIVER IMPROVEMENT COURSE (ORS 809.270)
From _____ to _____

REINSTATEMENT

- () The defendant cleared the above docket number through this court on _____
() Driver improvement course completion date: _____

() Restriction ORS 809.210 & 809.270 Date of Restriction _____
Restriction Expiration date _____
With the following restrictions: _____

I certify that the above information is correct:

Judge's signature:

By:

PAT

Date: 4/17/00

AV ROBERT D. HERNDON

Copies
12-27

IN THE CIRCUIT COURT OF THE STATE OF OREGON
FOR THE COUNTY OF CLACKAMAS

FILED
11:00
12-27

STATE OF OREGON,
Plaintiff
vs.
Dunn, Jeremy Grene
Defendant,

Case No. 98-2545
PROBATION VIOLATION
JUDGEMENT AND ORDER
BY

JUDGMENT ENTERED

- 1. Hearing Date: 12-16-99 Reporter/Tape No. B Bauman
- 2. Prosecutor/OSB Meany 189308 Defense Counsel/OSB Vess 176369
 Defendant is unrepresented and knowingly waived counsel.
- 3. Defendant is on probation for conviction(s) of: Attempt to elude, Reckless driving.
- 4. Defendant failed to appear. A bench warrant will issue in the amount of \$ _____

- 5. Hearing:
 - Probation violation hearing is hereby continued to: _____
 - Defendant stipulated to a probation violation.
 - A contested hearing was held and defendant is
 - found in willful violation of the terms of probation.
 - found not to be in willful violation of the terms of probation.

- 6. Disposition:
 - Probation is continued subject to the same conditions previously imposed.
 - The following conditions are added to the defendant terms of probation: _____
 - Probation is extended for a period of _____ years.
 - Probation is revoked.
 - Sentencing having been previously continued, a sentence of _____ days in the county jail is imposed.
 - The previously suspended sentence is executed and the defendant is sentenced to _____ days in the county jail.
 - The defendant shall be given credit for time served against the jail sentence imposed above.
 - The defendant is sentenced to _____ months in the custody of the Clackamas County Supervisory Authority, followed by _____ years post-prison supervision. If the defendant violates conditions of post-prison supervision, the defendant shall be subject to sanctions including the possibility of additional imprisonment in accordance with rules of the Sentencing Guidelines Board.
 - Defendant may be considered by the executing or releasing authority or by the Clackamas County Supervising Authority for any form of temporary leave from custody, reduction in sentence, work release, alternative incarceration program or program of conditional or supervised release authorized by law for which the defendant is otherwise eligible.
 - Defendant is ineligible for any form of temporary leave from custody, reduction in sentence, work release, alternative incarceration program or program of conditional or supervised release for substantial and compelling reasons as stated on the record in open court.
 - Defendant is eligible for earned time credit under ORS 169.110 only.
 - Defendant is sentenced as follows: 90 days + 90 days - concurrent & concurrent w/ any other sanction

- Defendant waived 48-hour waiting period for transport to Department of Corrections.
- Probation is terminated.
- Probation violation dismissed.

7. Other orders:

MONEY JUDGEMENT

JUDGEMENT CREDITOR: State of Oregon.
JUDGEMENT DEBTOR: The defendant named above.
Judgement amount detail (all counts): \$ 150.00 to reimburse the state for attorney fees. per P.O. Detachable
 Immediately due. To be paid at \$ _____ per month commencing _____
 Bail or security is applied.

DATED this 16 day of December, 1999
[Signature]
CIRCUIT JUDGE

DEC 16 1999

IN THE CIRCUIT COURT OF THE STATE OF OREGON
FOR THE COUNTY OF CLACKAMAS

STATE OF OREGON

CASE # 98-2545

Jeremy GRAY Dunn
Defendant

FILED
JAN 23 AM 9:39 EP
FEB 24 1999

JUDGMENT ENTERED

JUDGMENT OF CONVICTION AND SENTENCE

1. Hearing Date 1-16-99 BY MARK SCOTT Reporter/Tape No. _____
2. District Attorney: _____ OSB# 28304
3. Defense Attorney: Chris Burris OSB# 81478

Defendant is unrepresented and knowingly waived counsel.

Count	Offense	Plea	Verdict/Result
<u>II</u>	<u>Att. To Elude (Felony)</u>	<u>Guilty</u>	<u>Guilty</u>
<u>III</u>	<u>Reckless Driving</u>	<u>Guilty</u>	<u>Guilty</u>

Defendant waived 48 hours delay before sentencing. Advised of Appeal Rights
 Defendant has the present and future ability to pay financial obligations herein.

Count II
5. Sentence: Probation Sentence Grid Classification: 2-12 (90/30)

Addendum attached for other counts
 Concurrent with _____
 Consecutive to _____

6. Departure Sentence:
 This sentence is a durational departure
 This sentence is a dispositional departure and the court finds substantial and compelling reasons for the departure as stated in the record

7. Custody:
 _____ months Department of Corrections; to be followed by _____ years post-prison supervision.
 _____ months Gun minimum
 _____ years Dangerous Offender
 Fact findings on attached addendum
 Defendant waived 48 hr. waiting period for transport

8. Fine: \$ 750.00 Suspended \$ 0 Due \$ 750

9. Assessments:
 Pay all statutory assessments (to be calculated by the Trial Court Administrator)
 DUII conviction fee DWS assessment
 Attorney fees \$ 1525

10. Probation: 36 months; _____ court Corrections
 All general conditions By stipulation of the parties.
 Obey all laws and court orders
 To custody of Clackamas County Sheriff for 30 custody units in the county jail w/c TS
 To custody of Clackamas County Corrections:
 for _____ custody units in work release;
 for _____ custody units in ESP program;
 for _____ custody units in home confinement;
 for _____ custody units in residential custodial treatment program;
 for _____ custody units (_____ hours) community service work

Pay fines, fees, costs, assessments, restitution, as set forth in the Money Judgment section of this order
 Includes attached and incorporated addendum:
 drug package
 alcohol package
 sex offender package

11. Discharge
12. Counts dismissed 1+4 Cases dismissed _____

13. Driving privileges suspended revoked for 2 years

14. Other orders: DEFENDANT STIPULATES TO NOT ENTERING WITHIN THE CORPORATE CITY LIMITS OF WEST LINN, OREGON AS A CONDITION OF PROBATION ON BOTH COUNTS.

Copy to DMU

Tail 1127aa

SENTENCE ON ADDITIONAL COL 5

Count # III Reckless Driving

Case # 98-2545

1. Sentence:

- Concurrent with CT II
- Consecutive to _____
- Identical and concurrent with _____
- Identical and consecutive to _____
- Imposition of sentence continued

2. Custody:

- _____ years Department of Corrections
- Execution suspended
- Executed immediately
- Defendant waived 48 hr. waiting period for transport
- _____ months minimum before release
- _____ months Gun minimum
- _____ years Dangerous Offender minimum
- _____ months jail
- Execution suspended
- Executed immediate
- As a condition of probation
- Beginning at _____ m. on _____, 19____
- Eligible for work release electronic surveillance

3. Fine: \$ _____ Suspended \$ _____ Due \$ _____

4. Assessments:

- Pay all statutory assessments (to be calculated by the Trial Court Administrator)
- DUII conviction fee DWS assessment
- Attorney fees \$ _____

5. Probation: 36 months; _____ court Corrections *By stipulation of parties*

- All general conditions
- Obey all laws and court orders
- Pay fines, fees, costs, assessments, restitution as set forth in the Money Judgment section of this order
- _____ hours Community service within _____ months
- Includes the appended hereto and incorporated herein:
 - drug package
 - alcohol package
 - sex offender package

6. Discharge

7. Other orders 90 day CDK Suspension Section 14 of Pg 1
Apply as well

MONEY JUDGMENT (Total All Counts)

Judgment Creditor: State of Oregon

Case # 98-2545

Judgment Debtor: Jeremy Gene Dunn

Name and address of persons to whom court disburses restitution of compensatory fines: (may be payee's designatee)

- | | | |
|----------|----------|----------|
| 1. _____ | 4. _____ | 7. _____ |
| _____ | _____ | _____ |
| _____ | _____ | _____ |
| 2. _____ | 5. _____ | 8. _____ |
| _____ | _____ | _____ |
| _____ | _____ | _____ |
| 3. _____ | 6. _____ | 9. _____ |
| _____ | _____ | _____ |
| _____ | _____ | _____ |

Judgment Amount Detail (all counts)	Imposed	Suspended	Due
-------------------------------------	---------	-----------	-----

Assessments: Cases Filed Before July 1, 1992

Victim's Assessment (CIC)	\$ _____	_____	_____
BPST Assessment (BPAS)	_____	_____	_____
DWS Assessment (MVRA)	_____	_____	_____
County Assessment (CJAS)	_____	_____	_____
County Assessment (LEML)	_____	_____	_____

Assessments: Cases Filed After July 1, 1992

Unitary Assessment (UNAS)	\$ <u>100 + 60⁰⁰</u>	_____	<u>100⁰⁰</u>
County Assessment (CJAS)	_____	_____	<u>54⁰⁰</u>
County Assessment (LEML)	_____	_____	<u>5⁰⁰</u>

Assessments: Incident Date after July 13, 1995

Chapter 163 offenses

Dom Vio Assessment (DVAS)	\$ _____	_____	_____
Fine	<u>750⁻</u>	_____	<u>750⁰⁰</u>
Attorney's Fees	<u>525</u>	_____	<u>525⁰⁰</u>
Extradition costs	_____	_____	_____
DUII Conviction	_____	_____	_____
Other Costs	_____	_____	_____

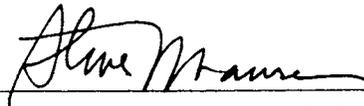
Compensatory fine ("C") / Restitution ("R") (see above)

1. <input type="checkbox"/>	_____	_____	_____
2. <input type="checkbox"/>	_____	_____	_____
3. <input type="checkbox"/>	_____	_____	_____
4. <input type="checkbox"/>	_____	_____	_____
TOTAL DUE	_____	_____	<u>1494.⁰⁰</u>

- Immediately due
- Report to the Clackamas County Court Collections Clerk in Room 104 by _____, 19____ to set up payment schedule.
- At \$ 50⁻ per month, beginning on 3/15/99, 19____, and at the direction of the Clackamas County Courts Collections Clerk.
- Restitution joint and several with _____ in Case No. _____
- Other _____

If all or part of any monetary obligation is suspended it is shown above.
 Bail or Security is automatically applied unless ordered otherwise.

Date of Judgment: January 26, 19 99



 Circuit Judge

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

RECEIVED
CLACKAMAS COUNTY
CLERK'S OFFICE
FEB 24 1999

STATE OF OREGON

Plaintiff,

vs.

Jeremy Gene Dunn

Defendant

98 2575 FEB 24 1999
C _____
COCKETT _____

PETITION TO ENTER PLEA OF GUILTY

The defendant represents to the Court:

1. My full true name is: Jeremy Gene Dunn
and I am also known as: _____
and I request that all proceedings against me be had in my true name.

2. I am represented by a lawyer; his name is Christopher Edward Burris

3. I wish to plead GUILTY to the charge(s) of pleading or attempting to elude a police officer
while driving courts # I & III

4. I told my lawyer all the facts and circumstances known to me about the charges against me. I believe that my lawyer is fully informed on all such matters. My lawyer has counselled and advised me on the nature of each charge; on any and all lesser included charges; and on all possible defenses that I might have in this case.

5. I understand that I may plead "Not Guilty" to any offense charged against me. If I choose to plead "Not Guilty" the Constitution guarantees me (a) the right to a speedy and public trial by jury, (b) the right to see, hear and face in open court all witnesses called to testify against me, (c) the right to use the power and process of the Court to compel the production of any evidence, including the attendance of any witnesses in my favor, and (d) the right to have the assistance of a lawyer at all stages of the proceedings, and (e) also the right to take the witness stand at my sole option; and, if I do not take the witness stand, I understand the jury will be told that this may not be held against me.

6. I also understand that if I plead "GUILTY" the Court may impose the same punishment as if I had pled "Not Guilty", stood trial and been convicted.

7. I know that if I plead "GUILTY" to this charge (these charges), the maximum possible sentence is 5 (51) years imprisonment and/or a fine of \$ 10000 (10000). I know also that the sentence is up to the Court. The District Attorney will take no part other than providing to the Court, Police Reports and other factual information as requested by the Court; and the District Attorney shall make no recommendations to the Courts concerning my sentence except as follows see attached letter of Dec 31, 1998 from the District Attorney to my attorney

8. I have have not been convicted of one or more felonies in the past, as follows: State to provide

9. I am am not presently on probation or parole. I understand that by pleading guilty in this case this may cause revocation of my probation or parole, and that this could result in a sentence of _____ years in that case. I further understand that if my parole or probation is revoked, any sentence in that case may be consecutive to or in addition to any sentence in this case.

10. I also know that the law provides for an increase in the maximum sentence described in Paragraph 7 to a maximum of 30 years if I qualify as a dangerous offender. I understand that this may happen in this case . If not applicable, check .

11. I am 20 years of age. I have gone to school up to and including 11th grade; my physical and mental health is presently satisfactory. At this time I am not under the influence of any drugs or intoxicants (nor was I at the time the crime was committed), except: _____

PETITION TO ENTER PLEA

CCP-CCT9

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White	Original file copy
Yellow	DA copy

12. I declare that no officer or agent of any branch of government (Federal, State or local) has made any promise or suggestion of any kind to me, or within my knowledge to anyone else, that I will receive a lighter sentence, or probation, or any other form of leniency if I plead "GUILTY", except: _____

13. I believe that my lawyer has done all that anyone could do to counsel and assist me. I AM SATISFIED WITH THE ADVICE AND HELP HE HAS GIVEN ME; I recognize that if I have been told by my lawyer that I might receive probation or a light sentence, this is merely his prediction and is not binding on the Court.

14. I plead "GUILTY" and request the Court to accept my plea of "GUILTY" and to have entered my plea of "GUILTY" on the basis of my admission to the allegation set forth in Counts II and III of the indictment

15. I OFFER MY PLEA OF "GUILTY" FREELY AND VOLUNTARILY AND OF MY OWN ACCORD AND WITH FULL UNDERSTANDING OF ALL THE MATTERS SET FORTH IN THE INDICTMENT AND IN THIS PETITION AND IN THE CERTIFICATE OF MY LAWYER WHICH FOLLOWS.

16. I further state that I wish to waive the reading of the indictment or information in open Court. I request the Court to enter my plea of "GUILTY" as set forth in Paragraph 14.

17. This is to advise you if you are not a citizen of the United States, conviction of a crime may result in deportation, exclusion from admission to the U.S.A. or denial of naturalization.

Signed by me in the presence of my attorney this 26 day of January, 19 99.

1365 SW Harbor Blvd
Address
Westliffe 50
97068

[Signature]
Defendant

CERTIFICATE OF COUNSEL

The undersigned, as lawyer and counsellor for the above defendant hereby certifies:

1. I have read and fully explained to the defendant the allegations contained in the indictment in this case, all lesser included charges and all possible defenses the defendant may have in this case.

2. To the best of my knowledge and belief the statements, representations and declarations made by the defendant in the foregoing petition are in all respects accurate and true.

3. I have explained the maximum penalty for each count to the defendant, and consider him competent to understand the charges against him and the effect of his petition to enter a plea of guilty.

4. The plea of "GUILTY" offered by the defendant in paragraph 7 accords with my understanding of the facts he related to me and is consistent with my advice to the defendant.

5. In my opinion the plea of "GUILTY" as offered by the defendant in paragraph 7 of the petition is voluntarily and understandingly made. I recommend that the Court accept the plea of "GUILTY".

6. Having discussed this matter carefully with the defendant, I am satisfied, and I hereby certify, in my opinion, that he is mentally and physically competent; there is no mental or physical condition which would affect his understanding of these proceedings; further, I state that I have no reason to believe that he is presently operating under the influence of drugs or intoxicants. (Any exceptions to this should be stated by counsel on the record.)

Signed by me in the presence of the defendant above named and after full discussion of the contents of this certificate with the defendant, this 26 day of January, 19 99.

[Signature]
Attorney for the Defendant

98 DEC 24 PM 12:19

ENTERED 1224 BY [Signature]
DOCKETED _____ BY _____

IN THE CIRCUIT COURT IN THE STATE OF OREGON
FOR THE COUNTY OF CLACKAMAS

STATE OF OREGON,)	
Plaintiff,)	Case No. 98-2545
)	
vs.)	
)	INDICTMENT
JEREMY GENE DUNN,)	
DOB: 08/31/78)	
ODL: 5999822)	
Defendant.)	

The above-named defendant is accused by the Grand Jury of the County of Clackamas, State of Oregon, by this indictment as follows:

DRIVING WHILE SUSPENDED
COUNT I (ORS 811.182)
Class C Felony

The said defendant on or about the 15th day of December, 1998, in the County of Clackamas, State of Oregon, did feloniously drive a motor vehicle upon Failing Street and Buck Street, West Linn, public highways, during a period when the defendant's driving privileges were suspended by the Department of Transportation and Lane County Circuit Court, said act of defendant being contrary to the statutes in such cases made and provided, and against the peace and dignity of the State of Oregon.

FLEEING OR ATTEMPTING TO ELUDE A POLICE OFFICER
COUNT II (ORS 811.540)
Class C Felony

The said defendant on or about the 15th day of December, 1998, in the County of Clackamas, State of Oregon, being an operator of a motor vehicle upon Failing Street and Buck Street, both public highways, and having been given a signal to stop by a police officer, did unlawfully and knowingly, while still in the vehicle, flee and attempt to elude a pursuing police officer, said act of defendant being contrary to the statutes in such cases made and provided, and against the peace and dignity of the State Oregon.

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RECKLESS DRIVING
COUNT III (ORS 811.140)

Class A Misdemeanor

The said defendant on or about the 15th day of December, 1998, in the County of Clackamas, State of Oregon, did unlawfully and recklessly drive a vehicle upon public highways, to-wit: Failing Street and Buck Street in a manner that endangered the safety of persons or property, said act of defendant being contrary to the statutes in such cases made and provided, and against the peace and dignity of the State Oregon.

RECKLESSLY ENDANGERING ANOTHER PERSON
COUNT IV (ORS 163.195)

Class A Misdemeanor

The said defendant on or about the 15th day of December, 1998, in the County of Clackamas, State of Oregon, did unlawfully and recklessly create a substantial risk of serious physical injury to Noah Alexander Quinn by operating a motor vehicle in which the baby Noah A. Quinn was a passenger, in an effort to elude pursuing police officers, causing said vehicle to disobey a stop sign and lose control, said act of defendant being contrary to the statutes in such cases made and provided, and against the peace and dignity of the State of Oregon.

Dated this 21st day of December, 1998.

_____ A TRUE BILL


Foreman of the Grand Jury

Witnesses examined before the Grand Jury
(unless otherwise specified, witness gave
testimony in person):

Richard Senger
Carl Witt

TERRY GUSTAFSON

District Attorney

By Deputy: 

O. Scott Jackson, #84035

CONTROL #: 32766671

NOTICE: Where this accusatory instrument charges one or more misdemeanor crimes, the district attorney hereby declares that the state intends that said offense(s) proceed as a misdemeanor(s).

