

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

State of Oregon,)	
Plaintiff)	
)	Case No.: 120826FE
vs.)	
)	JUDGMENT
)	
DARRYL WAYNE SMITH,)	Case File Date: 02/21/2012
Defendant)	District Attorney File #: 12-1139

DEFENDANT

True Name: DARRYL WAYNE SMITH	Sex: Male
Date Of Birth: 12/11/1986	State Identification No (SID): 19323681OR
Fingerprint Control No (FPN): JJAC212011336	

HEARING

Proceeding Date: 10/03/2013
Judge: Mark S Schiveley
Court Reporter: Pulido, R

Defendant appeared in person and was not in custody. The court determined that the defendant was indigent for purposes of court-appointed counsel, and the court appointed counsel for the defendant. The defendant was represented by Attorney(s) ROBERT L ABEL, OSB Number 700011. Plaintiff appeared by and through Attorney(s) NICHOLAS J GEIL, OSB Number 063332.

COUNT(S)

It is adjudged that the defendant has been convicted on the following count(s):

Count 1 : Arson in the First Degree

Count number 1 , Arson in the First Degree, 164.325, Felony Class A, committed on or about 02/17/2012. Conviction is based upon a Jury Verdict of Guilty on 10/03/2013.

Sentencing Guidelines

The Crime Severity Classification (CSC) on Count Number 1 is 10 and the Criminal History Classification (CHC) is I.

This sentence is pursuant to the following special factors:

- Sentence per ORS 137.700

- An additional finding of the jury that the offense represented a threat of serious physical injury.

Sentence Instructions

Defendant shall:

- Comply with all conditions and procedures of accounting office regarding payment of fines, restitution and fees imposed. Abide by the financial conditions of probation document furnished to you by the court, probation officer or Department of Justice collection agent.
- Pay restitution in an amount to be determined as ordered and pursuant to ORS 137.106(b). Defense stipulates the State does not need to detail the nature and amount of economic damages at this time.

Incarceration

Defendant is sentenced to the custody of Oregon Dept of Corrections, for a period of 90 month(s). Defendant is remanded to the custody of the Jackson Sheriff for transportation to the Oregon Dept of Corrections for service of this sentence. Defendant may receive credit for time served.

The Defendant may not be considered by the executing or releasing authority for any form of Reduction in Sentence, Conditional or Supervised Release Program, Temporary Leave From Custody, Work Release. The Defendant may not be considered for release on post-prison supervision under ORS 421.508(4) upon successful completion of an alternative incarceration program.

Post-Prison Supervision

The term of Post-Prison Supervision is 3 year(s). If the Defendant violates any of the conditions of post-prison supervision, the defendant shall be subject to sanctions including the possibility of additional imprisonment in accordance with the rules of the State Sentencing Guidelines Board. The court recommends as a condition of post-prison supervision:

- The Money Judgment amounts are hereby made a part of this judgment and it is a recommendation that they be made a condition of post prison supervision.

Count 6 : Aggravated Animal Abuse in the First Degree

Count number 6 , Aggravated Animal Abuse in the First Degree, 167.322, Felony Class C, committed on or about 02/17/2012. Conviction is based upon a Jury Verdict of Guilty on 10/03/2013.

Sentencing Guidelines

The Crime Severity Classification (CSC) on Count Number 6 is 2 and the Criminal History Classification (CHC) is I.

The court finds substantial and compelling reason for a Upward Dispositional Departure, as stated on the record. This departure is pursuant to the following aggravating or mitigating factor(s):

- Stipulation of the parties

Incarceration

Defendant is sentenced to the custody of County Jail, for a period of 1 year(s). Defendant is remanded to the custody of the Jackson County Sheriff for transportation to the Supervisory Authority for service of this sentence. Defendant may receive credit for time served.

The Defendant may be considered by the supervisory authority for any form of alternative sanction authorized by ORS 423.478, and the Defendant shall pay any required per diem fees.

Post-Prison Supervision

The term of Post-Prison Supervision is 1 year(s). If the Defendant violates any of the conditions of post-prison supervision, the defendant shall be subject to sanctions including the possibility of additional imprisonment in accordance with the rules of the State Sentencing Guidelines Board.

Count 8 : Burglary in the First Degree

Count number 8 , Burglary in the First Degree, 164.225, Felony Class A, committed on or about 02/17/2012. Conviction is based upon a Jury Verdict of Guilty on 10/03/2013.

Sentencing Guidelines

The Crime Severity Classification (CSC) on Count Number 8 is 7 and the Criminal History Classification (CHC) is I.

The court finds substantial and compelling reason for a Upward Dispositional Departure, as stated on the record. This departure is pursuant to the following aggravating or mitigating factor(s):

- Stipulation of the parties

Incarceration

Defendant is sentenced to the custody of County Jail, for a period of 1 year(s). Defendant is remanded to the custody of the Jackson County Sheriff for transportation to the Supervisory Authority for service of this sentence. Defendant may receive credit for time served.

The Defendant may be considered by the supervisory authority for any form of alternative sanction authorized by ORS 423.478, and the Defendant shall pay any required per diem fees.

Post-Prison Supervision

The term of Post-Prison Supervision is 3 year(s). If the Defendant violates any of the conditions of post-prison supervision, the defendant shall be subject to sanctions including the possibility of additional imprisonment in accordance with the rules of the State Sentencing Guidelines Board. The court recommends as a condition of post-prison supervision:

- Stipulation of the parties

COUNTS DISPOSED WITH NO CONVICTION

Count # 2 , Arson in the First Degree is Dismissed.

Count # 3 , Arson in the First Degree is Dismissed.

Count # 4 , Arson in the First Degree is Dismissed.

Count # 5 , Arson in the First Degree is Dismissed.

Count # 7 , Animal Abuse I is Dismissed.

Count # 9 , Burglary in the First Degree is Dismissed.

Count # 10 , Burglary in the First Degree is Dismissed.

Count # 11 , Criminal Mischief in the First Degree is Dismissed.

If convicted of a felony or a crime involving domestic violence, you may lose the right to buy, sell, transport, receive, or possess a firearm, ammunition, or other weapons in both personal and professional endeavors pursuant to ORS 166.250, ORS 166.291, ORS 166.300, and/or 18 USC 922(g).

Payment Schedule

Payment of the fines, fees, assessments, and/or attorney's fees noted in this and any subsequent Money Award shall be scheduled by the clerk of the court pursuant to ORS 161.675.

Payable to:

Jackson County Circuit Court
100 S. Oakdale Ave
Medford, Oregon 97501
P: 541-776-7171
F: <http://courts.oregon.gov/jackson>

Dated the _____ day of _____, 20_____

Signed: _____
Mark S Schiveley