

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

State of Oregon,	)	
Plaintiff	)	
	)	Case No.: 13CR01732
vs.	)	
	)	<b>JUDGMENT</b>
	)	
Toby Alexander Martinez,	)	Case File Date: 04/04/2013
Defendant	)	District Attorney File #: 13-1980

**DEFENDANT**

True Name: Toby Alexander Martinez	Sex: Male
Date Of Birth: 02/06/1991	State Identification No (SID): 17866138OR
Fingerprint Control No (FPN): JJAC213024229	

**HEARING**

Proceeding Date: 01/31/2014  
Judge: Kelly W Ravassipour  
Court Reporter: Pulido, R

Defendant appeared in person and was 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) PAUL D MOSER, OSB Number 003316.

**COUNT(S)**

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

**Count 1 : Attempt to Commit Murder**

Count number 1, Attempt to Commit Murder, 161.405(2)(a), Felony Class A, committed on or about 03/08/2013. Conviction is based upon a Guilty Plea on 01/31/2014.

**Sentencing Guidelines**

**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.
- Pay restitution on all cases, count(s), including those dismissed

### **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.

This sentence shall be concurrent with the following cases 125692FE.

### **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 2 : Attempt to Commit Murder**

Count number 2, Attempt to Commit Murder, 161.405(2)(a), Felony Class A, committed on or about 03/08/2013. Conviction is based upon a Guilty Plea on 01/31/2014.

### **Sentencing Guidelines**

### **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.
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### **COUNTS DISPOSED WITH NO CONVICTION**

Count # 3, Attempt to Commit a Class A Felony is Dismissed.

Count # 4, Attempt to Commit a Class A Felony is Dismissed.

Count # 5, Attempt to Commit Murder is Dismissed.

Count # 6, Attempt to Commit Murder is Dismissed.

Count # 7, Attempt to Commit Murder is Dismissed.

Count # 8, Attempt to Commit Murder is Dismissed.

Count # 9, Attempt to Commit a Class A Felony is Dismissed.

Count # 10, Attempt to Commit a Class A Felony is Dismissed.

Count # 11, Attempt to Commit a Class A Felony is Dismissed.

Count # 12, Attempt to Commit a Class A Felony is Dismissed.

Count # 13, Assault in the Second Degree is Dismissed.

Count # 14, Fleeing or Attempting to Elude a Police Officer 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: \_\_\_\_\_  
Kelly W Ravassipour