FILED
AT 2:11 O'CLOCK P. M
JUL 28 2010
Circuit Court For Lane County, Oregon
BY

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

STATE OF OREGON,

Plaintiff,

v.

ALONA LEE HARTWIG,

Defendant.

Case No. 20-10-12313A

JUDGMENT

THIS MATTER came before the Court for sentencing on July 28, 2010, the defendant having previously been indicted for the crimes of Assault in the First Degree (Count 1), Assault in the Second Degree (Count 2), Criminal Mistreatment in the First Degree (Count 3), Assault in the Second Degree (Count 4), Criminal Mistreatment in the First Degree (Count 5), Criminal Mistreatment in the First Degree (Count 6), Criminal Mistreatment in the First Degree (Count 7), and Criminal Mistreatment in the First Degree (Count 8). The defendant has been found guilty of the crimes of **Assault in the First Degree (Count 1)**, **Criminal Mistreatment in the First Degree (Count 5)**, **Criminal Mistreatment in the First Degree (Count 6)**, and **Criminal Mistreatment in the First Degree (Count 7)**, by plea on July 28, 2010, and the Court has accepted such plea.

IT IS HEREBY ADJUDGED and entered that the defendant, Alona Lee Hartwig, whose date of birth is January 9, 1964, is convicted of **Assault in the First Degree (Count 1)**, **Criminal Mistreatment in the First Degree (Count 5)**, **Criminal Mistreatment in the First Degree (Count 6)**, and **Criminal Mistreatment in the First Degree (Count 7)**. The defendant waived passage of two days before sentencing. This being the time fixed for sentencing, the State appeared through **Robert D. Lane**, Assistant District Attorney, and the defendant appeared personally, in custody, and having previously been determined to be indigent, through court-appointed counsel **Robert Paul Manders**. Each party having been given the right to be heard, these proceedings having been reported by Eileen Sterns, Official Court Reporter, and the Court being fully advised;

IT IS HEREBY ORDERED that any unitary assessment that might be imposed in this judgment is waived.

Count 1 -- Assault in the First Degree

IT IS HEREBY ORDERED that the defendant is sentenced to the custody of the Department of Corrections of the State of Oregon for the crime of Assault in the First Degree (Count 1) for a period of **130 months**. The Defendant is remanded to the custody of the Lane County Sheriff for transportation to the Department of Corrections.

The length of post-prison supervision is **3 years**. However, if the length of incarceration for this count plus the length of post-prison supervision exceeds the statutory maximum indeterminate sentence described in ORS 161.605, then the length of post-prison supervision is hereby reduced to the extent necessary to conform the total sentence length to the statutory maximum. If the defendant violates the conditions of post-prison supervision, the defendant shall be subject to sanctions imposed by the supervisory agent or additional incarceration imposed by the State Board of Parole and Post-Prison Supervision in accordance with OAR 213-001-0000 through 213-019-0015.

IT IS FURTHER ORDERED pursuant to ORS 137.700 that the defendant shall serve the entire sentence imposed by the Court and shall not, during the service of this sentence, be eligible for release on post-prison supervision or any form of temporary leave from custody. The defendant shall not be eligible for any reduction in sentence for any reason whatsoever under ORS 421.121 or any other statute.

Count 5 -- Criminal Mistreatment in the First Degree

THE COURT FINDS substantial and compelling reasons for a dispositional departure from the presumptive sentence based on the stipulation of the parties, which the Court approves.

IT IS FURTHER ORDERED that the defendant is sentenced to the custody of the Department of Corrections of the State of Oregon for the crime of Criminal Mistreatment in the First Degree (Count 5) for a period of **18 months**, concurrently with all other sentences imposed herein. The Defendant is remanded to the custody of the Lane County Sheriff for transportation to the Department of Corrections.

The length of post-prison supervision is **2 years**. However, if the length of incarceration for this count plus the length of post-prison supervision exceeds the statutory maximum indeterminate sentence described in ORS 161.605, then the length of post-prison supervision is hereby reduced to the extent necessary to conform the total sentence length to the statutory maximum. If the defendant violates the conditions of post-prison supervision, the defendant shall be subject to sanctions imposed by the supervisory agent or additional incarceration imposed by the State Board of Parole and Post-Prison Supervision in accordance with OAR 213-001-0000 through 213-019-0015.

IT IS FURTHER ORDERED that the 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.

IT IS FURTHER ORDERED that the releasing authority may release the defendant on post-prison supervision under ORS 421.508(4) following successful completion of an alternative incarceration program.

Count 6 -- Criminal Mistreatment in the First Degree

IT IS FURTHER ORDERED that the defendant is sentenced to the custody of the Department of Corrections of the State of Oregon for the crime of Criminal Mistreatment in the First Degree (Count 6) for a period of **19 months**, concurrently with all other sentences imposed herein. The Defendant is remanded to the custody of the Lane County Sheriff for transportation to the Department of Corrections.

The length of post-prison supervision is **2 years**. However, if the length of incarceration for this count plus the length of post-prison supervision exceeds the statutory maximum indeterminate sentence described in ORS 161.605, then the length of post-prison supervision is hereby reduced to the extent necessary to conform the total sentence length to the statutory maximum. If the defendant violates the conditions of post-prison supervision, the defendant shall be subject to sanctions imposed by the supervisory agent or additional incarceration imposed by the State Board of Parole and Post-Prison Supervision in accordance with OAR 213-001-0000 through 213-019-0015.

IT IS FURTHER ORDERED that the 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.

IT IS FURTHER ORDERED that the releasing authority may release the defendant on post-prison supervision under ORS 421.508(4) following successful completion of an alternative incarceration program.

Count 7 -- Criminal Mistreatment in the First Degree

IT IS FURTHER ORDERED that the defendant is sentenced to the custody of the Department of Corrections of the State of Oregon for the crime of Criminal Mistreatment in the First Degree (Count 7) for a period of **25 months**, concurrently with all other sentences imposed herein. The Defendant is remanded to the custody of the Lane County Sheriff for transportation to the Department of Corrections.

The length of post-prison supervision is **2 years**. However, if the length of incarceration for this count plus the length of post-prison supervision exceeds the statutory maximum indeterminate sentence described in ORS 161.605, then the length of post-prison supervision is hereby reduced to the extent necessary to conform the total sentence length to the statutory maximum. If the defendant violates the conditions of post-prison supervision, the defendant shall be subject to sanctions imposed by the supervisory agent or additional incarceration imposed by the State Board of Parole and Post-Prison Supervision in accordance with OAR 213-001-0000 through 213-019-0015.

IT IS FURTHER ORDERED that the 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.

IT IS FURTHER ORDERED that the releasing authority may release the defendant on post-prison supervision under ORS 421.508(4) following successful completion of an alternative incarceration program.

IT IS THE RECOMMENDATION of the Court that Defendant be required to pay the restitution as a condition of post prison supervision.

IT IS FURTHER ORDERED pursuant to ORS 137.076 that a blood or buccal sample from defendant shall be obtained at the request of the appropriate agency and, unless the defendant lacks the ability to pay, the defendant shall reimburse the appropriate agency for the cost of obtaining and transmitting the blood or buccal sample.

IT IS FURTHER ORDERED AND ADJUDGED that the following counts are dismissed as to the Defendant pursuant to negotiations: **Assault in the Second Degree (Count 2)**, **Criminal Mistreatment in the First Degree (Count 3)**, **Assault in the Second Degree (Count 4)**, and **Criminal Mistreatment in the First Degree (Count 8)**.

MONEY AWARD

Judgment Creditor: State of Oregon
Judgment Debtor: Alona Lee Hartwig

Restitution has been ordered and shall be disbursed by the court clerk according to the Restitution Schedule. This obligation is joint and several with co-defendant(s): Rodger Eugene Hartwig, Jr.

Restitution (Count 1)	$81,498.86
Total Money Award	**$81,498.86**

Payments should be made in person or mailed to: Lane County Circuit Court, 125 East 8th Avenue, Eugene, Oregon, 97401. All correspondence should include the case number 20-10-12313A.

Pursuant to ORS 1.202, a fee of not less than $50 and not more than $200 shall be added to any judgment in which the court gives the defendant a period of time to pay the financial obligation imposed. An additional collection fee will be imposed on all cases referred to a collection agency. Both fees will be imposed without further notice from the Court.

Subject to amendment of a judgment under ORS 137.107, money required to be paid as a condition of probation remains payable after revocation of probation only if the amount is included in the money award portion of the judgment document, even if the amount is referred to in other parts of the judgment document.

Thereupon the Court advised the defendant of the rights of appeal.

Dated this 28th day of July, 2010.

Maurice K. Merten, Circuit Court Judge

Prepared by: Deb Wescott