

MAR 12 2010

Circuit Court For Lane County, Oregon  
BY \_\_\_\_\_

**In the Circuit Court of the State of Oregon for Lane County**

THE STATE OF OREGON,

Case no. 221003585

Plaintiff,

**Sentencing Memorandum**

vs.

LAMICHAEL KEONDRAE JAMES,

Defendant.

DA No. 10-1048

COMES NOW the State of Oregon, by and through William E. Warnisher, Assistant District Attorney for Lane County, to advise the Court in the matter of the sentencing of the above-named Defendant.

At the time the instant offense took place, the defendant and the victim had been in a committed, intimate relationship for a significant period of time. They had introduced each other to family members and were very close. When the victim learned that the defendant had a female house guest from outside Oregon, she went to the defendant's residence to speak with his guest. The house guest was alarmed, refused to let the victim into the residence, and subsequently called the defendant. Shortly thereafter, the defendant arrived at his residence and told the victim to leave. He physically removed the victim from the area immediately in front of his residence door.

While the defendant was holding onto the victim's arms she grabbed the defendant's necklace. She advised that she would not let go of his necklace unless he released her. During the ensuing push-and-pull the defendant's necklace broke and he became angry. Defendant admits that he grabbed the victim by her collar and pushed her against his car. The victim then got into the defendant's vehicle and removed his keys from the ignition. Defendant

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1 grabbed the victim to remove her from his vehicle, but she kept his keys and ran from the car.  
2 Defendant caught the victim, grabbed her waist and they fell to the ground in the bark mulch.  
3 Defendant removed his keys from the victim's hand, ending the physical interaction. The  
4 parties talked without further physical contact before the defendant drove away.  
5

6 This incident presents complicated and changing legal rights and responsibilities as  
7 the incident evolved. As the Court well knows, the Abuse Prevention Act requires immediate  
8 arrest in circumstances such as these. Uniform enforcement of that requirement has  
9 undoubtedly saved many lives, but it also requires law enforcement to make preliminary  
10 charging decisions based on initial reports before a more thorough investigation can be  
11 completed. Subsequent investigation and clarification of the facts often result in modification  
12 of the criminal charges (in both directions). In this case, dismissal of some of the charges, the  
13 admission of guilt by the defendant, and the recommended sentence are all appropriate to the  
14 facts. The disposition recommended herein is also supported by the victim.

15 The subsequent attention given to this matter has been understandably difficult for the  
16 victim. Uninformed gossip, blogs, and other internet communications have distorted the  
17 circumstances, misstated the victim's relationship with the defendant and compounded the  
18 harm done to her. Some have publicly speculated that the victim reported this incident to the  
19 police in retaliation for the defendant's infidelity. This is not born out by the facts and has not  
20 been promulgated by either the defendant or the victim in this case. In fact, the victim  
21 reported reluctantly in response to police questions after the defendant informed her that the  
22 police had become involved. The defendant has clarified these issues in the attached letter in  
23 which he accepts full responsibility.

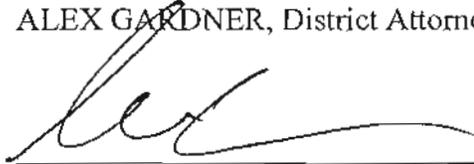
24 The State recommends a sentence of 24 months of probation to the Court. In addition  
25 to the standard conditions of probation the State recommends 10 days jail, referral to the  
26 Center for Family Development for evaluation and treatment, and a condition of no contact  
27 with the named victim. The State defers to the Court with regards to any fines, costs and  
assessments.

100 Ct Prob fee

1 The victim and her attorney have been consulted throughout the negotiation process  
2 and both confirm approval of this outcome. She has been notified of the sentencing hearing.  
3 I am advised that she does not wish to be present at the sentencing hearing but other  
4 members of her family may attend.

5 DATED March 12, 2010.

6 ALEX GARDNER, District Attorney

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9 William E. Warnisher, OSB 92206  
10 Assistant District Attorney  
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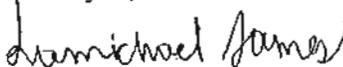
March 9, 2010

I apologize to Heidi both for the incident and everything she has had to go through since it happened. I accept responsibility for my actions. I am also sorry that she has been treated by some people as though she deserved blame for this. She does not. I ask people to treat her with respect. She has not done anything wrong.

Heidi and I have been in a relationship that has meant a lot to both of us. Regardless of how things are now, I care for and respect her and ask that others do the same. During the long period we were boyfriend-girlfriend, we each grew close to one another's families. I think we all still care for each other in that way.

I hope to put this matter behind me now and learn from it. I have made a mistake and accept the consequences. I look forward to demonstrating to my University, to my team and to the community that I am a better man than recent events suggest.

Thank you,

  
LaMichael James