

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

State of Oregon,

Plaintiff

VS.

FREDERICK L BREEDING,

Defendant

Case No.: CF160086

JUDGMENT

Case File Date: 02/19/2016

District Attorney File #: 077294

DEFENDANT

True Name: FREDERICK L BREEDING

Sex: Male

Date Of Birth: 04/29/1944

Fingerprint Control No (FPN): CUMA116045555

HEARING

Proceeding Date: 11/28/2016

Judge: Lynn W Hampton

Court Reporter: Recording CTR3, FTR

Defendant appeared in person and was not in custody. The defendant was represented by Attorney(s) MICHAEL BREILING, OSB Number 952180. Plaintiff appeared by and through Attorney(s) MELISSA M CHUREAU, OSB Number 022726.

COUNT(S)

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

Count 2 : Theft in the First Degree

Count number 2, Theft in the First Degree, 164.055, Felony Class C, committed on or about 07/12/2013. Conviction is based upon a Guilty Plea on 10/21/2016.

Sentencing Guidelines

The Crime Severity Classification (CSC) on Count Number 2 is 4 and the Criminal History Classification (CHC) is I.

Probation

Defendant is sentenced to Supervised Probation for a period of 2 year(s) and shall be subject to the following conditions of Probation:

Defendant is subject to the following general conditions of probation (ORS 137.540):

- Start all required actions of probation, including payment of fines and fees, and complete any required evaluations and enrollment no later than 30 days after sentencing or release from custody, whichever is later. Defendant is responsible for paying all evaluation and treatment costs. Complete each action and submit written proof each action is complete as directed by the supervising probation officer. Unless otherwise ordered, complete all actions no later than half-way through the probation period.
- Pay supervision fees, fines, restitution or other fees ordered by the court.
- Not use or possess controlled substances except pursuant to a medical prescription.
- Submit to testing for controlled substance or alcohol use if the probationer has a history of substance abuse or if there is a reasonable suspicion that the probationer has illegally used controlled substances.
- Participate in a substance abuse evaluation as directed by the supervising officer and follow the recommendations of the evaluator if there are reasonable grounds to believe there is a history of substance abuse.
- Remain in the State of Oregon until written permission to leave is granted by the Department of Corrections or a county community corrections agency.
- If physically able, find and maintain gainful full-time employment, approved schooling, or a full-time combination of both. Any waiver of this requirement must be based on a finding by the court stating the reasons for the waiver.
- Change neither employment nor residence without prior permission from the Department of Corrections or a county community corrections agency.
- Permit the parole and probation officer to visit the probationer or the probationer's work site or residence and to conduct a walk-through of the common areas and of the rooms in the residence occupied by or under the control of the probationer.
- Consent to the search of person, vehicle or premises upon the request of a representative of the supervising officer if the supervising officer has reasonable grounds to believe that evidence of a violation will be found, and submit to fingerprinting or photographing, or both, when requested by the Department of Corrections or a county community corrections agency for supervision purposes.
- Obey all laws, municipal, county, state and federal.
- Promptly and truthfully answer all reasonable inquiries by the Department of Corrections or a county community corrections agency.
- Not possess weapons, firearms or dangerous animals.
- Participate in a mental health evaluation as directed by the supervising officer and follow the recommendation of the evaluator.
- Report as required and abide by the direction of the supervising officer.
- Submit to a risk and needs assessment as directed by the supervising officer
- Keep the Court, supervising officers, and treatment providers advised of current physical and mailing address(es) and telephone number(s). Notify the Court in writing, listing each case you have, immediately upon any change in address or phone number.
- Comply with all Court orders.

- Agree as a term of any transfer of probation to waive the in person appearance and agree to telephonic appearance of probation officer at any probation hearing.
- Sign necessary release of information form(s) including Health Information Portability and Accountability Act (HIPAA) materials to permit any screener, evaluator or treatment provider to release information to the referring screener/evaluator, the Court, District Attorney, and Community Corrections in order to monitor your compliance with ordered treatment of diagnosed issues.

Furthermore, Defendant is subject to the following Special Conditions of Probation (ORS 137.540(2)): Defendant shall:

- Be eligible to apply for and pay to serve any remaining jail sentence through a Court authorized remote access monitoring (RAM) provider for house arrest after serving 30 straight jaildays. Defendant is subject to RAM for a period of 90 days. File written proof of engaging in RAM with the Court within 14 days of sentencing or release from custody, whichever is later. RAM reports with the case number shall be submitted to the Court, including a compliance report at the end of the monitoring period. Any deviation from the authorized location(s) and/or approved work/school schedule(s), or removal of or tampering with the device during the monitoring period, or failure to timely secure or pay for RAM, are violations of probation.
- Testify truthfully at any trial or sentencing hearing for any co-defendant related to this case. Restitution amount is to be joint and several with Chelsey Breeding with the balance of restitution at end of probation to be docketed as civil judgment.

Pursuant to the sentencing guidelines grid, the Defendant is subject to 120 sanction units with 60 jail units.

Jail as a Condition of Probation

Defendant is confined to jail for 30 day(s). Defendant is remanded to the custody of the Umatilla 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.

It is ordered that the Defendant serve a minimum of 30 day(s).

Statutory Provisions

Defendant is ordered to submit blood or buccal sample and thumbprint pursuant to ORS 137.076.

Monetary Terms

Defendant shall be required to pay the following amounts on this count:

Compensatory Fine/Restitution:

Restitution is ordered to be paid to the court and disbursed to the payee(s) named below.

Payee	Not To Exceed	Amount
OREGON DEPARTMENT OF HUMAN SER		\$42,000.00
Total		\$42,000.00

COUNTS DISPOSED WITH NO CONVICTION

Count # 1, Making a False Claim for Health Care Payment is Dismissed.

Count # 3, Making a False Claim for Health Care Payment is Dismissed.

Count # 4, Aggravated Theft in the First Degree is Dismissed.

Count # 5, Making a False Claim for Health Care Payment is Dismissed.

Count # 6, Aggravated Theft in the First Degree is Dismissed.

Count # 7, Making a False Claim for Health Care Payment is Dismissed.

Count # 8, Theft 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).

MONEY AWARD INCLUDING RESTITUTION

Judgment Creditor: State of Oregon

Judgment Debtor: FREDERICK L BREEDING

Restitution

Payee	Amount
OREGON DEPARTMENT OF HUMAN SER	\$42,000.00

Payees are to be paid as ordered under Monetary Terms.

Defendant is ordered to pay the following monetary totals, including restitution or compensatory fine amounts stated above, which are listed in the Money Award portion of this document:

Type	Amount Owed
Restitution	\$42,000.00
Total	\$42,000.00

The court may increase the total amount owed by adding collection fees and other assessments. These fees and assessments may be added without further notice to the defendant and without further court order.

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.

Any financial obligation(s) for conviction(s) of a violation, which is included in the Money Award, creates a judgment lien.

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:

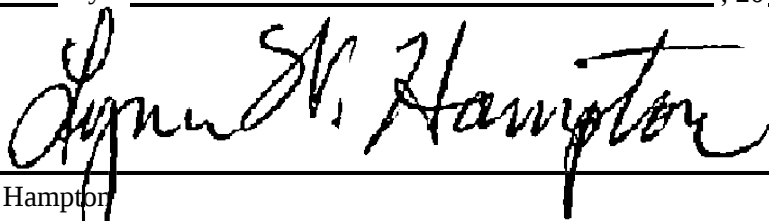
Umatilla County Circuit Court
216 SE 4th
Pendleton, Oregon 97801
P: 541.278.0341
F: <http://courts.oregon.gov/Umatilla>

Dated the _____ day of _____, 20____

Signed: 11/28/2016 02:31 PM

Signed: _____

Lynn W Hampton



Lynn W. Hampton, Circuit Court Judge