

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

State of Oregon,	)	
Plaintiff	)	
	)	Case No.: 17CR36391
vs.	)	
	)	JUDGMENT
	)	
Ericka Summer Hathaway,	)	Case File Date: 06/05/2017
Defendant	)	District Attorney File #: 17-1441

DEFENDANT

True Name: Ericka Summer Hathaway	Sex: Female
Date Of Birth: 05/04/1986	State Identification No (SID): 16290031OR

HEARING

Proceeding Date: 11/03/2017
Judge: Carol R Bispham

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) ARNOLD W POOLE, OSB Number 891083. Plaintiff appeared by and through Attorney(s) MELISSA M CHUREAU, OSB Number 022726. Defendant knowingly waived two day waiting period before sentencing.

COUNT(S)

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

Count 1 : Making a False Claim for Health Care Payment

Count number 1, Making a False Claim for Health Care Payment, 165.692, Felony Class C, committed on or between 03/15/2016 and 05/15/2016. Conviction is based upon a No Contest Plea on 11/03/2017.

Sentencing Guidelines

The Crime Severity Classification (CSC) on Count Number 1 is 6 and the Criminal History Classification (CHC) is I.

Probation

Defendant is sentenced to Supervised Probation for a period of 36 month(s) and shall be subject to the following conditions of Probation:

Defendant is subject to all general conditions of probation (ORS 137.540).

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

- Report to the Department of Corrections at 118 2nd Ave SE, Suite F, Albany, OR immediately after pronouncement of this sentence (or within 72 hours after release from jail).
- No application for or acceptance of public benefits for which not entitled.
No employment providing health or other dependent care or any in-home services whether by private pay or payment directly or indirectly with Medicaid or Medicare funds or acting as any person's Power of Attorney or representative in any capacity.
- If on supervised probation, report to an evaluator as directed by your probation officer. If on bench probation, report to an evaluator at Linn County Alcohol and Drug within 7 days of conviction or release from jail, whichever is later. Successfully complete the evaluation and any approved treatment program recommended by the evaluator.
- Report to the Linn County Jail for fingerprinting by 11/03/17.
- The Court finds that a victim suffered pecuniary damages as a result of defendant's conduct. Defendant is ordered to pay the restitution as stated in the Money Judgment below.
- Report immediately, or within 72 hours after release from custody, to the Linn County Civil Sheriff's Office, located on the third floor of the Linn County Courthouse, and serve 5 days of Compensatory Service (e.g., community service, electronic home detention, work crew, day treatment center, jail).
NOTE: You must pay a fee of \$20 directly to the Linn County Civil Sheriff's Office to participate in any form of Compensatory Service.

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:

Fees and Assessments: Payable to the Court.

Type	Amount	Modifier	Reduction	Actual Owed
Fine - Felony	\$200.00			\$200.00
Total	\$200.00			\$200.00

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 DHS		\$13,837.00
Total		\$13,837.00

Count 2 : Theft in the First Degree - Theft by Deception

Count number 2, Theft in the First Degree - Theft by Deception, 164.055, Felony Class C, committed on or about 03/15/2016. Conviction is based upon a No Contest Plea on 11/03/2017.

Sentencing Guidelines

The Crime Severity Classification (CSC) on Count Number 2 is 3 and the Criminal History Classification (CHC) is G.

Probation

Defendant is sentenced to Supervised Probation for a period of 24 month(s) and shall be subject to the following conditions of Probation:

Defendant is subject to all general conditions of probation (ORS 137.540).

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

- Report to the Department of Corrections at 118 2nd Ave SE, Suite F, Albany, OR immediately after pronouncement of this sentence (or within 72 hours after release from jail).
- Comply with all conditions of probation as set forth in Count 1.
- Report immediately, or within 72 hours after release from custody, to the Linn County Civil Sheriff's Office, located on the third floor of the Linn County Courthouse, and serve 5 days of Compensatory Service (e.g., community service, electronic home detention, work crew, day treatment center, jail).
NOTE: You must pay a fee of \$20 directly to the Linn County Civil Sheriff's Office to participate in any form of Compensatory Service.

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:

Fees and Assessments: Payable to the Court.

Type	Amount	Modifier	Reduction	Actual Owed
Fine - Felony	\$200.00			\$200.00
Total	\$200.00			\$200.00

Count 4 : Theft in the First Degree - Theft by Deception

Count number 4, Theft in the First Degree - Theft by Deception, 164.055, Felony Class C, committed on or between 05/15/2016 and 08/15/2016. Conviction is based upon a No Contest Plea on 11/03/2017.

Sentencing Guidelines

The Crime Severity Classification (CSC) on Count Number 4 is 3 and the Criminal History Classification (CHC) is G.

Probation

Defendant is sentenced to Supervised Probation for a period of 24 month(s) and shall be subject to the following conditions of Probation:

Defendant is subject to all general conditions of probation (ORS 137.540).

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

- Report to the Department of Corrections at 118 2nd Ave SE, Suite F, Albany, OR immediately after pronouncement of this sentence (or within 72 hours after release from jail).
- Comply with all conditions of probation as set forth in Count 1.
- Report immediately, or within 72 hours after release from custody, to the Linn County Civil Sheriff's Office, located on the third floor of the Linn County Courthouse, and serve 5 days of Compensatory Service (e.g., community service, electronic home detention, work crew, day treatment center, jail).
NOTE: You must pay a fee of \$20 directly to the Linn County Civil Sheriff's Office to participate in any form of Compensatory Service.

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:

Fees and Assessments: Payable to the Court.

Type	Amount	Modifier	Reduction	Actual Owed
Fine - Felony	\$200.00			\$200.00
Total	\$200.00			\$200.00

Count 6 : Theft in the First Degree - Theft by Deception

Count number 6, Theft in the First Degree - Theft by Deception, 164.055, Felony Class C, committed on or between 07/15/2016 and 10/15/2016. Conviction is based upon a No Contest Plea on 11/03/2017.

Sentencing Guidelines

The Crime Severity Classification (CSC) on Count Number 6 is 3 and the Criminal History Classification (CHC) is E.

This sentence is pursuant to the following special factors:

- Convicted of Offense Subject to Measure 57
- Sentence per ORS 137.717

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

- Offender Conviction Free for Significant Period of Time
- Offender Cooperated With State

Probation

Defendant is sentenced to Supervised Probation for a period of 24 month(s) and shall be subject to the following conditions of Probation:

Defendant is subject to all general conditions of probation (ORS 137.540).

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

- Report to the Department of Corrections at 118 2nd Ave SE, Suite F, Albany, OR immediately after pronouncement of this sentence (or within 72 hours after release from jail).
- Comply with all conditions of probation as set forth in Count 1.

Jail as a Condition of Probation

Defendant is confined to jail for 45 day(s). Defendant is remanded to the custody of the Linn 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.

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:

Fees and Assessments: Payable to the Court.

Type	Amount	Modifier	Reduction	Actual Owed
Fine - Felony	\$200.00			\$200.00
Attorney Fees	\$381.00			\$381.00
Total	\$581.00			\$581.00

COUNTS DISPOSED WITH NO CONVICTION

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

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

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

Count # 8, Theft in the First Degree is Dismissed.

Count # 9, Making a False Claim for Health Care Payment is Dismissed.

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

Count # 11, Making a False Claim for Health Care Payment is Dismissed.

Count # 12, Attempt to Commit a Class C/Unclassified Felony 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: Ericka Summer Hathaway

Restitution

Payee	Amount
Oregon DHS	\$13,837.00

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	\$13,837.00
Attorney Fees	\$381.00
Fine - Felony	\$800.00
Total	\$15,018.00

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:

Linn County Circuit Court
PO Box 1749
Albany, Oregon 97321
P: 541-967-3845
F: www.courts.oregon.gov/linn

Dated the _____ day of _____, 20____

Signed: 11/3/2017 10:26 AM



Circuit Court Judge, Carol R. Bispham

Signed: _____

Carol R Bispham