

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

STATE OF OREGON,

Plaintiff,

Case No. C152324CR

vs.

**JUDGMENT OF CONVICTION
AND SENTENCE**

MOHSEN IRAJPAHAH,

Defendant.

This matter came before The Honorable Judge Charles Bailey on July 14, 2016 for sentencing. The State of Oregon appeared by Jodie A. Bureta, Special Deputy District Attorney, and the defendant appeared in person, with retained counsel David Lesh.

It appears to the Court that the defendant has been indicted, arraigned, has entered a not guilty plea, withdrawn that plea, and upon guilty plea(s), duly convicted of the crime(s) of Making a False Claim for Health Care Payment (Class C, crime seriousness 6, criminal history I) in Count 1, Theft in the First Degree (Class C, crime seriousness 3, criminal history G) in Count 4, Making a False Claim for Health Care Payment (Class C, crime seriousness 6, criminal history F) in Count 5, Theft in the First Degree (Class C, crime seriousness 3, criminal history E) in Counts 8, 12, 18 and 24, Making a False Claim for Health Care Payment (Class C, crime seriousness 6, criminal history E) in Counts 9, 13, 19, 25 and 28.

It further appears to the Court that more than 48 hours have passed since plea entry, and there appears no good cause why sentence should not now be passed.

1 As to Counts 1, 4, 5, and 8 the Court FINDS substantial and compelling reasons to impose an
2 upward dispositional departure from defendant's probationary grid block sentence based on the
3 stipulation of the parties.

4 As to Counts 18 and 24 the Court FINDS substantial and compelling reasons to impose a downward
5 durational departure from the ORS 137.717 presumptive sentence based on the stipulation of the
6 parties.

7 As to Counts 1,4,5,8,9,12,13,18, 19, 24, 25 and 28, it is therefore CONSIDERED, ORDERED
8 AND ADJUDGED by the Court that defendant be committed to the legal and physical custody of
9 the Corrections Department of the State of Oregon for a period of six (6) months in Counts 1,4,5
10 and 8, ten (10) months in Counts 9,13,19,25 and 28, and eighteen (18) months in Counts 12,18,and
11 24. All sentences shall be served concurrently for a total prison sentence of eighteen (18) months.

12 A. Pursuant to ORS 137.750 the defendant may be considered by the executing or releasing
13 authority for any form of temporary leave from custody, reduction in sentence, work release or
14 program of conditional or supervised release authorized by law for which the defendant is otherwise
15 eligible at the time of sentencing.

16 B. Further, pursuant to stipulation between the State and the defendant [or based upon findings
17 of the Court as stated on the record in open court], the defendant may be considered for release on
18 post-prison supervision under ORS 421.508(4) following successful completion of an alternative
19 incarceration program.

20 It is further ORDERED that the term of post-prison supervision shall be for a period of one
21 (1) years in Counts 4,8,12,18 and 24; and two (2) years in Counts 1,5,9,13,19,25 and 28. Violation
22 of post-prison supervision shall subject defendant to sanctions or additional imprisonment.
23

Further, the Court recommends the following conditions be made a part of defendant's post-prison supervision:

1. That defendant not take money illegally from the government.

Further, defendant must provide a buccal sample.

A. It is further ORDERED that defendant is sentenced to pay to the Clerk of the Court any financial obligations in the Money Award section which follows and in the manner specified (which section is hereby made a part of this judgment). Further, it is recommended that all amounts set forth in the Money Award section be made a condition of post-prison supervision.

MONEY AWARD

The State of Oregon is the creditor and the defendant, Mohsen Irajpanah, is the debtor, jointly and severally for victim restitution purposes with co-defendants (_Maliheh Azimisedghi and Emile Irajpanah_), if ordered to pay.

1. \$2400.00Fine (\$200 in each Count).

2. \$87,633.45 Victim Restitution.
Pay to victim(s)

Oregon DHS \$87,633.45 (\$23681.77 joint and several with Emile Irajpanah, case number C152322CR and \$63951.68 joint and several with Maliheh Azimisedghi court number C152323CR)

TOTAL MONEY AWARD: \$90033.45

All financial obligations specified in the Money Award shall be made payable to the State of Oregon and shall be paid through the Clerk of the Court (150 North First Avenue, First Floor,

1 Hillsboro, Oregon 97124). Payments shall be disbursed by the Clerk of the Court as set forth in
2 ORS 137.146.

3 Dated this ____ day of _____, 2016

Signed: 8/3/2016 11:12 AM

5 

6 Judge D. Charles Bailey, Judge, D. Charles Bailey

7 Court Reporter: FTR
8 cc: David Lesh.
9 Control #
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