

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

State of Oregon,
Plaintiff

VS.

Annette Rene Linn,
Defendant

Case No.: 15CR43521

JUDGMENT

Case File Date: 10/01/2015

District Attorney File #: 15-7930

DEFENDANT

True Name: Annette Rene Linn

Sex: Female

Date Of Birth: 02/07/1973

HEARING

Proceeding Date: 02/10/2016

Judge: Thomas M Hart

Court Reporter: Recording, JAVS

Defendant appeared in person and was not in custody. The defendant was represented by Attorney(s) STEVEN WALLS, OSB Number 974258. 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 1 : Criminal Mistreatment in the First Degree

Count number 1, Criminal Mistreatment in the First Degree, 163.205, Felony Class C, committed on or about 05/31/2015. Conviction is based upon a Guilty Plea on 02/10/2016.

Sentencing Guidelines

The Crime Severity Classification (CSC) on Count Number 1 is 7 and the Criminal History Classification (CHC) is H.

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

- Stipulated

Probation

Defendant is sentenced to Supervised Probation for a period of 60 month(s) and shall be subject to the following conditions of Probation:

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

- 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.
- If recommended by the supervising officer (SO), successfully complete a sex offender treatment program approved by the SO and submit to polygraph examinations at the direction of the SO if the probationer: (A) Is under supervision for a sex offense under ORS 163.305 to 163.467; (B) Was previously convicted of a sex offense under ORS 163.305 to 163.467; or (C) Was previously convicted in another jurisdiction of an offense that would constitute a sex offense under ORS 163.305 to 163.467 if committed in this state.
- 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.
- If required to report as a sex offender under ORS 181.596, report with the Department of State

Police, a city police department, a county sheriff's office or the supervising agency: (A) When supervision begins; (B) Within 10 days of a change in residence; (C) Once each year within 10 days of the probationer's date of birth; (D) Within 10 days of the first day the person works at, carries on a vocation at or attends an institution of higher education; and (E) Within 10 days of a change in work, vocation or attendance status at an institution of higher education.

- Submit to a risk and needs assessment as directed by the supervising officer

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

- Do not have contact with the victim without waiver, compliance with treatment and Court or Probation Officer permission. Michael Verstoppen
- Payment of entire restitution amount with 12,000.00 paid at plea.
- 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.

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:

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

Payee	Not To Exceed	Amount
Michael Verstoppen		\$5,523.00
Michael Verstoppen		\$5,523.00
Total		\$11,046.00

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

Payee	Not To Exceed	Amount
Michael Verstoppen		\$71,863.12
Total		\$71,863.12

Count 2 : Criminal Mistreatment in the First Degree

Count number 2, Criminal Mistreatment in the First Degree, 163.205, Felony Class C, committed on or about 05/31/2015. Conviction is based upon a Guilty Plea on 02/10/2016.

Sentencing Guidelines

The Crime Severity Classification (CSC) on Count Number 2 is 7 and the Criminal History Classification (CHC) is D.

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):

- Stipulated

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

- Stipulated

Post-Prison Supervision

The term of Post-Prison Supervision is 0 year(s) 0 month(s) 0 day(s). If the Defendant violates any of the conditions of post-prison supervision, the defendant shall be subject to sanctions including the possibility of additional imprisonment in accordance with the rules of the State Sentencing Guidelines Board.

Probation

Defendant is sentenced to Supervised Probation for a period of 60 month(s) and shall be subject to the following conditions of Probation:

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

- 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.
- If recommended by the supervising officer (SO), successfully complete a sex offender treatment program approved by the SO and submit to polygraph examinations at the direction of the SO if the probationer: (A) Is under supervision for a sex offense under ORS 163.305 to 163.467; (B) Was previously convicted of a sex offense under ORS 163.305 to 163.467; or (C) Was previously convicted in another jurisdiction of an offense that would constitute a sex offense under ORS 163.305 to 163.467 if committed in this state.
- 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.
- If required to report as a sex offender under ORS 181.596, report with the Department of State Police, a city police department, a county sheriff's office or the supervising agency: (A) When supervision begins; (B) Within 10 days of a change in residence; (C) Once each year within 10 days of the probationer's date of birth; (D) Within 10 days of the first day the person works at, carries on a vocation at or attends an institution of higher education; and (E) Within 10 days of a change in work, vocation or attendance status at an institution of higher education.
- Submit to a risk and needs assessment as directed by the supervising officer

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

- Perform 40 hours of community service.
- Comply with conditions of probation in count 1.

Jail as a Condition of Probation

Defendant is confined to jail for 6 month(s). Defendant is remanded to the custody of the Marion 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 executing or releasing authority for any form of Reduction in Sentence, Conditional or Supervised Release Program, Temporary Leave From Custody, Work Release authorized by law for which the Defendant is otherwise eligible at the time of sentencing. The Defendant may be considered for release on post-prison supervision under ORS 421.508(4) upon successful completion of an alternative incarceration program.

Statutory Provisions

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

COUNTS DISPOSED WITH NO CONVICTION

Count # 3, Criminal Mistreatment 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: Annette Rene Linn

Compensatory Fine

Payee	Amount
Michael Verstoppen	\$11,046.00

Restitution

Payee	Amount
Michael Verstoppen	\$71,863.12

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
Compensatory Fine	\$11,046.00
Restitution	\$71,863.12
Total	\$82,909.12

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:

Marion County Circuit Court
100 High St. NE
Salem, Oregon 97301
P: 503.588.5105
F: <http://courts.oregon.gov/Marion>

Dated the _____ day of _____, 20____

Signed: 2/10/2016 11:43 AM

Signed: _____

Thomas M Hart

Circuit Court Judge Thomas M. Hart