

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

State of Oregon,	)	
Plaintiff	)	
	)	Case No.: 17CR47601
vs.	)	
	)	JUDGMENT
	)	
Malina Newell,	)	Case File Date: 07/18/2017
Defendant	)	District Attorney File #: 17-6609

DEFENDANT

True Name: Malina Newell	Sex: Female
Date Of Birth: 09/26/1972	State Identification No (SID): 08806759OR

HEARING

Proceeding Date: 08/07/2018
Judge: Susan M Tripp
Court Reporter: Recording, FTR

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) JON H WEINER, OSB Number 993944. 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 : Identity Theft

Count number 1, Identity Theft, 165.800, Felony Class C, committed on or about 03/16/2017. Conviction is based upon a Guilty Plea on 06/20/2018.

Sentencing Guidelines

The Crime Severity Classification (CSC) on Count Number 1 is 3 and the Criminal History Classification (CHC) is G.

This sentence is pursuant to the following special factors:

- This is a Presumptive Sentence

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 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, cannabis 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.

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

- No employment providing health or other dependant care.
- Perform 160 hours of community service.

- Do not have contact with the victim Stephanie Blair.

Jail as a Condition of Probation

Defendant is confined to jail for 10 day(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 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
Attorney Fees	\$576.00			\$197.00
Fine - Felony	\$200.00			\$200.00
Total	\$776.00			\$397.00

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
Dept. of Human Services		\$1,190.08
Total		\$1,190.08

Attorney fees reduced per Limited Judgment of Contribution. Defendant stipulates to the ability to pay.

COUNTS DISPOSED WITH NO CONVICTION

Count # 2, Making a False Claim for Health Care Payment is Dismissed.

Count # 3, 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: Malina Newell

Restitution

Payee	Amount
Dept. of Human Services	\$1,190.08

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	\$1,190.08
Attorney Fees	\$197.00
Fine - Felony	\$200.00
Total	\$1,587.08

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>

Signed: 8/7/2018 04:56 PM

Dated the _____ day of _____, 20____

Signed: _____
Susan M Tripp **Circuit Court Judge Susan M. Tripp**