

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

State of Oregon,	)	
Plaintiff	)	
	)	Case No.: 17CR74715
vs.	)	
	)	JUDGMENT
	)	
KEVIN E SMITH,	)	Case File Date: 11/09/2017
Defendant	)	District Attorney File #: 360138

DEFENDANT

True Name: KEVIN E SMITH
Date Of Birth: 09/18/1982

Sex: Male
State Identification No (SID): 15154106OR

HEARING

Proceeding Date: 09/27/2018
Judge: D Charles Bailey
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) Adam Ririe Thayne, OSB Number 095284. 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 7 : Making a False Claim for Health Care Payment

Count number 7, Making a False Claim for Health Care Payment, 165.692, Felony Class C, committed on or between 03/15/2017 and 06/02/2017. Conviction is based upon a Guilty Plea on 07/20/2018.

Sentencing Guidelines

The Crime Severity Classification (CSC) on Count Number 7 is 6 and the Criminal History Classification (CHC) is I.

Probation

Defendant is sentenced to Bench Probation for a period of 3 year(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:

- May not be employed where Medicaid or Medicare benefits are accepted. May not be employed with in home care.
- All court ordered fines and fees, excluding cases in which compensatory fines or restitution have been ordered, are due in full within 30 days unless a payment plan is established with the clerk of the court. If compensatory fines or restitution are ordered, all financial obligations in the case must be paid in full 90 days prior to the expiration of probation, unless otherwise ordered. Payment plans include previously ordered amounts. The laws allow fees to recover administrative and collection costs to be automatically added and collected without further notice to you or action by the court, when the court has to establish a payment account, refer a matter for collection, or send DMV a suspension notice.
- Defendant is to not have any contact with co-defendant, Laura J. Norris
- You must complete 160 hours of community service at the direction and approval of the community service office within 1 year. Further, you shall pay \$40.00 community service fee as required. Report to the Probation Department upon release to sign up for community service work orientation and complete orientation within 30 days.

Jail as a Condition of Probation

Defendant is confined to jail for 30 day(s). Defendant is remanded to the custody of the Washington County Sheriff for transportation to the Supervisory Authority for service of this sentence. First 15 days no programs, remaining time all programs. 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	\$650.00			\$650.00

Type	Amount	Modifier	Reduction	Actual Owed
Fine - Felony	\$200.00			\$200.00
Total	\$850.00			\$850.00

Compensatory Fine/Restitution:

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

Payee	Amount
Department of Human Services Joint and Several Liability with: Laura J. Norris Case#: 17CR74712	\$36,635.81
Total	\$36,635.81

\$50 a month beginning on 1.20.19 and the 20th of each month thereafter.

Count 9 : Making a False Claim for Health Care Payment

Count number 9, Making a False Claim for Health Care Payment, 165.692, Felony Class C, committed on or between 06/16/2017 and 09/05/2017. Conviction is based upon a Guilty Plea on 07/20/2018.

Sentencing Guidelines

The Crime Severity Classification (CSC) on Count Number 9 is 6 and the Criminal History Classification (CHC) is G.

Probation

Defendant is sentenced to Bench Probation for a period of 3 year(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:

- Comply with the same terms and conditions as listed on count 7 in this case.

Jail as a Condition of Probation

Defendant is confined to jail for 20 day(s). Defendant is remanded to the custody of the Washington County Sheriff for transportation to the Supervisory Authority for service of this sentence. Consecutive to ct. 7. 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.

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

COUNTS DISPOSED WITH NO CONVICTION

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

Count # 2, Theft in the First Degree is Dismissed.

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

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

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

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

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

Count # 10, 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: KEVIN E SMITH

Restitution

Payee	Amount
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Payee	Amount
Department of Human Services Joint and Several Liability with: Laura J. Norris Case#: 17CR74712	\$36,635.81

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 Joint and Several	\$36,635.81
Attorney Fees	\$650.00
Fine - Felony	\$400.00
Total	\$37,685.81

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:

Washington County Circuit Court
150 N First Avenue
Hillsboro, Oregon 97124
P: 503-846-8888
F: <http://courts.oregon.gov/washington>

Dated the _____ day of _____, 20_____

Signed: 9/27/2018 09:38 AM



Signed: _____

D Charles Bailey

Circuit Court Judge, D. Charles Bailey