

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

State of Oregon,	)	
Plaintiff	)	
	)	Case No.: 18CR70621
vs.	)	
	)	JUDGMENT
	)	
James Emery Waddell, Jr,	)	Case File Date: 10/23/2018
Defendant	)	District Attorney File #: 181440

DEFENDANT

True Name: James Emery Waddell, Jr
Date Of Birth: 06/08/1943

State Identification No (SID): 05086628OR

HEARING

Proceeding Date: 11/27/2018
Judge: John L Collins

Defendant appeared in person and was not in custody. The defendant was represented by Attorney(s) Lori L Coukoulis, OSB Number 902397. 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 : 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 07/15/2017 and 09/27/2017. Conviction is based upon a Guilty Plea on 11/27/2018.

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 Bench Probation for a period of 3 year(s) and shall be subject to the following conditions of Probation: Defendant is ordered to pay a supervision fee.

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

- Obey all laws, municipal, county, state and federal.
- Not use or possess controlled substances except pursuant to a medical prescription.
- You are required to be booked and fingerprinted on the charge(s) in this case.
- Not move from the State of Oregon unless and until written permission to move is granted by the court and keep the trial court services office advised of his/her current address at all times. NOTE: If probationer fails to do this and notice of a hearing or other appearance is sent to an outdated address, a warrant will likely issue for probationer's arrest for failure to appear, even if the notice is returned undelivered.
- Proceed to the Trial Court Services office, (Courthouse Room 135) IMMEDIATELY after sentencing and pay all financial obligations of this judgment. Added fees apply if not paid within 30 days. If unable to pay, establish and comply with a minimum payment Payment Plan Agreement through the trial court services office. All financial obligations must be paid in full 60 days prior to the expiration of Bench Probation.
- If required to participate in programs (Theft Talk, BUSTED, or other), or to perform community service or Work Crew, provide the court and District Attorney with proof of completion of the program, community service hours or Work Crew within the time period ordered by the court or 60 days prior to expiration of Bench Probation or whichever is earlier.
- Sign a waiver of confidentiality form for any treatment provider authorizing the provider to inform the court whether the defendant is, or is not, in compliance with the program.

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

- 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.
- Complete 80 hours of Community Service. This has been completed.

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
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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 Department of Human Services		\$861.25
Total		\$861.25

The Payment Schedule in the Money Award section applies only if the defendant is sentenced to probation or if the sentence is suspended. The court finds Defendant has the ability to pay the amount ordered while imprisoned. Therefore, payment of the amount listed in the Money Award section of this judgment is due immediately and the Money Award is enforceable during the period of Defendant's imprisonment.

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: James Emery Waddell, Jr

Restitution

Payee	Amount
Oregon Department of Human Services	\$861.25

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	\$861.25
Fine - Felony	\$200.00
Total	\$1,061.25

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:

Yamhill County Circuit Court
535 NE 5th St.
McMinnville, Oregon 97128
P: 503-434-7530
F: <http://courts.oregon.gov/yamhill>

Dated the _____ day of _____, 20____

Signed: 11/27/2018 02:19 PM

Signed: _____



John L Collins

Circuit Court Judge John L. Collins