

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

State of Oregon,	)	
Plaintiff	)	
	)	Case No.: 18CR76498
vs.	)	
	)	JUDGMENT
	)	
Tabitha Westrope,	)	Case File Date: 11/16/2018
Defendant	)	District Attorney File #: 039308389

DEFENDANT

True Name: Tabitha Westrope
Date Of Birth: 04/24/1970

HEARING

Proceeding Date: 01/16/2019

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) REBECCA DAVIS, OSB Number 892233. Plaintiff appeared by and through Attorney(s) MELISSA M CHUREAU, OSB Number 022726.

The Defendant having executed a plea petition and stipulated to specific findings by the court.

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 about 10/17/2017. Conviction is based upon a Guilty Plea on 01/16/2019.

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 Supervised Probation for a period of 36 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:

- Not submit any application for public benefits to which defendant is not entitled.
- Not be employed 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 persons Power of Attorney or representative in any capacity, except for defendant's minor child(ren).
- Have no contact of any kind with the victims, Paul Fleck or Nia Fleck.
- Perform 160 hours of Community Service at a rate to be determined by the Probation Officer. All Community Service must be completed no later than 30 days prior to the end of probation.

- Report to Lane County Parole & Probation Department by 5:00pm on January 16, 2019.
- Comply with the conditions of probation on all other counts herein.

The defendant shall not be eligible for earned discharge from probation without the written agreement of the parties and the Court.

Jail as a Condition of Probation

Defendant is confined to jail for 30 day(s). Defendant is to report to by 01/17/2019 at 3:00 PM. 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:

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		\$7,639.13
Total		\$7,639.13

Count 5 : Making a False Claim for Health Care Payment

Count number 5, Making a False Claim for Health Care Payment, 165.692, Felony Class C, committed on or about 10/17/2017. Conviction is based upon a Guilty Plea on 01/16/2019.

Sentencing Guidelines

The Crime Severity Classification (CSC) on Count Number 5 is 6 and the Criminal History Classification (CHC) is G.

Probation

Defendant is sentenced to Supervised Probation for a period of 36 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:

- Not submit any application for public benefits to which defendant is not entitled.
- Not be employed 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 persons Power of Attorney or representative in any capacity, except for defendant's minor child(ren).
- Have no contact of any kind with the victims, Katherine Inman and Janice Inman.
- Report to Lane County Parole & Probation Department by 5:00pm on January 19, 2019.
- Comply with the conditions of probation on all other counts herein.

The defendant shall not be eligible for earned discharge from probation without the written agreement of the parties and the Court.

Statutory Provisions

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

Count 11 : Identity Theft

Count number 11, Identity Theft, 165.800, Felony Class C, committed on or between 03/05/2018 and 04/16/2018. Conviction is based upon a Guilty Plea on 01/16/2019.

Sentencing Guidelines

The Crime Severity Classification (CSC) on Count Number 11 is 3 and the Criminal History Classification (CHC) is F.

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):

- Stipulation of Parties

Probation

Defendant is sentenced to Supervised Probation for a period of 36 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:

- Not submit any application for public benefits to which defendant is not entitled.
- Not be employed 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 persons Power of Attorney or representative in any capacity, except for defendant's minor child(ren).
- Have no contact of any kind with the victims, Katherine Inman or Janice Inman.
- Report to Lane County Parole & Probation Department by 5:00pm on January 16, 2019..
- Comply with the conditions of probation on all other counts herein.

The defendant shall not be eligible for earned discharge from probation without the written agreement of the parties and the Court.

Statutory Provisions

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

Count 12 : Making a False Claim for Health Care Payment

Count number 12, Making a False Claim for Health Care Payment, 165.692, Felony Class C, committed on or between 02/09/2018 and 04/16/2018. Conviction is based upon a Guilty Plea on 01/16/2019.

Sentencing Guidelines

The Crime Severity Classification (CSC) on Count Number 12 is 6 and the Criminal History Classification (CHC) is F.

Probation

Defendant is sentenced to Supervised Probation for a period of 36 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:

- Not submit any application for public benefits to which defendant is not entitled.
- Not be employed 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

- persons Power of Attorney or representative in any capacity, except for defendant's minor child(ren).
- Have no contact of any kind with the victim, Kimberly Sewell.
- Report to Lane County Parole & Probation Department by 5:00pm on January 16, 2019.
- Shall comply with the terms of probation on all other counts.

The defendant shall not be eligible for earned discharge from probation without the written agreement of the parties and the Court.

Statutory Provisions

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

Count 14 : Identity Theft

Count number 14, Identity Theft, 165.800, Felony Class C, committed on or between 03/05/2018 and 04/16/2018. Conviction is based upon a Guilty Plea on 01/16/2019.

Sentencing Guidelines

The Crime Severity Classification (CSC) on Count Number 14 is 3 and the Criminal History Classification (CHC) is E.

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:

- Not submit any application for public benefits to which defendant is not entitled.
- Not be employed 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 persons Power of Attorney or representative in any capacity, except for defendant's minor child(ren).
- Have no contact of any kind with the victim, Kimberly Sewell.
- Report to Lane County Parole & Probation Department by 5:00pm on January 16, 2019.
- Comply with the conditions of probation on all other counts herein.

The defendant shall not be eligible for earned discharge from probation without the written agreement of the parties and the Court.

Statutory Provisions

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

COUNTS DISPOSED WITH NO CONVICTION

Count # 2, Theft in the Second 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 # 6, Theft in the Second Degree is Dismissed.

Count # 7, Making a False Claim for Health Care Payment is Dismissed.

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

Count # 9, Making a False Claim for Health Care Payment is Dismissed.

Count # 10, Theft in the First Degree is Dismissed.

Count # 13, 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).

The Court adopts the stipulated findings as outlined on Pages 1 and 2 of the offer letter to the Defendant.

MONEY AWARD INCLUDING RESTITUTION

Judgment Creditor: State of Oregon

Judgment Debtor: Tabitha Westrope

Restitution

Payee	Amount
Oregon Department of Human Services	\$7,639.13

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	\$7,639.13
Total	\$7,639.13

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:

Lane County Circuit Court
125 E. 8th Ave.
Eugene, Oregon 97401
P: 541-682-4020
F: <http://courts.oregon.gov/Lane>

Dated the _____ day of _____, 20____

Signed: 1/17/2019 01:50 PM

Signed: _____



Karrie K. McIntyre, Circuit Court Judge