

IN THE CIRCUIT COURT OF THE STATE OF OREGON FOR THE COUNTY OF LINCOLN

State of Oregon,)	
Plaintiff)	
)	Case No.: 16CR67872
vs.)	
)	JUDGMENT
)	
Logan Glenn Kitzhaber,)	Case File Date: 10/25/2016
Defendant)	District Attorney File #: 052442

DEFENDANT

True Name: Logan Glenn Kitzhaber	Sex: Male
Date Of Birth: 10/28/1997	
Fingerprint Control No (FPN): JLNC116026170	

HEARING

Proceeding Date: 03/27/2017
Court Reporter: FTR Recording, Courtroom 300

Defendant appeared in person and was not in custody. The defendant was represented by Attorney(s) BEN EDER, OSB Number 052426. Plaintiff appeared by and through Attorney(s) Kylie Andrisa, OSB Number 062570. Defendant knowingly waived two day waiting period before sentencing.

COUNT(S)

It is adjudged that the defendant has been convicted on the following count(s):

Count 1 : Assault in the Third Degree (by motor vehicle and DUII)

Count number 1, Assault in the Third Degree, 163.165(2)(a), Felony Class C, committed on or about 07/04/2016. Conviction is based upon a Guilty Plea on 03/27/2017.

Sentencing Guidelines

The Crime Severity Classification (CSC) on Count Number 1 is 8 and the Criminal History Classification (CHC) is I.

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
- This sentence is imposed pursuant to a stipulated sentencing agreement. Part of the stipulation is that there will be an upward durational departure and the basis for that is the stipulation and the fact that

the conditions for optional probation exist in this case.

Defendant is granted optional probation. Presumptive sentence is 16-18 mos.

License Suspension / Revocation

Defendant's Drivers License is Suspended for 5 year(s).

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 ordered to pay a supervision fee.

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

- VIOLATE NO LAW. The defendant is to report to the court IN WRITING every citation or arrest on any new crime or major traffic offense within 10 days after citation or arrest.
- Keep the Trial Court Administrator for this County advised of his/her current mailing and residential addresses, and throughout the probationary period.
- Make every reasonable effort to seek and maintain employment or schooling, or both, on a full-time basis. If you lose it, get another one right away.
- NOT OPERATE A MOTOR VEHICLE without first being properly licensed and insured.
- NOT OWN, POSSESS OR CONTROL any firearm, weapon or dangerous animals and shall not reside in a dwelling or ride in a vehicle in which the defendant knows a weapon, firearm, or dangerous animals are present.
- Refrain from knowingly associating with persons known by the defendant to be engaged in criminal activities.
- Pay supervision fees, fines, restitution or other fees ordered by the court.

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

Defendant shall:

- Report IMMEDIATELY UPON RELEASE to Lincoln County Community Corrections office located on West Olive Street in Newport, Oregon. Telephone number: (541) 265-8851.
- Abide by the rules and regulations of the Department of Corrections, including the general conditions of probation.
- SUBMIT PERSON, RESIDENCE, VEHICLE AND PERSONAL PROPERTY TO SEARCH by defendant's probation officer or designee, providing there be reasonable grounds to believe that such search will disclose evidence of a violation of probation.
- SUBMIT TO A BLOOD, SALIVA, OR URINE test at the direction of the court or defendant's probation officer, this to determine the presence, or absence, of controlled substances. This test may be randomly given.
- Defendant shall obtain an Alcohol/Drug Evaluation and submit proof of the evaluation to the Court and probation officer BY 5/31/17. Defendant shall enter into, diligently pursue and successfully complete an Alcohol/Drug Treatment Program. Proof of enrollment shall be submitted to the Court and probation officer by 6/5/17 and submit proof of completion to the Court and probation officer by 1/1/18. The defendant is ordered to pay the reasonable cost of treatment provided. An online

treatment program will NOT be accepted by the Court.

- NOT USE OR POSSESS ALCOHOLIC BEVERAGES.
- NOT ENTER establishments serving alcohol by the drink, except for employment or meals, and then remain only for such period of time to complete the employment obligations or to finish the meal.
- NOT USE OR POSSESS CONTROLLED SUBSTANCES unless prescribed by a state licensed medical practitioner, in which case said controlled substances must be consumed strictly according to the prescription.
- Refrain from knowingly associating with persons who use or possess controlled substances illegally, and shall refrain from frequenting places where such substances are kept or sold.
- NOT USE OR POSSESS MARIJUANA.
- Compliance with the DUI Victim's Impact Panel has been provided to the court.
- Within two weeks, the defendant shall submit a letter to this court in response to a copy of the Victim's Impact Statement given to the defendant this date.
- Other property described as ITEMS SEIZED DURING INVESTIGATION are forfeited to the State and are to be disposed of in accordance with Oregon law.

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	\$500.00			\$500.00
Total	\$500.00			\$500.00

Count 4 : Assault in the Fourth Degree (by motor vehicle)

Count number 4, Assault in the Fourth Degree, 163.160(2), Misdemeanor Class A, committed on or about 07/04/2016. Conviction is based upon a Guilty Plea on 03/27/2017.

Suspended Imposition of Sentence

Imposition of sentence is suspended.

License Suspension / Revocation

Defendant's Drivers License is Suspended for 1 year(s).

Probation

Defendant is placed on Bench 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):

- VIOLATE NO LAW. The defendant is to report to the court IN WRITING every citation or arrest on any new crime or major traffic offense within 10 days after citation or arrest.
- Keep the Trial Court Administrator for this County advised of his/her current mailing and residential addresses, and throughout the probationary period.
- Make every reasonable effort to seek and maintain employment or schooling, or both, on a full-time basis. If you lose it, get another one right away.
- NOT OPERATE A MOTOR VEHICLE without first being properly licensed and insured.
- NOT OWN, POSSESS OR CONTROL any firearm, weapon or dangerous animals and shall not reside in a dwelling or ride in a vehicle in which the defendant knows a weapon, firearm, or dangerous animals are present.
- Refrain from knowingly associating with persons known by the defendant to be engaged in criminal activities.
- Pay supervision fees, fines, restitution or other fees ordered by the court.

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

Defendant shall:

- Defendant shall obtain an Alcohol/Drug Evaluation and submit proof of the evaluation to the Court and probation officer BY 5/31/17. Defendant shall enter into, diligently pursue and successfully complete an Alcohol/Drug Treatment Program. Proof of enrollment shall be submitted to the Court and probation officer by 6/5/17 and submit proof of completion to the Court and probation officer by 1/1/18. The defendant is ordered to pay the reasonable cost of treatment provided. An online treatment program will NOT be accepted by the Court.
- NOT USE OR POSSESS ALCOHOLIC BEVERAGES.
- NOT ENTER establishments serving alcohol by the drink, except for employment or meals, and then remain only for such period of time to complete the employment obligations or to finish the meal.
- NOT USE OR POSSESS CONTROLLED SUBSTANCES unless prescribed by a state licensed medical practitioner, in which case said controlled substances must be consumed strictly according to the prescription.
- Refrain from knowingly associating with persons who use or possess controlled substances illegally, and shall refrain from frequenting places where such substances are kept or sold.
- NOT USE OR POSSESS MARIJUANA.
- Compliance with the DUI Victim's Impact Panel has been provided to the court.
- Within two weeks, the defendant shall submit a letter to this court in response to a copy of the Victim's Impact Statement given to the defendant this date.
- Other property described as ITEMS SEIZED DURING INVESTIGATION are forfeited to the State and are to be disposed of in accordance with Oregon law.

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 - Misdemeanor	\$500.00			\$500.00
Total	\$500.00			\$500.00

Count 5 : Driving Under the Influence of Intoxicants

Count number 5, Driving Under the Influence of Intoxicants, 813.010(4), Misdemeanor Class A, committed on or about 07/04/2016. Conviction is based upon a Guilty Plea on 03/27/2017.

Suspended Imposition of Sentence

Imposition of sentence is suspended.

License Suspension / Revocation

Defendant's Drivers License is Suspended for 1 year(s).

Probation

Defendant is placed on Bench 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):

- VIOLATE NO LAW. The defendant is to report to the court IN WRITING every citation or arrest on any new crime or major traffic offense within 10 days after citation or arrest.
- Keep the Trial Court Administrator for this County advised of his/her current mailing and residential addresses, and throughout the probationary period.
- Make every reasonable effort to seek and maintain employment or schooling, or both, on a full-time basis. If you lose it, get another one right away.
- NOT OPERATE A MOTOR VEHICLE without first being properly licensed and insured.
- NOT OWN, POSSESS OR CONTROL any firearm, weapon or dangerous animals and shall not reside in a dwelling or ride in a vehicle in which the defendant knows a weapon, firearm, or dangerous animals are present.
- Refrain from knowingly associating with persons known by the defendant to be engaged in criminal activities.

- Pay supervision fees, fines, restitution or other fees ordered by the court.

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

- Defendant shall obtain an Alcohol/Drug Evaluation and submit proof of the evaluation to the Court and probation officer BY 5/31/17. Defendant shall enter into, diligently pursue and successfully complete an Alcohol/Drug Treatment Program. Proof of enrollment shall be submitted to the Court and probation officer by 6/5/17 and submit proof of completion to the Court and probation officer by 1/1/18. The defendant is ordered to pay the reasonable cost of treatment provided. An online treatment program will NOT be accepted by the Court.
- NOT USE OR POSSESS ALCOHOLIC BEVERAGES.
- NOT ENTER establishments serving alcohol by the drink, except for employment or meals, and then remain only for such period of time to complete the employment obligations or to finish the meal.
- NOT USE OR POSSESS CONTROLLED SUBSTANCES unless prescribed by a state licensed medical practitioner, in which case said controlled substances must be consumed strictly according to the prescription.
- Refrain from knowingly associating with persons who use or possess controlled substances illegally, and shall refrain from frequenting places where such substances are kept or sold.
- NOT USE OR POSSESS ANY MARIJUANA.
- Compliance with the DUI Victim's Impact Panel has been provided to the court.
- Within two weeks, the defendant shall submit a letter to this court in response to a copy of the Victim's Impact Statement given to the defendant this date.
- Other property described as ITEMS SEIZED DURING INVESTIGATION are forfeited to the State and are to be disposed of in accordance with Oregon law.

Jail as a Condition of Probation

Defendant is confined to jail for 7 day(s). Defendant is remanded to the custody of the Lincoln County Sheriff for transportation to the Supervisory Authority for service of this sentence. For substantial and compelling reasons set forth on the record, defendant shall be denied any reduction in sentence, work release or temporary leave from custody provided for in ORS 137.750 and ORS 137.752. Defendant may not receive credit for time served.

The Defendant may not 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
Bench Probation Fee	\$100.00			\$100.00
Fine - DUII	\$1,255.00			\$1,255.00
Total	\$1,355.00			\$1,355.00

SECURITY SHALL BE APPLIED TO FINANCIAL SENTENCE IMPOSED ON ALL COUNTS. BALANCE

SHALL BE RETURNED LESS COSTS TO WHOM POSTED.

COUNTS DISPOSED WITH NO CONVICTION

Count # 2, Assault in the Third Degree is Dismissed.

Count # 3, Assault in the Fourth Degree is Dismissed.

Count # 6, Reckless Driving is Dismissed.

Count # 7, Recklessly Endangering Another Person is Dismissed.

Count # 8, Recklessly Endangering Another Person is Dismissed.

Count # 9, Criminal Mischief in the Second 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

Judgment Creditor: State of Oregon
Judgment Debtor: Logan Glenn Kitzhaber

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
Bench Probation Fee	\$100.00
Fine - DUII	\$1,255.00
Fine - Felony	\$500.00
Fine - Misdemeanor	\$500.00
Total	\$2,355.00

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:

Lincoln County Circuit Court
225 W. Olive St.
Newport, Oregon 97365
P: 541-265-4236
F: <http://courts.oregon.gov/Lincoln>

Dated the 27th day of March, 2017

Signed: 3/27/2017 02:21 PM

Signed: 
Circuit Court Judge Sheryl Bachart