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FILED
STATE OF OREGON
COLUMBIA COUNTY COURTS

14 MAY 29 PM 12:44

JUDICIAL COURT ADMINISTRATION

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

STATE of OREGON,

Plaintiff,

Case No. 13-1005

-against-

**UNOPPOSED MOTION TO
MODIFY AND CORRECT
AMENDED JUDGMENT
PURSUANT TO ORS 138.083**

RICHARD JOHN CHENEY,

Defendant.

**Expedited
Consideration Requested**

Defendant Richard Cheney, by and through undersigned counsel, hereby moves the Court, pursuant to ORS 138.083, for an order modifying and correcting the Amended Judgment of Conviction entered in this matter in April of 2014 as follows: replace the following highlighted language on page 2, lines 5-7:

“IT IS FURTHER ORDERED that defendant’s grid block is 8E and the Court orders that the defendant shall be committed to the legal and physical custody of the Oregon State Corrections Division for a period of 24 months and 25 days with three years of Post Prison supervision”

With the following language highlighted language:

“IT IS FURTHER ORDERED that defendant’s grid block is 8E and the Court orders that the defendant shall be committed to the legal and

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1 physical custody of the Oregon State Corrections Division *for a period of*
2 *24 months and 24 days* with three years of Post Prison supervision”

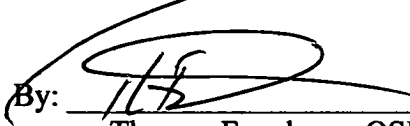
3 It is respectfully submitted that the foregoing correction is necessary to accomplish the
4 agreed upon plea bargain wherein defendant was to receive credit for time served from
5 December 29, 2012. A copy of the initial Amended Judgment is annexed hereto as Exhibit A.

6 I contacted Deputy District Attorney Dale Anderson, who indicated that the State does
7 not oppose this motion.

8 Dated: May 28, 2014

Respectfully submitted,

9
10 PEARL LAW LLC


11 
12 By: _____
13 Thomas Freedman, OSB No. 080697
14 Counsel for Defendant

15 **CERTIFICATE OF SERVICE**

16 I certify that on May 28, 2014 I served a true and correct copy of the foregoing
17 MOTION TO MODIFY AND CORRECT AMENDED JUDGMENT PURSUANT TO ORS
18 138.083 upon the State via electronic mail transmission to DDA Dale Anderson at the
19 following email address: andersd@co.columbia.or.us.

20 Dated: May 28, 2014

PEARL LAW LLC

21 
22 By: _____
23 Thomas Freedman, OSB No. 080697
24 Counsel for Defendant

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

STATE OF OREGON,

Plaintiff,

vs.

RICHARD JOHN CHENEY,

Defendant.

Case No. 13-1005 - Count 1

D.A. File No. 1.03 24389

AMENDED JUDGMENT - FELONY

Dated: February 12, 2013

Presiding: Steven B. Reed
Circuit Court Judge

Appearing: Dale L. Anderson
Chief Deputy District Attorney

Thomas Freedman, Jr.
Defense Counsel

Richard John Cheney
In Custody

Purpose: No Contest Plea and Sentencing

The above entitled matter came regularly before the Court upon the representation of the parties that defendant was prepared to enter a No Contest plea to Count 1, Unlawful Delivery of Methamphetamine, Substantial Quantity and be sentenced; the Court inquired of the defendant if he wished to change his plea to No Contest to Count 1 and the defendant replied that he did and defendant then pleaded No Contest; the Court questioned the defendant and determined that the change of plea was being made freely, knowingly, and voluntarily in all respects; the Court inquired of the State if there was a factual basis for the plea; upon hearing the statement from the State the Court found there is a factual basis for defendant's No Contest plea; the Court heard statements from counsel regarding the sentence and offered the defendant an opportunity to make a statement in his own behalf and at the conclusion thereof the Court being fully advised in the

EXHIBIT

A

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1 premises:

2 IT IS THEREFORE ORDERED that defendant's plea of No Contest to Count 1, Unlawful
3 Delivery of Methamphetamine, Substantial Quantity shall be received and entered of record herein;
4 and

5 IT IS FURTHER ORDERED that defendant's grid block is 8E and the Court orders that
6 the defendant shall be committed to the legal and physical custody of the Oregon State Corrections
7 Division for a period of 24 months and 25 days with three years of Post Prison supervision; and

8 IT IS FURTHER ORDERED that defendant shall be eligible for earned time/good time
9 credits under ORS 421.121(1)(a) and shall receive credit for time served from December 29, 2012;
10 and

11 IT IS FURTHER ORDERED that defendant shall not be eligible for other ORS 421.121
12 programs or for AIP or for release under ORS 421.508(4); and

13 IT IS FURTHER ORDERED that the Court recommends that defendant be allowed contact
14 with Michelle Smith while incarcerated in the Columbia County jail and Oregon State Corrections
15 Division; and

16 IT IS FURTHER ORDERED that upon release to the Post Prison Supervisor the Court
17 recommends that defendant be allowed contact with Michelle Smith if she has completed any
18 substance abuse program that was recommended for her; and

19 IT IS FURTHER ORDERED that Counts 2, 3, 4, 5, 6, 7, and 8 are dismissed; and

20 IT IS FURTHER ORDERED that the Columbia County Sheriff shall transport defendant to
21 the Oregon State Corrections Division; and

22 IT IS FURTHER ORDERED that defendant shall pay the amounts in the money award.

23 DATED: this ____ day of _____, 2014.
24
25
26

Circuit Court Judge.

MONEY AWARD

Case No. 13-1005 ct 1

JUDGMENT CREDITOR: State of Oregon

JUDGMENT DEBTOR: Richard John Cheney

DEFENDANT IS ORDERED TO PAY:

Restitution Joint and Several Liability with: _____

Restitution Compensatory Fine in favor of the person(s) listed below:

Name: _____ AMOUNT DUE \$ _____

Address: _____

Name: _____ \$ _____

Address: _____

TYPE: Felony minimum \$200 Misdemeanor minimum \$100

Methamphetamine - manufacture or manufacture with 1000' of school minimum \$1000

Methamphetamine - delivery or delivery within 1000' of school minimum \$500

IMPOSED \$ 200 SUSPENDED \$ 0 \$ 200

\$ _____ of fine suspended on successful completion of _____

REIMBURSE ATTORNEY FEES \$ _____ \$ _____ \$ _____

DUI Conviction Fee (\$255) \$ _____ \$ _____ \$ _____
(Less Contrib. Amt)

PRIOR FINANCIAL OBLIGATIONS CONTINUED: \$ _____

PROB VIOLATION ASMT (\$25) \$ _____ \$ _____ \$ _____

BENCH PROBATION FEE (\$100) \$ _____ \$ _____ \$ _____

_____ \$ _____

TOTAL OBLIGATION (this charge) \$ _____

Restitution shall be paid before fines and assessments.

Defendant is ordered to comply with the terms of the Money award, report to the court accounting counter and to comply with directions of the court collection staff. All financial obligations are due in full today.

IT IS FURTHER ORDERED if Defendant is approved by the court collection staff to make payments, the payments are to be received by the court on or before the date(s) established. If the defendant is unable to make the payment, the defendant shall submit a request in writing to modify the payment schedule and the reasons why. Request must be received by the court prior to the payment due date. Defendant will keep court advised of current mailing address until this money judgment is paid in full. 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 order of the court. No collection fee will be added if obligation is paid within thirty (30) days of the entry of judgment.

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.

IT IS FURTHER ORDERED that: Security Bond exonerated
 Bail/Security Release: to be distributed as follows: _____

to be applied to Financial Obligations in Case(s): _____

Payment of the fines, fees, assessments, restitution and/or attorney's fees noted above shall be made payable to the Trial Court Administrator as follows: Mail payments to: 230 Strand St, St Helens, OR 97051

Date: 2/12/2013


Steven B. Reed, Circuit Court Judge