IN THE MUNICIPAL COURT OF THE CITY OF WEST LINN

COUNTY OF CLACKAMAS, STATE OF OREGON

STATE OF OREGON )

Plaintiff, )

 ) Case No. \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

 )

vs. ) DEFERRED SENTENCING AGREEMENT

)

 )

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ )

Defendant )

The defendant, \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, and West Linn City Prosecutor, Kyndre Lundquist, agree as follows:

Defendant swears or affirms that defendant has never participated in a diversion or deferred sentence agreement for Operating a Motor Vehicle While Using a Mobile Electronic Device, ORS 811.507. or the equivalent, with any other court or municipality, and defendant does not have any other offense pending for Operating a Motor Vehicle While Using a Mobile Electronic Device, ORS 811.507, or the equivalent in another state.

Defendant waives his/her/their rights listed in the Petition to Plead Guilty or No Contest. Defendant pleads guilty to the criminal offense of Operating a Motor Vehicle While Using a Mobile Electronic Device (3rd offense), a Class B Misdemeanor, ORS 811.507, as shown in the Petition to Plead Guilty or No Contest.

Defendant waives his/her/their former jeopardy rights under the federal or state constitutions and ORS 131.505 to 131.525 in any future action on the charge or any other offenses based on the same criminal incident.

The term of this Deferred Sentence Agreement is a period of six months / 180 days.

Defendant shall keep West Linn Municipal Court advised of his/her/their current mailing, residential address, and phone number at all times.

Defendant further agrees as follows;

1. Defendant shall not violate any laws set out in the Oregon Revised Statutes in the State of Oregon or any political subdivision thereof for a **period of six months / 180 days from the date of this agreement.**
2. Defendant shall complete 24 hours of Community Service work through Clackamas County Community Corrections within 90 days. Defendant must report to the **Transition Center, 2219 Kaen Road, Oregon City within 15 days** to complete the orientation. Orientations are held on Wednesdays at 1:00pm. You may just show up or email csw@clackamas.us to schedule. Phone calls are not taken. Orientation lasts approximately one hour and is mandatory. There is a Community Service fee of $40.00.
3. Defendant shall complete a book and release at the Clackamas County Jail, **2206 S Kaen Road, Oregon City, OR 97045**, within **5 days** of this agreement.
4. Defendant shall complete the in-person U-Turn 180 class and pay the cost of the class within **90 days** from the date of this agreement.
5. Defendant shall not commit any traffic violations and defendant shall report any police contact to the West Linn Municipal Court within 48 hours.
6. Defendant shall not drive without a valid driver’s license and insurance.
7. Defendant acknowledges that no extensions will be given to complete any terms of this Agreement.
8. OTHER: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

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Defendant agrees to pay the required fines and fees in full. Defendant shall pay to the West Linn Municipal Court the fees specified below, PLUS ANY OTHER FEES OWED TO THE COURT:

|  |  |
| --- | --- |
| Diversion Fee | $ |
| CAA Fee | $ |
| Fine | $ |
| TOTAL | $ |

Defendant may set up a pay agreement with the Court. Regardless of any payment agreement, **FULL PAYMENT IS DUE 30 DAYS PRIOR TO THE EXPIRATION OF THIS AGREEMENT.**

If the defendant successfully completes the terms of this agreement, the court may automatically reduce the charge to Operating a Motor Vehicle While Using a Mobile Electronic Device to a Class A violation at the end of the time period set forth in this Deferred Sentence Agreement. If the court does not reduce the offense to a violation, the defendant must file a motion to amend at the end of the Deferred Sentence Period asking the court to reduce the charge.

If the court finds that the defendant has violated the terms of this Deferred Sentencing Agreement, or that you were not eligible for the deferred sentence agreement, the court will terminate the agreement. The court may hold a hearing where defendant can “show cause” why the court should not terminate the Deferred Sentence Agreement. The court will send notice of such hearing by regular mail. If you fail to appear in court, the court can terminate the Deferred Sentencing Agreement and may issue a warrant for your arrest.

If the court terminates the Deferred Sentencing Agreement, or you fail to complete the terms of the agreement as set forth above, the court will sentence you without a trial and a judgment of conviction as a Class B Misdemeanor will be entered against you.

I, \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, certify that I have fully discussed the terms and conditions of this Deferred Sentencing Agreement and Order Staying Proceedings with my attorney, or I have waived my right to have an attorney represent me, and I understand said terms and conditions and hereby agree to them.

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Defendant Date

FOR COURT USE ONLY

DEFERRED END DATE: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

The court can be reached at 503.656.4263 Monday through Thursday 7:30am - 5:30pm, alternating Fridays 7:30am – 4:30pm. The court is closed every other Friday and observed holidays.

Email: court@westlinnoregon.gov or in person at 22500 Salamo Road, West Linn, OR 97068.

**CERTIFICATE OF COUNSEL**

**I am the attorney for the defendant in this proceeding and I certify that:**

1. I have fully explained to my client the offense of Driving a Motor Vehicle While Using a Mobile Electronic Device and the consequences of a 3rd conviction as a crime, and the possible defenses that may apply in this case.
2. I have personally examined the attached **Petition to Plead Guilty/No Contest/Conditional Guilty Plea**, explained all its provisions to my client, and discussed fully with my client all matters described and referred to in the petition.
3. I have explained to my client the maximum penalty and other consequences of entering a guilty or no contest plea, including possible immigration consequences.
4. To the best of my knowledge and belief, my client’s decision to enter this plea is made voluntarily, intelligently, and knowingly.
5. I have told my client that if he/she/they is eligible for court-appointed counsel and wishes to pursue an appeal, I will transmit the information necessary to perfect the appeal to the Office of Public Defense Services.

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DATEATTORNEY’S SIGNATURE OSB No.

On Behalf of the City of West Linn, Oregon, it is so agreed.

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_

Kyndre Lundquist Date

West Linn City Prosecutor

**ORDER**

The Deferred Sentence Agreement is allowed. IT IS HEREBY ORDERED that, in accordance with the above terms, the proceedings in this matter are stayed until all terms of this agreement are fulfilled or the Court terminates the agreement.

 Dated this \_\_\_\_\_\_\_ day of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, 20 \_\_\_\_.

 \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

 West Linn Municipal Court Judge