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**FILED**

**MAY 13 2010**

Circuit Court  
Multnomah County, Oregon

**In the Circuit Court of the State of Oregon for Multnomah County**

State of Oregon, )  
Plaintiff, )  
 )  
vs. )  
 )  
Donna Kaye Machos, )  
Defendant. )

Case No.: 090632309

**JUDGMENT**

Case File Date: 06/22/2009  
District Attorney File #: 2169781-1

**DEFENDANT**

True Name: Donna Kaye Machos Sex: Male  
Date of Birth: 10/02/55  
Fingerprint Control No (FPN): 31677768  
AKA: 738315 Cpms

ENTERED  
MAY 13 2010  
IN REGISTER BY *SL*

**HEARING**

Proceeding Date: 05/11/2010  
Judge: JOHN A. WITTMAYER  
Court Reporter: FTR

Defendant appeared in person and was not in custody. The defendant was represented by Attorney(s) James F O Rourke Jr, OSB Number 78328.

Plaintiff appeared by and through Dennis Hao Shen, OSB Number 81469.

**COUNT(S)**

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

**Count 1: Theft in the First Degree**

Count number 1, Theft in the First Degree, ORS 164.055, a Class C Felony, committed on or about 04/27/2007. Conviction is based upon a plea of Guilty on 10/26/2009.

**Sentencing Guidelines**

The Crime Severity Classification (CSC) on Count Number 1 is 4 and the Criminal History Classification (CHC) is I.

The court finds reason(s) for a durational departure, as stated on the record. This departure is pursuant to the following factor(s):

- Durational upward departure.
- Stipulation of the parties.

**Probation**

Defendant is sentenced to Supervised Probation for a period of 5 year(s) and shall be subject to the following conditions of probation:

Defendant is subject to all general conditions of probation (ORS 137.540).

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

- Be assigned to Judge John A. Wittmayer for judicial supervision of probation.
- Have no direct or indirect contact with the victim, , the victim's residence, or the victim's place of employment unless so authorized in writing by the victim's therapist, if any, defendant's treatment provider and probation officer or the Court.
- Not trespass .
- Advise current and any future employer, including temporary agencies, of this probation and the nature of the crime. Probation officer may discuss details of the crime of conviction with employer(s).
- Provide probation officer with employment information and allow communication between employer and probation officer for the purposes of monitoring compliance with probation conditions.
- Do not apply for or accept any employment or volunteer position which includes the handling of money or negotiable instruments, i.e., cash, checks, credit cards, bank cards, stocks, bonds, or accounts payable without the written permission of probation officer and after making full disclosure to employer or volunteer supervisor.
- Provide complete personal financial records, i.e., tax records, household income and expenses, bank statement, etc., to probation officer upon request.
- Obtain permission from probation officer prior to engaging in any financial transaction over \$200.
- Not permitted to possess credit cards, mail, or identification unless issued in defendant's true name with correct information as requested by issuer.
- Submit to polygraph testing, at defendant's own expense, as directed by the probation officer to determine compliance with the conditions of probation and/or to facilitate mental health treatment.
- Submit blood or buccal sample and thumbprint pursuant to ORS 137.076.
- Sign release of information to allow for communication between employer and probation officer.
- Continue or resume treatment with [REDACTED] and any other treatment program per probation officer.

**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
Unitary Assessment	\$107.00			\$107.00
<b>Total</b>	<b>\$107.00</b>			<b>\$107.00</b>

Restitution to be determined within 90 days.

**Count 2: Aggravated Theft in the First Degree**

Count number 2, Aggravated Theft in the First Degree, ORS 164.057, a Class B Felony, committed on or about 10/12/2007.

Conviction is based upon a plea of Guilty on 10/26/2009.

**Sentencing Guidelines**

The Crime Severity Classification (CSC) on Count Number 2 is 5 and the Criminal History Classification (CHC) is G.



The court finds reason(s) for a durational departure, as stated on the record. This departure is pursuant to the following factor(s):

- Durational upward departure.
- Stipulation of the parties.

**Probation**

Defendant is sentenced to Supervised Probation for a period of 5 year(s) and shall be subject to the following conditions of probation:

Defendant is subject to all general conditions of probation (ORS 137.540).

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

- Be assigned to Judge John A. Wittmayer for judicial supervision of probation.
- Submit blood or buccal sample and thumbprint pursuant to ORS 137.076.
- Comply with all conditions of probation in Count 1.

**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
Unitary Assessment	\$107.00	Waived	\$107.00	
<b>Total</b>	<b>\$107.00</b>		<b>\$107.00</b>	

Restitution to be determined within 90 days.

**Count 3: Aggravated Theft in the First Degree**

Count number 3, Aggravated Theft in the First Degree, ORS 164.057, a Class B Felony, committed on or about 01/18/2008.

Conviction is based upon a plea of Guilty on 10/26/2009.

**Sentencing Guidelines**

The Crime Severity Classification (CSC) on Count Number 3 is 5 and the Criminal History Classification (CHC) is F.

This sentence is pursuant to the following special factors:

- Sentence pursuant to ORS 137.717

**Incarceration**

Defendant is sentenced to the custody of Oregon Department of Corrections for a period of 19 month(s). Defendant is remanded to the custody of the Multnomah County Sheriff for transportation to the Oregon Department of Corrections for service of this sentence.

Defendant may receive credit for time served. The defendant may be considered by the executing or releasing authority for any form of reduction in sentence, temporary leave from custody, work release, or program of conditional or supervised release authorized by law for which the defendant is otherwise eligible at the time of sentencing. The defendant may be considered for release on post-prison supervision under ORS 421.508(4) upon successful completion of an alternative incarceration program.

### Post-Prison Supervision

The term of Post-Prison Supervision is 1 year(s). If defendant violates any of the conditions of post-prison supervision, the defendant shall be subject to sanctions including the possibility of additional imprisonment in accordance with the rules of the State Sentencing Guidelines Board.

### 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
Unitary Assessment	\$107.00	Waived	\$107.00	
<b>Total</b>	<b>\$107.00</b>		<b>\$107.00</b>	

Restitution to be determined within 90 days.

### Count 4: Aggravated Theft in the First Degree

Count number 4, Aggravated Theft in the First Degree, ORS 164.057, a Class B Felony, committed on or about 03/24/2008.

Conviction is based upon a plea of Guilty on 10/26/2009.

### Sentencing Guidelines

The Crime Severity Classification (CSC) on Count Number 4 is 5 and the Criminal History Classification (CHC) is F.

This sentence is pursuant to the following special factors:

- Sentence pursuant to ORS 137.717

### Incarceration

Defendant is sentenced to the custody of Oregon Department of Corrections for a period of 19 month(s). Defendant is remanded to the custody of the Multnomah County Sheriff for transportation to the Oregon Department of Corrections for service of this sentence.

Defendant may receive credit for time served. The defendant may be considered by the executing or releasing authority for any form of reduction in sentence, temporary leave from custody, work release, or program of conditional or supervised release authorized by law for which the defendant is otherwise eligible at the time of sentencing. The defendant may be considered for release on post-prison supervision under ORS 421.508(4) upon successful completion of an alternative incarceration program.

For the reasons stated on the record this sentence shall be consecutive to sentence(s) imposed herein on Count 3.

### Post-Prison Supervision

The term of Post-Prison Supervision is 1 year(s). If defendant violates any of the conditions of post-prison supervision, the defendant shall be subject to sanctions including the possibility of additional imprisonment in accordance with the rules of the State Sentencing Guidelines Board.



**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
Unitary Assessment	\$107.00	Waived	\$107.00	
<b>Total</b>	\$107.00		\$107.00	

Restitution to be determined within 90 days.

**Count 5: Aggravated Theft in the First Degree**

Count number 5, Aggravated Theft in the First Degree, ORS 164.057, a Class B Felony, committed on or about 05/23/2008.

Conviction is based upon a plea of Guilty on 10/26/2009.

**Sentencing Guidelines**

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

This sentence is pursuant to the following special factors:

- Sentence pursuant to ORS 137.717

**Incarceration**

Defendant is sentenced to the custody of Oregon Department of Corrections for a period of 19 month(s). Defendant is remanded to the custody of the Multnomah County Sheriff for transportation to the Oregon Department of Corrections for service of this sentence.

Defendant may receive credit for time served. The defendant may be considered by the executing or releasing authority for any form of reduction in sentence, temporary leave from custody, work release, or program of conditional or supervised release authorized by law for which the defendant is otherwise eligible at the time of sentencing. The defendant may be considered for release on post-prison supervision under ORS 421.508(4) upon successful completion of an alternative incarceration program.

This sentence shall be consecutive to the sentence(s) on the following cases: 10 months consecutive to Counts 3 & 4. This sentence shall be concurrent with the following cases: 9 months concurrent with Counts 3 & 4.

**Post-Prison Supervision**

The term of Post-Prison Supervision is 1 year(s). If defendant violates any of the conditions of post-prison supervision, the defendant shall be subject to sanctions including the possibility of additional imprisonment in accordance with the rules of the State Sentencing Guidelines Board.

**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
Unitary Assessment	\$107.00	Waived	\$107.00	
<b>Total</b>	<b>\$107.00</b>		<b>\$107.00</b>	

Restitution to be determined within 90 days.

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: Donna Kaye Machos**

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	Actual Owed
Unitary Assessment	\$107.00
<b>Total</b>	<b>\$107.00</b>

Money Award total does not include reduced amounts of \$428.00 as stated in the individual counts.

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 made as follows:

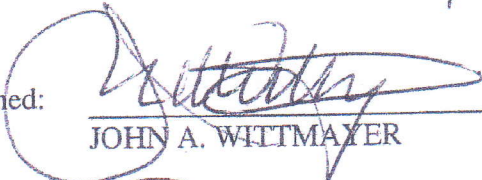
The payment schedule for all financial obligations is to be established by the court or appropriate supervising authority.

Unless otherwise directed by the court, all financial obligations must be paid 30 days prior to completion of Post-Prison Supervision.

Payable to:

**Multnomah County Circuit Court  
P.O. Box 114  
Portland, OR 97207**

Dated the 13 day of May, 2010

Signed:   
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JOHN A. WILTMAYER  
Judge