

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

STATE OF OREGON

CASE NO. 20CR50067

Plaintiff

DA NO. _____

v.

UCJ TEMPORARY SENTENCING ORDER

All Felony & Misdemeanor Counts

SWINNEY, ALAN

Defendant

SENTENCING DATE 12/10/21

☒ FTR ☒ Reporter ☐ Interpreter Name: _____

Deputy District Attorney: Vasquez/Schweitzer

Bar No. 014437

Defense Attorney: Westover/ Desai

Bar No. _____

Defendant Appearance: ☒ In Person In Custody ☐ In Person Out of Custody ☐ By Telephone ☐ By Video ☐ Waived Appearance

Representation Status: ☒ Court Appointed ☐ Privately Retained ☐ Found Indigent and Waived Attorney ☐ Waived Attorney (Pro Se)

Judgment of Dismissal on counts: _____

Judgment of Acquittal on Finding of Not Guilty on counts: ⁶ _____

The Court determines that the defendant is convicted of the below listed count(s).

☐ Def waives PSI ☐ Def waives 48 hrs

County 1 Offense: Attempt Assault 4

Date of Incident: 8/15/2020

☐ Is a Lesser Included Offense

☐ Immediate Misd. Treatment ☐ Misd. Treated as Vio: Prosecutor Elects (ORS 161.566) ☐ Misd. Treated as Vio: Court Elects (ORS 161.568)

Guilty based upon: ☐ Guilty Plea ☐ No Contest Plea ☐ Stipulated Facts Trial ☐ Court Trial ☒ Jury: Date of Guilty Finding 10/5/21

License Information: ☐ Suspend ☐ Revoke Type: ☐ Drivers ☐ Other _____ Duration: _____ days / months / years / permanent

Statutory Requirements: ☐ HIV Blood Draw ☐ DNA Blood Draw/Buccal Sample ☐ Sex Offender Registration

GUILTY EXCEPT FOR INSANITY: ☐ GEI: By ☐ Stipulated Facts Trial ☐ Court Trial ☐ Jury Trial; ☐ Subject to jurisdiction of PSRB ☐ Yes ☐ No

If yes ☐ Committed to State Hospital by DHS or ☐ Conditional Release (see accompanying Order per ORS 161.327)

SENTENCE GUIDELINES

Crime Severity _____ Criminal History _____ ☐ Stipulated for purpose of this sentencing only

☐ Presumptive Sentence

☐ Special Factors: _____

☐ Departure Sentence

☐ Dispositional ☐ Up ☐ Down ☐ By Stipulation

Departure Reasons: _____

☐ Durational ☐ Up ☐ Down ☐ By Stipulation Departure Reasons: _____

PROBATION Type: ☐ Supervised ☐ Bench Duration: _____

☐ SIS ☐ SES

Defendant subject to all general conditions of probation in ORS 137.540(1) unless specifically deleted by the court. Delete #'s: _____

The following special conditions of probation are imposed:

☐ Probation Judge (if specified): _____

Packages: ☐ Alcohol ☐ Drug ☐ Misdemeanor Monitoring Program ☐ Financial Crimes ☐ Sex Offender ☐ Other: _____

☐ Community Service _____ Completed By _____

Report to Probation by: _____; Other Conditions: _____

☐ No Contact Victim _____

☐ Drug ☐ Alcohol ☐ Mental Health Evaluation and any

Recommended Treatment (check all that apply)

☐ No trespass/entry _____

This conviction for a qualifying misdemeanor crime of domestic violence permanently prohibits you from possessing firearms and ammunition, effective immediately under ORS 166.250 & ORS 166.255. You could be charged with a new crime of Unlawful Possession of a Firearm if you knowingly violate these provisions. You must comply with the terms in the attached Surrender & Return document. You must surrender your firearms according to the instructions in that document within 24 hours and file the required Declaration and Proof of Transfer with the court and DA within 2 court business days.

INCARCERATION

Duration: 90 days cts

Minimum: _____ Per ORS _____

☒ Jail ☐ Dept of Corrections

☒ Remand immediately to Sheriff

☐ Report to Sheriff by: _____

to arrange TSI date

☐ Consecutive to: _____

☐ By Stipulation

☐ Findings per ORS 137.123(5): _____

☐ Concurrent with: _____

POST-PRISON SUPERVISION Duration: _____ months / years

INCARCERATION OPTIONS:

PPS Recommendations _____

DEPT OF CORRECTIONS

Defendant ☐ MAY ☐ MAY NOT be considered by the executing or releasing authority for any form of temporary leave, release, or non-AIP reduction in sentence as specified in ORS 137.750.

Exceptions: ☐ Defendant is eligible for Good Time ☐ Other _____

AIP: ☐ Defendant may be considered for alternative incarceration programs and early release on post-prison supervision under ORS 421.508(4) following successful completion of an alternative incarceration program.

Basis for eligibility: ☐ By stipulation ☐ By findings stated on the record

The court recommends: ☐ Summit ☐ New Directions ☐ Turning Point ☐ Other _____

JAIL

Defendant ☐ MAY ☐ MAY NOT be considered by the supervisory authority for any form of alternative sanction authorized by ORS 423.478.

* Basis for ineligibility: ☐ By stipulation ☐ Substantial and compelling reasons: _____

☐ Def is eligible for Good/Work Time ONLY

MONEY AWARD

Fine \$ _____

☒ Waive all fines, fees, and assessments

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☐ ORS 475.886 & 888 (Manuf. Meth.) \$1000 ☐ suspended \$ _____

☐ ORS 475.890 & .892 (Del Meth) \$ _____

ORGJ

☐ Intoxication Conviction Fee (ORS 813.030) \$255;

☐ Bench Prob. Fee \$100

☐ suspended \$ _____;

Atty Fe

Order - Pending Judgment
14656560

☐ Comp Fine ☐ Restitution \$ _____

Victim: _____

TBD: Hrg set for _____

Leave Restitution Open 90 Days. NOTE: If a fine is imposed the statutory assessments and fees applicable to each conviction;

PAYMENT TERMS: Full payment of all financial obligations is due within 30 days of the date of this judgment unless a payment plan is authorized by the court collections unit, probation officer, or post-prison supervision officer. The security deposit shall be applied to financial obligations ordered in this and any other circuit court case after satisfaction of any and all orders directing that the deposit be applied to outstanding child support obligations.

Dated: 12/10/21 Judge (Signature) _____

Name of Judge (printed) HEIDI MOAWAD

* I have reviewed the contents of the TSO and it appears consistent with sentence announced by the court: DDA: AV Defense Attorney: OW