

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

STATE OF OREGON

CASE NO. 20CR50067

Plaintiff

DA NO. \_\_\_\_\_

SWINNEY, ALAN

Defendant

UCJ TEMPORARY SENTENCING ORDER

Supplemental Page

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

Count 2 Offense: Use of ESG/Tear Gas/Mace 2 Date of Incident: 8/15/20 ☐ 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 10/5/20 21

License Information: ☐ Suspend ☐ Revoke Type: ☐ Drivers ☐ Other \_\_\_\_\_ Duration: \_\_\_\_\_

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: \_\_\_\_\_ ☐ days ☐ months ☐ years ☐ 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: 180 days cts Minimum: \_\_\_\_\_ months / years Per ORS: \_\_\_\_\_

☒ Jail ☐ Dept of Corrections ☒ Remand immediately to Sheriff ☐ Other \_\_\_\_\_

☐ Report to Sheriff by: \_\_\_\_\_ to arrange TSI date Work Release: ☐ Recommended ☐ NOT Recommended

☐ Consecutive to: \_\_\_\_\_ ☐ By Stipulation ☐ Findings per ORS 137.123(5): \_\_\_\_\_

☒ Concurrent with: Ct 1 **POST PRISON SUPERVISION** Duration: \_\_\_\_\_

**INCARCERATION OPTIONS:** PPS Recommendation(s): \_\_\_\_\_

**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 assessment

☐ ORS 475.890 & 892 (Delivery Meth.) \$500 ☐ suspended \$ \_\_\_\_\_ ☐ ORS 475.886 & 888 (Manuf. Met)

☐ Intoxication Conviction Fee (ORS 813.030) \$255; ☐ Bench Prob. Fee \$100 ☐ suspended \$ \_\_\_\_\_ Atty Fees: \_\_\_\_\_

☐ Comp Fine ☐ Restitution \$ \_\_\_\_\_ Victim: \_\_\_\_\_ ☐ TBD: Hrg set for \_\_\_\_\_

☐ Leave Restitution Open 90 Days.

Dated: 12/10/21 Judge (Signature) [Signature] / Name of Judge (pr \_\_\_\_\_)

\* I have reviewed the contents of the TSO and it appears consistent with sentence announced by the court: DDA: NU Defense Attorney: [Signature]

23-69 (Rev 2019-12-20) Original to Court File Copies to: ☐ Jail ☐ Probation Intake ☐ DA ☐ Defense Attorney ☐ Probation Judge