


Verified Correct Copy of Original 2/20/2014

1 Undersigned counsel contacted the State about this motion but has not heard back as
2 of the date of this motion.

3 Dated: February 14, 2014

Respectfully submitted,

PEARL LAW LLC

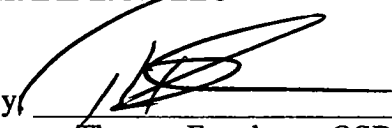
6 By: 
7 Thomas Freedman, OSB No. 080697
8 Counsel for Defendant

9 **CERTIFICATE OF SERVICE**

10 I certify that on February 14, 2014 I served a true and correct copy of the foregoing
11 MOTION TO MODIFY AND CORRECT JUDGMENT PURSUANT TO ORS 138.083
12 upon the State via fax at 503-397-2760 and via electronic mail transmission to DDA Dale
13 Anderson at the following email address: andersd@co.columbia.or.us.

14 Dated: February 14, 2014

PEARL LAW LLC

15 By: 
16 Thomas Freedman, OSB No. 080697
17 Counsel for Defendant

DATE 2/13/13 TIME 2:25

IN COURT FILING

BY: _____

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

STATE OF OREGON,)	
)	Case No. 13-1005 - Count 1
Plaintiff,)	D.A. File No. 1.03 24389
)	JUDGMENT - FELONY
vs.)	
)	
RICHARD JOHN CHENEY,)	
)	
Defendant.)	

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 come regular 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

EXHIBIT A

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1 a statement in his own behalf and at the conclusion thereof the Court being fully advised in the
2 premises:

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

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

9 IT IS FURTHER ORDERED that defendant shall be eligible for earned time/good time
10 credits under ORS 421.121(1)(a) and shall receive credit for time served from December 29,
11 2012; and

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

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

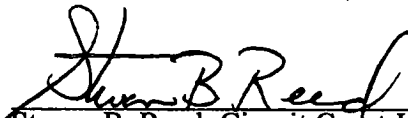
17 IT IS FURTHER ORDERED that upon release to the Post Prison Supervisor the Court
18 recommends that defendant be allowed contact with Michelle Smith if she has completed any
19 substance abuse program that was recommended for her; and

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

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

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

24 DATED: this 13 day of February, 2013.

25 
26 Steven B. Reed, Circuit Court Judge

MONEY AWARD

JUDGMENT CREDITOR: **State of Oregon**

Case No. 13-1005 ct 1

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: _____

FINE: 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 \$ _____ \$ _____ \$ _____

DUII 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

Dated: 2/12/2013

