

COPY

IN THE MUNICIPAL COURT FOR THE CITY OF EUGENE
LANE COUNTY, OREGON

CITY OF EUGENE,

Plaintiff,

vs.

JEFFERSON DANIEL SMITH,

Defendant.

Case No. 93-16737

DIVERSION AGREEMENT

This Diversion Agreement is entered into pursuant to ORS 135.881 to ORS 135.901 between the defendant, represented by Dan E. Neal and the City Prosecutor for the City of Eugene. After reviewing this case and the criteria set forth in ORS 135.886(2), it appears that diversion is an appropriate disposition of this charge. A separate order staying this case shall be entered herein. Upon the defendant's compliance with the Agreement this case shall be dismissed pursuant to ORS 135.901(2). By signing this Agreement the defendant expressly and voluntarily waives his right to a speedy trial during the term of this Agreement, as required by ORS 135.896. The conditions of this Agreement, pursuant to ORS 135.891, are as follows:

(1) That the defendant shall obey all laws and conduct himself as a peaceful law abiding citizen throughout the six-month term of this diversion agreement;

1 (2) That the defendant agrees that his conduct at the
2 time alleged in the accusatory instrument on file herein was
3 wrongful; however, this admission is not intended by any party to
4 this agreement as an admission of criminal wrongdoing by the
5 defendant and should not be construed as an admission that
6 defendant committed the offense charged herein;

7 (3) That the defendant shall refrain from having any
8 contact with [REDACTED]

9 (4) That the defendant shall pay costs to the court in
10 the sum of \$250.00, said sum to be deducted from the defendant's
11 bail posted herein, with the balance of said bail to be refunded
12 to defendant at this time;

13 (5) That the defendant shall reimburse [REDACTED]
14 for her medical expenses incurred herein within seven (7) days of
15 the time she presents copies of her medical bills to defendant;
16 [REDACTED] represents that her bills consist of an emergency
17 room visit and a follow up visit for suture removal with the cost
18 of such treatment estimated in the range of \$400.00 to \$500.00;
19 defendant shall have the right to an evidentiary restitution
20 hearing, if he so requests, concerning the reasonableness and
21 necessity of said medical bills;

22 (6) Defendant shall satisfactorily complete 20 hours of
23 community service by July 1, 1994;

24 (7) For valuable consideration as set forth herein,
25 [REDACTED] hereby forever releases and discharges Jefferson
26 Daniel Smith from any and all further claims she may have against
him arising from the conduct alleged in the complaint on file
herein.

DATED: March 2, 1994

/s/ DAN E. NEAL

DAN E. NEAL, OSB #77285
Attorney for Defendant

JEFFERSON DANIEL SMITH
Defendant

[REDACTED]
EUGENE CITY PROSECUTOR