

In the Circuit Court of the State of Oregon for Lane County

THE STATE OF OREGON,

Plaintiff,

vs.

JEREMIAH TAEATAFA MASOLI,

Defendant.

Case no.20-10-05541

Plea Petition

DA No.

The defendant represents to the Court:

1. My true and complete name is JEREMIAH TAEATAFA MASOLI. My date of birth is August 24, 1988.
2. My attorney is John H. Kim.
3. I have received a copy of the Information in this case. I have read the Information and discussed it fully with my attorney. I have also discussed any investigation which has been conducted on my behalf.
4. My lawyer has counseled and advised me on the nature of the above-listed charge(s), and all possible defenses, if any, that I might have in this case. I fully understand every charge made against me. I am satisfied with the representation that has been provided by my attorney, and any investigation which has been conducted on my behalf.
5. I have been advised by my attorney of any pretrial issues that I could raise, and know that by pleading guilty that I am foregoing those legal challenges to the charges and evidence against me.

6. My mind is clear and I am not sick. I am not under the influence of alcohol or drugs.
7. I know that I have a right to have my case presented to a Grand Jury, and I am agreeing to forgo that right and proceed by the District Attorney filing an Information with the Court, as set forth in this agreement. I am waiving this right freely and voluntarily, no threat or promises have been made to me, other than this plea agreement. _____ (Initial)
8. I am aware that if I am charged with a crime, that I have a right discovery by the State of the police reports, physical evidence, and the names of witnesses against me. I am aware as part of this agreement, that the State has not provided that information to my attorney. I am aware that this puts me at a disadvantage in evaluating the strength of the case against me. However, I am choosing to proceed in this manner, for the reasons stated in this petition. _____ (Initial)
9. I am aware that a substantial portion of my case has been presented to the Grand Jury. I am aware that it would be up to the Grand Jury to make any decision regarding charging me with a felony crime. No threats or promises have been made to me in this regard. _____ (Initial)
10. As stated above, the case involving two alleged burglaries and thefts occurring at the SAE Fraternity on January 24, 2010, is currently pending before the Grand Jury. I am aware that another person, in addition to myself, are being accused of those crimes. I am also aware that the State has made overtures to the other person, seeking his cooperation against me as a witness. I am agreeing to proceed in the manner set forth in this petition to avoid more serious charges being filed against me, and to avoid a possibly more serious sentence. _____ (Initial)

11. I know that I may plead "NOT GUILTY" to any crime charged against me or to persist in that plea if it has already been made. I know that if I plead "NOT GUILTY", I have the following rights:
 - A. The right to a speedy and public trial by jury during which I would be presumed to be innocent unless and until proven guilty beyond a reasonable doubt;
 - B. The right to have the assistance of a lawyer at all stages of the proceedings;
 - C. The right to use the power and process of the court to compel the production of any evidence including the attendance of any witnesses in my favor;
 - D. The right to see, hear, confront, and cross-examine all witnesses called to testify against me;
 - E. The right to take the witness stand at my sole option, and if I do not take the witness stand, no inference of guilt may be drawn from such failure;
 - F. The right not to be compelled to incriminate myself.
12. Pursuant to negotiations with the District Attorney, I wish to give up these rights and enter a plea of guilty to: Burglary in the Second Degree.

The terms of the negotiations are as follows: That the above charge will be sentenced as a misdemeanor. That I will be placed on 12 months court probation. The State agrees not to file any additional charges regarding the events at the SAE Fraternity occurring on January 24, 2010. Further, I will have no contact with either victim listed in the restitution schedule, and will have no contact with the SAE Fraternity. Further, I will be required to serve 10 days in the Lane County Jail, with alternatives. If the full restitution is paid within 10 days of sentencing, in lieu of the 10 days jail I will be required to complete 140 hours of community service work.

13. I know that by agreeing to plead guilty that I am giving up my rights as described above. I know that no trial will occur, no witnesses will be called, and that my attorney will not be presenting a defense to the charges.
14. I know that the sentence recommendations of the District Attorney are not binding on the sentencing judge, and that the judge may impose a sentence up to the maximum allowed by law.
15. I know that the maximum punishment that can be imposed upon me for each count is as follows: Class A misdemeanor is one year incarceration and a \$6,250.00 fine.
16. I know that I am required to pay restitution as set forth in the restitution schedule..
17. I understand that if I am not a citizen of the United States and I am convicted of a crime which is considered an aggravated felony under 8 USC 1101 this conviction will result in removal proceedings against me unless the United States Attorney General or his designee chose not to pursue removal. I also understand that this conviction will result in a change of my immigration status. I know that if I am not a citizen of the United States, my plea may result denial of naturalization, and exclusion from future entry in to this country.
18. I know that the sentences will, in all likelihood, be accompanied by a period of probation, parole or post prison supervision.
19. I know that the state's sentencing concessions do not apply if I fail to appear for sentencing as scheduled.
20. I know that if I am on parole, probation, or post-prison supervision, that the conviction in this case can result in additional sanctions against me for the violation the conditions of my supervision.
21. I know that if I am serving a sentence on another matter, that the sentence in this case can be made to run consecutive to the previously imposed sentence.

22. I know that I am eligible for credit for time I have already served on this case. However, I know that it is up to the Sheriff to calculate the amount, and I have not been promised that I am entitled to any particular amount.

23. If this agreement includes the dismissal of charges, or an agreement not to file additional or more serious charges, I agree that if the finding of guilty or plea in this matter, or the sentence, is later vacated or withdrawn for any reason, that the State may re-institute the dismissed charges or file the additional or more serious charges, and I waive any statute of limitations and double jeopardy objections that may exist.

I offer my plea of "GUILTY" freely and voluntarily, of my own accord, with a full understanding of the charge and of what I am giving up by this plea. I have read and understand the petition. No one has made any threats to me or promises other than the plea agreement to get me to enter this plea. My plea of guilty is not based on any representations other than those outlined in this petition.

DATED: _____

By _____
Defendant

I acknowledge that I have reviewed and explained all of the terms of this plea petition with my client.

By _____
Attorney for Defendant

I agree to the negotiations set forth in this petition.

By _____
Robert D. Lane, OSB 86228
Assistant District Attorney