

**FILED**  
9:57 CLOCK A.M.  
MAR 02 2005  
Circuit Courts  
of Lane County, Oregon

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

THE STATE OF OREGON, )  
 )  
Plaintiff, )  
 )  
vs. )  
 )  
TODD MICHAEL GIFFEN, )  
 )  
Defendant. )

CASE NO. 22-04-11806

STIPULATED FACTS, ORDER  
AND JUDGMENT OF CONVICTION  
(Cont 3 only)

PD NO. 04-4131

THIS MATTER duly came before the Court for a stipulated facts trial, to the crime of Unlawful Use of a Weapon.

The State of Oregon being present by and through <sup>William Wanninger</sup> ~~Stephen W. Morgan~~, Assistant District Attorney for Lane County, the Defendant being personally present and represented by his attorney, David J. Phillips.

The Defendant having stipulated to the following facts:

That on or about June 18, 2004, in Lane County, Oregon, that the Defendant did attempt to unlawfully use against Arlene Giffen, or carry or possess with intent to use unlawfully against Arlene Giffen, a knife, a dangerous or deadly weapon as defined in ORS 161.105. Specifically, that on June 18, 2004, in Lane County, Oregon, that the Defendant grabbed Arlene Giffen, his grandmother with whom he resided, and, while holding a butcher knife, told her "it's time for you to die."

The parties further stipulate that at the time of this conduct, that the Defendant suffered from a mental disease or defect which substantially affected his ability to either appreciate the criminality of his conduct, or to conform his conduct to the requirements of law. The parties further stipulate that the Defendant currently is affected by a mental disease or defect, and presents



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PUBLIC DEFENDER SERVICES OF LANE COUNTY, INC.  
1143 Oak Street, Eugene, Oregon 97401  
Phone: (541) 684-2617 Fax: (541) 684-5088

1 a substantial danger to others but that the Defendant can be adequately controlled with supervision  
2 and treatment if conditionally released and that necessary supervision and treatment are available.

3 The Court having inquired of the Defendant and defense counsel, hereby finds that the  
4 Defendant understands the proceedings against him, and is able to assist and cooperate with  
5 defense counsel.

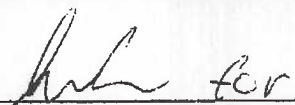
6 NOW, THEREFORE, based upon the stipulation of the parties and the report of  
7 Dr. Carlene Shultz, PsyD/RP, License Clinical Psychologist, Forensic Evaluation Service, Oregon  
8 State Hospital, the Court enters the following FINDINGS AND ORDER:

- 9 1. That, beyond a reasonable doubt, that the Defendant is Guilty Except for  
10 Insanity of the crime of Unlawful Use of a Weapon.
- 11 2. That the offense for which the Defendant would have been convicted is a felony  
12 subject to a sentence of five years in custody.
- 13 3. That during this criminal episode, the Defendant caused a risk of physical injury  
14 to another.
- 15 4. That the Defendant is affected by a mental disease or defect which, when active,  
16 can cause him to represent a substantial danger to others but that the Defendant  
17 can be adequately controlled with supervision and treatment if conditionally  
18 released, and that the necessary supervision and treatment are available.
- 19 5. That the Defendant is placed under the supervision of the Psychiatric Security  
20 Review Board for a period of five years with credit for one hundred eighty-six  
21 days, that being the total time spent in custody or committed by Court Order to  
22 the care of the Superintendent of the Oregon State Hospital, all attributable to  
23 the above-captioned case.
- 24 6. That the victim of this offense shall be notified, pursuant to ORS 161.326(2) of  
25 any hearings concerning the Defendant, or any release, charge, or escape of the  
26 Defendant.
- 27 7. That a Judgment of Guilty Except for Insanity is hereby entered.
- 28 8. IT IS ORDERED that the Defendant is conditionally released, subject to those  
29 supervisory orders of the Court as are in the best interests of justice, the  
30 protection of society and the welfare of the Defendant. The Court hereby  
31 designates Roger Kalman, M.A., Q.M.H.P., of Lane County Mental Health, to  
32 supervise the Defendant subject to the following conditions:
  - 33 (1) The Defendant shall reside at 405 West Centennial, Springfield, Oregon,  
34 97477, and shall not change his place of residence without securing prior  
35 approval from his case monitor and the Board's Executive Director. His  
36 case monitor shall reserve the right to place him in a group home or other

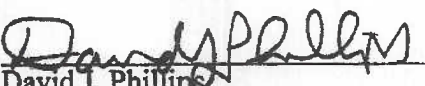
1 supervised living arrangement, were it deemed necessary and were such  
2 placement to become available.

- 3 (2) Defendant shall participate in a mental health treatment program  
4 coordinated by the staff of Lane County Mental Health; Roger Kalman,  
5 Defendant's case monitor, will supervise Defendant's community release  
6 and submit monthly progress reports to the Board, pursuant to ORS  
7 161.307(2), beginning 30 days from the date of this Order.
- 8 (3) Defendant shall not possess any firearms, illegal knives or other weapons,  
9 nor shall any such weapon be allowed on the property where he is living.
- 10 (4) Defendant shall obey all laws.
- 11 (5) Defendant is to take all of his prescribed medication.

12 IT IS SO STIPULATED:

13   
14 Stephen W. Morgan  
15 Assistant District Attorney

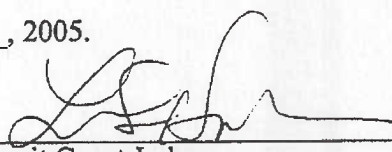
16 3/2/05  
17 Date

18   
19 David J. Phillips  
20 Attorney for Defendant

21 3/2/05  
22 Date

23 **BASED ON THE ABOVE FINDINGS AND ORDER AND THE STIPULATION OF**  
24 **THE PARTIES, IT IS FURTHER ORDERED** that Defendant is conditionally released herein  
25 subject to the conditions as set forth in this Order as well as the Board's general conditions of  
26 release set forth in the Board's form.

DATED this 2 day of March, 2005.

27   
28 Circuit Court Judge

MAR 7 A