

IN THE SUPREME COURT OF THE STATE OF OREGON

STATE OF OREGON,
Plaintiff-Respondent,
Respondent on Review,

v.

MICHAEL ORTEGA, aka Salvador Amitcar Herrero Flores,
Defendant-Appellant,
Petitioner on Review.

Court of Appeals
A167186

S068425

ORDER DENYING PETITION FOR RECONSIDERATION

Upon consideration by the court.

The court has considered the petition for reconsideration and orders that it be denied.



MARTHA L. WALTERS
CHIEF JUSTICE, SUPREME COURT
8/26/2021 10:28 AM

c: Joanna R Hershey
Michael Ortega

lk

ORDER DENYING PETITION FOR RECONSIDERATION

REPLIES SHOULD BE DIRECTED TO: State Court Administrator, Records Section,
Supreme Court Building, 1163 State Street, Salem, OR 97301-2563

IN THE SUPREME COURT OF THE STATE OF OREGON

STATE OF OREGON,
Plaintiff-Respondent,
Respondent on Review,

v.

MICHAEL ORTEGA, aka Salvador Amitcar Herrero Flores,
Defendant-Appellant,
Petitioner on Review.

Court of Appeals
A167186

S068425

ORDER DENYING REVIEW

Upon consideration by the court.

The court has considered the petition for review and orders that it be denied.


MARTHA L. WALTERS
CHIEF JUSTICE, SUPREME COURT
6/10/2021 9:31 AM

c: Joanna R Hershey
Michael Ortega

ms

ORDER DENYING REVIEW

REPLIES SHOULD BE DIRECTED TO: State Court Administrator, Records Section,
Supreme Court Building, 1163 State Street, Salem, OR 97301-2563
Page 1 of 1

FILED: January 13, 2021

IN THE COURT OF APPEALS OF THE STATE OF OREGON

STATE OF OREGON,
Plaintiff-Respondent,

v.

MICHAEL ORTEGA, aka Salvador Amitcar Herrero Flores,
Defendant-Appellant.

Washington County Circuit Court
C140476CR

A167186

Andrew Erwin, Judge.

Submitted on December 04, 2020.

Before DeVore, Presiding Judge, and DeHoog, Judge, and Mooney, Judge.

Attorney for Appellant: Michael Ortega *pro se*.

Attorney for Respondent: Joanna Hershey.

AFFIRMED WITHOUT OPINION

DESIGNATION OF PREVAILING PARTY AND AWARD OF COSTS

Prevailing party: Respondent

[] No costs allowed.
[] Costs allowed, payable by

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FILED
OREGON JUDICIAL DEPARTMENT
WASHINGTON COUNTY
2014 AUG 19 AM 8:22

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

STATE OF OREGON,

Plaintiff;

Case No. C140476CR (DA 319679)

vs.

MICHAEL ORTEGA,

**JUDGMENT OF CONVICTION
AND SENTENCE**

Defendant.

This matter came before Judge Thomas W. Kohl on July 22, 2014 for sentencing. The State of Oregon appeared by Megan Johnson, Senior Deputy District Attorney, and the defendant appeared in person, with court appointed counsel, David M. Veverka, the Court having determined the defendant to be indigent.

It appears to the Court that the defendant has been indicted, arraigned, tried and found guilty by Court verdict of the crimes of Assault in the Second Degree Constituting Domestic Violence (Class B Felony, crime seriousness 9, criminal history I) in Count 1, Unlawful Use of a Weapon Constituting Domestic Violence (Class C Felony, crime seriousness 6, criminal history D) in Count 3, Coercion Constituting Domestic Violence (Class C Felony, crime seriousness 6, criminal history B) in Count 5, Strangulation Constituting Domestic Violence (Class A Misdemeanor) in Count 6, and Assault in the Fourth Degree Constituting Domestic Violence (Class A Misdemeanor) in Count 7. Defendant was found not guilty in Counts 2, 4, and 8.

It further appears to the Court that more than 48 hours have passed since said verdict was rendered, and there appears no good cause why sentence should not now be passed.

1 As to Count 1, it is therefore CONSIDERED, ORDERED AND ADJUDGED by the Court
2 that, pursuant to ORS 137.700 (Ballot Measure 11), defendant be committed to the legal and
3 physical custody of the Corrections Department of the State of Oregon for a period of seventy (70)
4 months. Defendant shall serve the entire seventy (70) months imposed by the Court. Defendant is
5 not eligible for release on post-prison supervision, early release, or any form of leave or temporary
6 leave from custody. Defendant is not eligible for any reduction of this sentence for any reason
7 whatsoever under ORS 421.120, ORS 421.121, or any other statute.

8 As to Count 3, the Court FINDS substantial and compelling reasons to impose a downward
9 durational departure from defendant's 6-D gridblock (13-14 months prison) sentence.

10 As to Count 5, the Court FINDS substantial and compelling reasons to impose a downward
11 durational departure from defendant's 6-B gridblock (19-24 months prison) sentence.

12 As to Counts 3 and 5, it is therefore CONSIDERED, ORDERED AND ADJUDGED by the
13 Court that defendant be committed to the legal and physical custody of the Corrections Department
14 of the State of Oregon for a period of six (6) months in each count. Said sentences shall be served
15 concurrently with each other and concurrently with the sentence imposed in Count 1.

16 It is further ORDERED that the term of post-prison supervision shall be for a period of three
17 (3) years in Count 1 and two (2) years in Counts 3 and 5. Violation of post-prison supervision shall
18 subject defendant to sanctions or additional imprisonment.

19 Further, the Court recommends the following conditions be made a part of defendant's post-
20 prison supervision:

- 21 1. The defendant shall have no direct or indirect contact with the victim, Benita Garcia-Alcantara,
22 without the prior written permission of supervising officer.
- 23 2. Defendant shall submit to an evaluation and become involved in any treatment/counseling
program(s) which may be recommended by supervising officer (to include anger control and/or
batterer's specific/domestic violence treatment if deemed appropriate) and shall remain in said

1 programs(s) until successfully completed or given permission to withdraw; defendant shall pay
2 the costs of any evaluation/treatment.

3 3. Defendant is prohibited from consuming or possessing any alcoholic liquor in any form under
4 any circumstances; defendant is further prohibited from entering upon the premises of any bars,
5 taverns, or liquor stores.

6 4. Defendant's person, property, residence or any vehicle defendant may be in are subject to search
7 at any time by supervising officer having reasonable grounds to believe such search will
8 disclose evidence of a supervision violation, without prior notice or search warrant, to determine
9 if defendant is in compliance with conditions of supervision; any refusal to consent to said
10 search is a violation of supervision.

11 5. Defendant shall submit to random intoxilyzer/body substance testing (at defendant's own
12 expense) at the request of supervising officer having reasonable grounds to believe such testing
13 will disclose evidence of a supervision violation to determine if defendant is in compliance with
14 conditions of supervision; any refusal is a violation of supervision.

15 6. Defendant shall submit to polygraph examination (at defendant's own expense) by a qualified
16 polygraph examiner designated by the court or supervising officer to determine if defendant is
17 in compliance with conditions of supervision; any refusal is a violation of supervision.

18 7. Defendant shall submit to field sobriety tests upon request of supervising officer having
19 reasonable grounds to believe such testing would disclose evidence of a supervision violation to
20 determine if defendant is in compliance with special conditions of supervision; any refusal is a
21 violation of supervision.

22 8. Defendant shall submit to an alcohol evaluation and become involved in any
23 treatment/counseling program(s) relating to alcohol abuse which may be recommended by
supervising officer, and shall remain in said program(s) until successfully completed or given
permission to withdraw; defendant shall pay the costs of any evaluation/treatment.

Further, it shall be the sentence of the Court that the defendant submit a blood or buccal sample
at defendant's own expense, unless defendant lacks the ability to pay, to the Oregon State Police for the
purposes of establishing a DNA profile.

As to Counts 6 and 7, it is therefore CONSIDERED, ORDERED AND ADJUDGED by the
Court that defendant be sentenced to the custody of the Washington County Jail for a period of six
(6) months in each count. Said sentences shall be served concurrently with each other and
concurrently with the sentence imposed in Count 1.

1 It is further ORDERED that defendant is sentenced to pay to the Clerk of the Court any
2 financial obligations in the Money Award section which follows and in the manner specified (which
3 section is hereby made a part of this judgment).

4 It is further ORDERED that the court ordered financial obligations in the Money Award
5 section be referred to the Oregon Department of Revenue for collection.

6 **MONEY AWARD**

7 The State of Oregon is the creditor and the defendant, Michael Ortega, is the debtor.

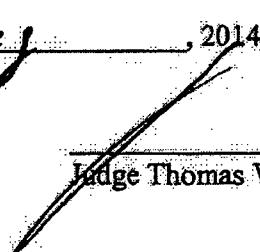
8 1. \$1,858.00 Court Appointed Attorney Fees (in Count 1).
9 2. \$800.00 Fine (\$200 in each of Counts 1, 3, and 5; and \$100 in each of Counts 6
10 and 7).
11 3. \$116.97 Victim Restitution.

12 Pay to: Criminal Injuries Compensation Account, Attn: CVCP,
Department of Justice, 1162 Court Street NE, Salem, OR 97301 REF:
CV 00846-14

13 **TOTAL MONEY AWARD: \$2,774.97**

14 All financial obligations specified in the Money Award shall be made payable to the State of
15 Oregon and shall be disbursed through the Clerk of the Court (150 North First Avenue, First Floor,
16 Hillsboro, Oregon 97124) as set forth in ORS 137.289.

17 Dated this 18 day of May, 2014.

18 
19 Judge Thomas W. Kohl

20 Court Reporter: FTR (304C)
21 cc: David M. Veverka 8-7-14
Control #: JWAS214240113
22 sej

APP-30

FILED

MAR - 3 2014

4pm

WASHINGTON COUNTY CIRCUIT COURT

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

STATE OF OREGON,

Plaintiff,

No. C140476CR

vs.

INDICTMENT - Secret

MICHAEL ORTEGA,

Defendant.

The above named defendant is accused by the Grand Jury of Washington County by this indictment of the crime(s) of

Count 1: ASSAULT IN THE SECOND DEGREE (FSG= 9; B Felony; ORS 163.175*) *b*
Count 2: UNLAWFUL USE OF A WEAPON (FSG= 6; C Felony; ORS 166.220(1)(a)) *nc*
Count 3: UNLAWFUL USE OF A WEAPON (FSG= 6; C Felony; ORS 166.220(1)(a)) *b*
Count 4: UNLAWFUL USE OF A WEAPON (FSG= 6; C Felony; ORS 166.220(1)(a)) *nc*
Count 5: COERCION (FSG= 6; C Felony; ORS 163.275) *b*
Count 6: STRANGULATION (FSG= ; A Misdemeanor; ORS 163.187) *b*
Count 7: ASSAULT IN THE FOURTH DEGREE CONSTITUTING DOMESTIC VIOLENCE (FSG= ; A Misdemeanor; ORS 163.160*) *b*
Count 8: ASSAULT IN THE FOURTH DEGREE CONSTITUTING DOMESTIC VIOLENCE (FSG= ; A Misdemeanor; ORS 163.160*) *nc*

committed as follows:

COUNT 1

The defendant, on or about February 22, 2014, in Washington County, Oregon, did unlawfully and knowingly cause physical injury to Benita Garcia-Alcantara by means of a dangerous weapon, to wit: a tool box. The State further alleges that the act constitutes domestic violence.

COUNT 2

The defendant, on or about February 22, 2014, in Washington County, Oregon, did possess a dangerous weapon, to wit: an iron, and did carry with intent to use said weapon unlawfully against Benita Garcia-Alcantara.

The State further alleges that the act constitutes domestic violence.

COUNT 3

The defendant, on or about February 22, 2014, in Washington County, Oregon, did possess a dangerous weapon, to wit: a tool box, and did carry with intent to use said weapon unlawfully against Benita Garcia-Alcantara.

The State further alleges that the act constitutes domestic violence.

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COUNT 4

The defendant, on or about February 22, 2014, in Washington County, Oregon, did possess a dangerous weapon, to wit: a coin jar, and did carry with intent to use said weapon unlawfully against Benita Garcia-Alcantara.

The State further alleges that the act constitutes domestic violence.

COUNT 5

The defendant, on or about February 22, 2014, in Washington County, Oregon, did unlawfully and knowingly compel or induce Benita Garcia-Alcantara to engage in conduct from which Benita Garcia-Alcantara had a legal right to abstain, by means of instilling in Benita Garcia-Alcantara a fear that if Benita Garcia-Alcantara restrained from the conduct compelled or induced, the defendant would unlawfully injure someone and engage in criminal conduct.

The State further alleges that the act constitutes domestic violence.

COUNT 6

The defendant, on or about February 22, 2014, in Washington County, Oregon, did unlawfully and knowingly impede the normal breathing or blood circulation of Benita Garcia-Alcantara by blocking the nose and mouth of Benita Garcia-Alcantara.

The State further alleges that the act constitutes domestic violence.

COUNT 7

The defendant, on or about February 22, 2014, in Washington County, Oregon, did unlawfully and recklessly cause physical injury to Benita Garcia-Alcantara with a black and brown belt.

The State further alleges that the act constitutes domestic violence.

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