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

6 THE STATE OF OREGON,

Case no. 221003585

7 Plaintiff,

Sentencing Memorandum

8 vs.

9 LAMICHAEL KEONDRAE JAMES,

10
11 DA No. 10-1048

12 Defendant.

13 COMES NOW the State of Oregon, by and through William E. Warnisher, Assistant
14 District Attorney for Lane County, to advise the Court in the matter of the sentencing of the
15 above-named Defendant.

16 At the time the instant offense took place, the defendant and the victim had been in a
17 committed, intimate relationship for a significant period of time. They had introduced each
18 other to family members and were very close. When the victim learned that the defendant
19 had a female house guest from outside Oregon, she went to the defendant's residence to
20 speak with his guest. The house guest was alarmed, refused to let the victim into the
21 residence, and subsequently called the defendant. Shortly thereafter, the defendant arrived at
22 his residence and told the victim to leave. He physically removed the victim from the area
23 immediately in front of his residence door.

24 While the defendant was holding onto the victim's arms she grabbed the defendant's
25 necklace. She advised that she would not let go of his necklace unless he released her. During
26 the ensuing push-and-pull the defendant's necklace broke and he became angry. Defendant
27 admits that he grabbed the victim by her collar and pushed her against his car. The victim
then got into the defendant's vehicle and removed his keys from the ignition. Defendant

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grabbed the victim to remove her from his vehicle, but she kept his keys and ran from the car. Defendant caught the victim, grabbed her waist and they fell to the ground in the bark mulch. Defendant removed his keys from the victim's hand, ending the physical interaction. The parties talked without further physical contact before the defendant drove away.

This incident presents complicated and changing legal rights and responsibilities as the incident evolved. As the Court well knows, the Abuse Prevention Act requires immediate arrest in circumstances such as these. Uniform enforcement of that requirement has undoubtedly saved many lives, but it also requires law enforcement to make preliminary charging decisions based on initial reports before a more thorough investigation can be completed. Subsequent investigation and clarification of the facts often result in modification of the criminal charges (in both directions). In this case, dismissal of some of the charges, the admission of guilt by the defendant, and the recommended sentence are all appropriate to the facts. The disposition recommended herein is also supported by the victim.

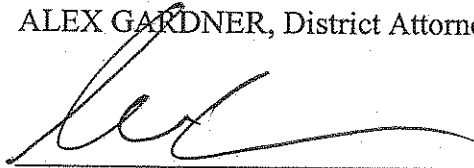
The subsequent attention given to this matter has been understandably difficult for the victim. Uninformed gossip, blogs, and other internet communications have distorted the circumstances, misstated the victim's relationship with the defendant and compounded the harm done to her. Some have publicly speculated that the victim reported this incident to the police in retaliation for the defendant's infidelity. This is not born out by the facts and has not been promulgated by either the defendant or the victim in this case. In fact, the victim reported reluctantly in response to police questions after the defendant informed her that the police had become involved. The defendant has clarified these issues in the attached letter in which he accepts full responsibility.

The State recommends a sentence of 24 months of probation to the Court. In addition to the standard conditions of probation the State recommends 10 days jail, referral to the Center for Family Development for evaluation and treatment, and a condition of no contact with the named victim. The State defers to the Court with regards to any fines, costs and assessments.

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2 The victim and her attorney have been consulted throughout the negotiation process
3 and both confirm approval of this outcome. She has been notified of the sentencing hearing.
4 I am advised that she does not wish to be present at the sentencing hearing but other
5 members of her family may attend.

6 DATED March 12, 2010.

7 ALEX GARDNER, District Attorney



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10 William E. Warnisher, OSB 92206
11 Assistant District Attorney
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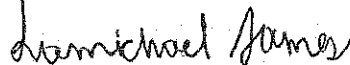
March 9, 2010

I apologize to Heidi both for the incident and everything she has had to go through since it happened. I accept responsibility for my actions. I am also sorry that she has been treated by some people as though she deserved blame for this. She does not. I ask people to treat her with respect. She has not done anything wrong.

Heidi and I have been in a relationship that has meant a lot to both of us. Regardless of how things are now, I care for and respect her and ask that others do the same. During the long period we were boyfriend-girlfriend, we each grew close to one another's families. I think we all still care for each other in that way.

I hope to put this matter behind me now and learn from it. I have made a mistake and accept the consequences. I look forward to demonstrating to my University, to my team and to the community that I am a better man than recent events suggest.

Thank you,

A handwritten signature in black ink that reads "LaMichael James". The signature is written in a cursive, flowing style.

LaMichael James