



**CIRCUIT COURT OF OREGON
FOR BENTON COUNTY**

BENTON COUNTY COURTHOUSE
POST OFFICE BOX 1870
CORVALLIS, OREGON 97339

MATTHEW DONOHUE
CIRCUIT JUDGE

(541) 766-6843

October 18, 2013

Mr. Gregory Scott Ramsey
225 N. 8th Street
Philomath, OR 97370

Re: State v. Ramsey, Benton County Circuit Court Case Nos. CM090948/TF908406,
CM911575/TF911575

Dear Mr. Ramsey,

This matter comes before the Court on your September 18, 2013, letter requesting that any felony convictions entered in the above referenced case be reduced to misdemeanor convictions. The Court forwarded a copy of your request letter to the District Attorney's office for their review. Having received no response from the District Attorney's office, the Court assumes that they do not have any objection to your request.

I have reviewed both of the case files referenced in your letter. The Felony Driving While Revoked charge in case number CM900948/TF908406 was reduced to a misdemeanor in a January 22, 1991, Diversion Order. That misdemeanor charge was then dismissed on August 13, 1991, after you successfully completed the diversion program. There is therefore no felony conviction in that case that requires a reduction to a misdemeanor.

In case number CM911575/TF911575, the Court entered an Amended Judgment on April 2, 1992, convicting you of Felony Driving While Suspended and imposing a fine and bench probation. ORS 161.705 does allow a Court, in certain circumstances, to reduce a felony conviction to a misdemeanor at the time that it enters the conviction and issues a judgment imposing a sentence. However, nothing in that statute, or any statute that the Court has reviewed, allows a Court to retroactively reduce a Felony conviction to a Misdemeanor after a judgment has been entered, absent specific text in the judgment itself authorizing such a reduction. I have reviewed the April 2, 1992, Judgment and nothing in that Judgment authorizes the Court to reduce the conviction to a misdemeanor upon successful completion of probation. The Court therefore must deny your request because it does not have the authority to reduce