

SENTENCING ORDER

ELECTRONICALLY FILED
 Benton County Circuit Court
 Brenda DeShields, Circuit Clerk
 2017-Jun-20 14:19:17
 04CR-16-1813
 C19WD02 : 5 Pages

IN THE CIRCUIT COURT OF BENTON COUNTY, ARKANSAS,

19th JUDICIAL DISTRICT II DIVISION

On June 7, 2017 the Defendant appeared before the Court, was advised of the nature of the charge(s), of Constitutional and legal rights, of the effect of a guilty plea upon those rights, and of the right to make a statement before sentencing.

Offender	Defendant [Last, First, MI] Philpott, Darrell Eugene		DOB 02/16/1961	Sex Male	Total Number of Counts 3	
	SID # AR515899	Race & Ethnicity White				
Court Info	Supervision Status at Time of Offense					
	Judge Brad Karren				File Stamp	
	Prosecuting Attorney/Deputy Carly Marshall					
	Defendant's Attorney Public Defender - <u>Jay Saxton</u> <input type="checkbox"/> Private Pro Se <input checked="" type="checkbox"/> Public Defender Appointed					
Change of Venue <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If yes, from:						
Legal Statement	<input type="checkbox"/> Pursuant to A.C.A. §§16-93-301 et seq., or <input type="checkbox"/> §§ _____ this Court, without making a finding of guilt or entering a judgment of guilt and with the consent of the Defendant defers further proceedings and places the Defendant on probation. There being no legal cause shown by the Defendant, as requested, why judgment should not be pronounced, a judgment: <input checked="" type="checkbox"/> is hereby entered against the Defendant on each charge enumerated, fines levied, and court costs assessed. Defendant was advised of the conditions of the sentence and/or placement on probation and understands the consequences of violating those conditions. The Court retains jurisdiction during the period of probation/suspension and may change or set aside the conditions of probation/suspension for violations or failure to satisfy Department of Community Correction (D.C.C) rules and regulations. <input type="checkbox"/> of conviction is hereby entered against the Defendant on each charge enumerated, fines levied, and court costs assessed. The Defendant is sentenced to the Arkansas Department of Correction (A.D.C.) for the term specified on each offense shown below. Defendant made a voluntary, knowing, and intelligent waiver of the right to counsel. <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No					
	A.C.A. # of Offense/ Name of Offense+ 5-64-419(a)(b)(1)(A) ~ POSSESSION OF A CONTROLLED SUBSTANCE Case # 2016-1813-2					
	A.C.A. # of Original Charged Offense 5-64-419(a)(b)(1)(A) ATN <u>BTN 0065 79821</u> Offense was <input type="checkbox"/> Nolle Prossed <input type="checkbox"/> Dismissed <input type="checkbox"/> Acquitted Appeal from District Court <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Probation/SIS Revocation+ <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No					
Offense #1	Offense Date 10/04/2016		Offense is <input checked="" type="checkbox"/> Felony <input type="checkbox"/> Misd. <input type="checkbox"/> Viol.	Offense Classification <input type="checkbox"/> Y <input type="checkbox"/> A <input type="checkbox"/> B <input type="checkbox"/> C <input checked="" type="checkbox"/> D <input type="checkbox"/> U		
	Number of Counts: <u>1</u>	Criminal History Score <u>0</u>	Seriousness Level <u>3</u>	Defendant <input type="checkbox"/> Attempted <input type="checkbox"/> Solicited <input type="checkbox"/> Conspired to commit the offense		
	Presumptive Sentence <input type="checkbox"/> Prison Sentence of _____ months <input checked="" type="checkbox"/> Community Corrections Center <input checked="" type="checkbox"/> Alternative Sanction					
	Defendant Sentence* (see Page 2) Imposed <input type="checkbox"/> ADC <input type="checkbox"/> Jud. Tran. <input type="checkbox"/> County Jail _____ Months Probation <u>10</u> Months SIS _____ Months Other <input type="checkbox"/> Life <input type="checkbox"/> LWOP <input type="checkbox"/> Death		if probation or SIS accompanied by period of confinement, state time: <u>70</u> days or _____ months Sentence was enhanced _____ months, pursuant to A.C.A. §§ _____ Enhancement to run: <input type="checkbox"/> Concurrent <input type="checkbox"/> Consecutive Defendant was sentenced as a habitual offender, pursuant to A.C.A. §5-4-501, Subsection <input type="checkbox"/> (a) <input type="checkbox"/> (b) <input type="checkbox"/> (c) <input type="checkbox"/> (D)			
	Victim Info# (see page 2) <input checked="" type="checkbox"/> N/A [Multiple Victims <input type="checkbox"/> Yes <input type="checkbox"/> No]	Age _____	Sex <input type="checkbox"/> Male <input type="checkbox"/> Female	Race & Ethnicity <input type="checkbox"/> White <input type="checkbox"/> Black <input type="checkbox"/> Asian <input type="checkbox"/> Native American <input type="checkbox"/> Pacific Islander <input type="checkbox"/> Other <input type="checkbox"/> Unknown <input type="checkbox"/> Hispanic		
	Defendant voluntarily, intelligently, and knowingly entered a <input checked="" type="checkbox"/> Negotiated plea of <input checked="" type="checkbox"/> guilty or <input type="checkbox"/> nolo contendere. <input type="checkbox"/> Plea directly to the court of <input type="checkbox"/> guilty or <input type="checkbox"/> nolo contendere		Defendant: <input type="checkbox"/> Was sentenced pursuant to <input type="checkbox"/> §§16-93-301 et seq., or <input type="checkbox"/> other §§ _____ <input type="checkbox"/> Entered a plea and was sentenced by jury. <input type="checkbox"/> Was found guilty by the court & sentenced by <input type="checkbox"/> court <input type="checkbox"/> jury. <input type="checkbox"/> Was found guilty at a jury trial & sentenced by <input type="checkbox"/> court <input type="checkbox"/> jury. <input type="checkbox"/> Was found guilty of a lesser included offense by <input type="checkbox"/> court <input type="checkbox"/> jury.			
Sentence is a Departure <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		Sentence Departure is <input type="checkbox"/> Durational or <input type="checkbox"/> Dispositional. If durational, state how many months above/below the presumptive sentence:				
Departure Reason (See page 2 for a list of reasons) Aggravating # _____ or Mitigating # _____. For Agg.#16 or Mit. #10, Or if departing from guidelines, please explain: _____				Sentence will run <input type="checkbox"/> Consecutive <input checked="" type="checkbox"/> Concurrent To offense # <u>2,3</u> Case # _____		

A.C.A. # of Offense/ Name of Offense+ 5-64-419(a)(b)(5)(A) Possession of a Controlled Substance Case #2016-1813-2

A.C.A. # of Original Charged Offense ATN BTN006579821 Offense was Nolle Prossed Dismissed Acquitted
Appeal from District Court Yes No Probation/SIS Revocation+ Yes No

Offense Date 10/4/2016 Offense is Felony Misd. Viol. Offense Classification Y A B C D U

Number of Counts: 1 Criminal History Score 0 Seriousness Level _____ Defendant Attempted Solicited Conspired to commit the offense

Presumptive Sentence Prison Sentence of _____ months Community Corrections Center Alternative Sanction

Defendant Sentence* (see Page 2) Imposed ADC Jud. Tran. County Jail If probation or SIS accompanied by period of confinement, state time: 76 days or _____ months.

_____ months Sentence was enhanced _____ months, pursuant to

Probation 12 months A.C.A. §§ _____ Enhancement(s) is to run: Concurrent Consecutive.

SIS _____ months Defendant was sentenced as a habitual offender, pursuant to A.C.A. §5-4-501, subsection (a) (b) (c) (d)

Other Life LWOP Death Victim Info# (See page 2) N/A Age _____ Sex Male Female Race & Ethnicity White Black Asian Native American Pacific Islander Other Unknown Hispanic

Defendant voluntarily, intelligently, and knowingly entered a negotiated plea of guilty or nolo contendere. plea directly to the court of guilty or nolo contendere. Defendant: was sentenced pursuant to §§16-93-301 et seq., or other §§ _____ entered a plea and was sentenced by a jury. was found guilty by the court & sentenced by court jury. was found guilty at a jury trial & sentenced by court jury. was found guilty of lesser included offense by court jury.

Sentence is a Departure Yes No Sentence Departure is Durational or Dispositional. If durational, state how many months above/below the presumptive sentence:

Departure Reason (See page 2 for a list of reasons) Aggravating # _____ or Mitigating # _____. For Agg. #16 or Mit. #10, or if departing from guidelines, please explain: _____ Sentence will run: Consecutive Concurrent to Offense # _____ or Case # _____

A.C.A. # of Offense/ Name of Offense+ 5-65-103 Driving While Intoxicated - First Offense Case # 2016-1813-2

A.C.A. # of Original Charged Offense ATN BTN006579821 Offense was Nolle Prossed Dismissed Acquitted
Appeal from District Court Yes No Probation/SIS Revocation+ Yes No

Offense Date 10/4/2016 Offense is Felony Misd. Viol. Offense Classification Y A B C D U

Number of Counts: 1 Criminal History Score 0 Seriousness Level _____ Defendant Attempted Solicited Conspired to commit the offense

Presumptive Sentence Prison Sentence of _____ months Community Corrections Center Alternative Sanction

Defendant Sentence* (see Page 2) Imposed ADC Jud. Tran. County Jail If probation or SIS accompanied by period of confinement, state time: 76 days or _____ months.

_____ months Sentence was enhanced _____ months, pursuant to

Probation 12 months A.C.A. §§ _____ Enhancement(s) is to run: Concurrent Consecutive.

SIS _____ months Defendant was sentenced as a habitual offender, pursuant to A.C.A. §5-4-501, subsection (a) (b) (c) (d)

Other Life LWOP Death Victim Info# (See page 2) N/A Age _____ Sex Male Female Race & Ethnicity White Black Asian Native American Pacific Islander Other Unknown Hispanic

Defendant voluntarily, intelligently, and knowingly entered a negotiated plea of guilty or nolo contendere. plea directly to the court of guilty or nolo contendere. Defendant: was sentenced pursuant to §§16-93-301 et seq., or other §§ _____ entered a plea and was sentenced by a jury. was found guilty by the court & sentenced by court jury. was found guilty at a jury trial & sentenced by court jury. was found guilty of lesser included offense by court jury.

Sentence is a Departure Yes No Sentence Departure is Durational or Dispositional. If durational, state how many months above/below the presumptive sentence:

Departure Reason (See page 2 for a list of reasons) Aggravating # _____ or Mitigating # _____. For Agg. #16 or Mit. #10, or if departing from guidelines, please explain: _____ Sentence will run: Consecutive Concurrent to Offense # _____ or Case # _____

Offense #:

Offense #:

Defendant's Full Name: WALTER EUGENE FRIBOLL

Special Conditions

Sex Offenses

Defendant has been adjudicated guilty of an offense requiring sex offender registration and must complete the Sex Offender Registration Form. Yes No

Defendant has committed an aggravated sex offense as defined in A.C.A. §12-12-903. Yes No

Defendant is alleged to be a sexually violent predator and is ordered to undergo an evaluation at a facility designated by A.D.C. pursuant to A.C.A. §12-12-918. Yes No

Defendant, who has been adjudicated guilty of an offense requiring registration, has been adjudicated guilty of a prior sex offense under a separate case number. Yes No
If yes, list prior case numbers:

Domestic Violence Offenses

Defendant has been adjudicated guilty of a domestic-violence related offense. Yes No

If no, was defendant originally charged with a domestic-violence related offense? Yes No
If yes, state the A.C.A. # of the offense:

If yes to either question, identify the relationship of the victim to the defendant.

DNA Sample/Qualifying Offense

Defendant has been adjudicated guilty of a qualifying offense or repeat offense (as defined in A.C.A. §12-12-1103). Yes No

Defendant is ordered to have a DNA sample drawn at a A.C.C. facility the A.D.C. or

other probation

Drug Crime Defendant

has been convicted of a drug crime, as defined in §12-17-101. Yes No

Fines, Fees, Restitution

Court Costs	\$ 300.00
Fines	\$ 1000.00
Booking/Admin Fees (\$20)	\$ 20.00
Drug Crime Assessment Fee (\$125)	\$ 125.00
DNA Sample Fee (\$250)	\$ 250.00
Mandatory Sex Offender Fee (\$250)	\$
Public Defender User Fee	\$
Public Defender Attorney Fee	\$ 500.00
Other (Explain)	\$ 125.00
<u>PA DNG FUND</u>	

Restitution \$ _____ Payable to [If multiple beneficiaries, give names

and payment priority] Benton County Circuit Clerk

Terms

- Due Immediately
- Installments of: \$50.00 + \$5.00 collection fee per month
- Payments must be made within 120 days of release!
- Upon release from confinement, Defendant must return to court to establish payment of restitution
- Restitution is joint and several with co-defendant(s) who was found guilty - List name(s) and case number(s) _____

Sentence Options

Defendant was convicted of a target offense(s) and is sentenced pursuant to provisions of the Community Punishment Act. Yes No

The Court hereby orders a judicial transfer to the Department of Community Correction. Yes No

Pursuant to the Community Punishment Act, the Defendant shall be eligible to have his/her records sealed. Yes No

Extended Juvenile Jurisdiction Applied
 Yes No

JAIL TIME CREDIT 76

TOTAL TIME TO BE SERVED FOR ALL OFFENSES

In months: _____ Life LWOP

Death Penalty Yes No

If Yes, State Execution Date: _____

DEFENDANT IS ASSIGNED TO: ADC CCC COUNTY JAIL PROBATION SIS SPECIAL CONDITIONS

Conditions of disposition or probation are attached. Yes No

A copy of the pre-sentence investigation on sentencing information is attached Yes No

Defendant has previously failed a drug court program.

A copy of the Prosecutor's Short Report is attached Yes No

DEFENDANT WAS INFORMED OF APPELLATE RIGHTS Yes No Appeal Bond _____

The County Sheriff is hereby ordered to: transport the defendant to county jail take custody for referral to CCC transport to ADC

Defendant shall report to ACC probation officer for report date to CCC Yes No

Signature

Prosecuting Attorney/Deputy (Print Name): Carly Marshall

Signature: Carly Marshall

Date: 6/7/2017

Circuit Judge (Print Name): Brad Karren

Signature: Brad Karren

Date: 6-7-17

Additional Info

Additional Info: Defendant is to comply with screening recommendations.

PROSECUTOR'S SHORT REPORT OF CIRCUMSTANCES

This information is provided pursuant to A.C.A. §12-27-113©(1) & (2) (Supp. 1993).

Defendant's Name: Darrell Philpott SID NO. AR 515899

Case Numbers: 2016-1813-2 County: Benton

I. SUMMARY OF THE FACTS:

Defendant was in possession of methamphetamine and marijuana. Defendant also operated a motor vehicle while intoxicated.

II. FACTORS:

AGGRAVATING

MITIGATING

- Production or use of any weapon during the Criminal episode.
- Threat or violence toward witness(es) or victim(s).
- Defendant knew or had reason to know the victim(s) were particularly vulnerable (aged, handicapped, very young, etc.)
- Ability to make restitution reparation or return property and failed to do so
- Violation of position of public trust or recognized professional ethics
- Degree of property loss, personal injury or threatened personal injury substantially greater than characteristic for the crime.
- There is a single conviction for a crime involving multiple victims or incidents.
- Defendant on probation or parole at the time of the crime.
- Persistent involvement in similar criminal offenses.
- Repetition of behavior pattern which contributes to criminal conduct, e.g., return to drug or alcohol abuse.
- Prior record of similar offenses.
- Serious prior record.
- Pursuant to a Guilty or No Contest plea other crimes were dismissed or not prosecuted.
- New criminal activity while on pretrial release.
- Persistent criminal misconduct while under supervision.
- Efforts to conceal crime.
- Other: _____

- Victim (s) provoked the crime substantial Degree, or other evidence that misconduct by victim contributed to the criminal episode.
- Cooperation with criminal justice agencies in resolution or other criminal activity.
- Effort to make restitution or reparation (particularly before required to do so by sentencing).
- Degree of property loss, personal injury or threatened personal injury substantially less than characteristic for the crime.
- Special effort on part of perpetrator to minimize the harm or risk
- Peripheral involvement in criminal episode (e.g. passive accessory)
- Evidence of withdrawal, duress, necessity or lack of sustained criminal intent or diminished mental capacity (e.g. mental retardation) which is insufficient to constitute a defense but is indicative of reduced capability.
- No prior parole or probation difficulty.
- Efforts to deal with problems associated with past criminal conduct.
- No, or minimal, prior record.
- Other: _____

SIGNED: Brian Baer
Circuit Judge

SIGNED: Carly Maxwell
Prosecuting Attorney or Deputy

6/7/17

602 N Walton Blvd
Bentonville, AR 72712
479-271-6137
Español
479-271-6122



Drug and Alcohol Safety Education Program

Pre-Sentence Screening Report

Court: Benton County Circuit
Name: Darrell Eugene Philpott
Address: 10650 Shady Lane Cir.
Gravette, Ar 72736
Phone Number: 918-837-0734
Gender: M Race: O / H / NA / AA / A / PI / O
Current Charge: DWI

Judge: Karren
Screening Date: 05-31-2017
Arrest Date: 10-04-2016
Conviction Date: _____
DL#: _____
SS#: _____
Date of Birth: 02-16-1961

Drug involved (if DWI drugs):

a) Marijuana b) K2 c) Methamphetamine d) Prescription Drugs e) Other: _____

For underage, where was the alcohol obtained? (i.e. home, older person purchased, self purchased, used fake ID to purchase, etc.) _____

To: Appropriate Court Official From: DASEP

I hereby certify that the following screening procedure/preliminary investigation has been administered to the above defendant.

1. BAC UNK Alcohol Related Traffic Violations: Some one called in.
2. Previous Alcohol/Drug, Charges, Education and /or Treatment: NONE

Employed: Yes ___ No X Occupation: N/A
SSI-SA Score 3

Based on the arrest data on this form and the results of a screening interview, my recommendation for this person is:

Circle appropriate Recommendation(s):

- Level 1, 12 hours Drug and Alcohol Safety Education Program
- Level 2, 15 hours Drug and Alcohol Safety Education Program
- Addiction Severity Index (ASI) Assessment and follow recommendations
- No Further Recommendation

OFFENDER'S SIGNATURE (and parent's signature if offender is a minor)

DASEP SPECIALIST/WITNESS TO OFFENDER'S SIGNATURE

05-17-6044
CLIENT ID # (for office purposes only)

5/31/17
DATE (mm/dd/yy)
5/31/17
DATE (mm/dd/yy)

To the party receiving this information: This information has been disclosed to you from records whose confidentiality is protected by federal law. Federal regulation (42 CFR, Part 2) prohibits you from making any further disclosure of it without the specific written consent of the person to whom it pertains, or as otherwise permitted by such regulations. A general authorization for the release of medical or other information is NOT sufficient for this purpose. It is the exclusive responsibility of the DRUG AND ALCOHOL SAFETY EDUCATION PROGRAM staff to disclose this information to the offender.