

\_Verified Correct Copy of Original 7/8/2025.\_

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

STATE OF OREGON,

Case No. 25CR36869

Plaintiff,

PETITION TO ENTER PLEA OF GUILTY

vs.

JOSHUA LAWRENCE SMITH,

Defendant.

The Defendant represents to the Court:

1. My full true name is JOSHUA LAWRENCE SMITH and I request that all proceedings against me be had in that name.

2. I am represented by lawyers: Raun Atkinson and Kelly Monaghan.

3. I plead guilty to the charge(s) of **Criminal Mistreatment in the First Degree.**

4. I told my lawyers all the facts and circumstances known to me about the charges asserted in the accusatory instrument. I believe that my lawyers are fully informed on all such matters. My lawyers have advised me on the nature of each charge and on all possible defenses that I might have in this case.

5. I understand that I am legally entitled to plead not guilty and require the State to prove my guilt by legally competent evidence beyond a reasonable doubt.

6. I have had explained and I understand the nature of the offense charged in the accusatory instrument. I have been advised and understand what the State must prove to find me guilty of the charge.

7. I understand that my plea of guilty is equivalent to conviction and I understand that upon my plea alone, without receiving any evidence, this Court can find me guilty of the offense to which I plead guilty.

8. I understand that by my plea of guilty I waive several rights guaranteed to me by the Constitution;



1 a) First, I give up my right to a Jury trial;

2 b) Second, I give up my right to confront my accusers and cross-examine

3 c) Third, I give up my right against self-incrimination. That is, I know that the Court  
4 may require me to talk about the offense to which I am pleading guilty.

5 d) Further, I understand that if I am not a citizen of the United States conviction of a  
6 crime may result, under the laws of the United States, in deportation, exclusion from  
7 admissions to the United States or denial of naturalization.

8 9. I also understand that by my plea of guilty the Court may impose the same  
9 punishment as if I had plead not guilty, stood trial and been convicted by a Jury of the charge  
10 to which I plead guilty.

11 10. I understand that the maximum punishment authorized by law for the offense to  
12 which I am pleading is **5 years in jail and/or a \$125,000 fine.**

13 I understand that this sentence may be made consecutive to any other sentence.

14 I also understand that if the crime to which I am pleading guilty falls under the  
15 provisions of Sentencing Guidelines which will control the actual sentence that the Court  
16 shall impose in my case. My attorneys and I have discussed the Sentencing Guidelines and if  
17 and/or how they affect my case.

18 11. I understand that if I enter a plea of guilty or no contest to an offense involving  
19 domestic violence, as defined in ORS 135.230, and am convicted of the offense, federal law  
20 may prohibit me from possession, receiving, shipping or transporting any firearm or firearm  
21 ammunition and that the conviction may negatively affect my ability to serve in the Armed  
22 Forces of the United States as defined in ORS 348.282 or to be employed in law enforcement.

23 12. In addition to the sentence imposed, I understand there may be other significant  
24 consequences if I enter a "guilty" or "no contest" plea, including prohibition from leaving the  
25 state without first requesting transfer of supervision under the provisions of the Interstate  
26 Compact for Adult Offender Supervision.

1 13. I agree that if I withdraw or if a Court later reverses, vacates, or sets aside my plea  
2 of "Guilty" or "No Contest" in this case, the Court will reinstate any charge(s) that were  
3 dismissed in return for my plea and the district attorney no longer will be bound by any  
4 promises made to me in exchange for my plea. If the Court reinstates the charge(s), I waive  
5 the statute of limitations and any statutory or constitutional speedy trial or double jeopardy  
6 rights applicable to the dismissed charges.

7 14. I declare that no person has made any threat or tried in any way to force me to plead  
8 guilty, and no one has made any promise of any kind to me, or within my knowledge to  
9 anyone else, that I will receive a lighter sentence, probation, or any other form of leniency if I  
10 plead guilty, except: I shall plead guilty the state and defense will jointly recommend **7A – 33**  
11 **months in DOC, consecutive, 36 months PPS.**

12 15. I am satisfied completely with my attorneys. I have had ample time and  
13 opportunity to discuss this case with them and have received the full benefit of their advice. I  
14 believe that his advice is in my own best interest.

15 16. I plead guilty and respectfully request the Court to accept my plea of guilty on the  
16 factual basis: **On March 20, 2024, in Deschutes County, Oregon I in violation of a legal**  
17 **duty to provide care for Janice Smith an elderly person did unlawfully and knowingly**  
18 **cause physical injury to Janice Smith.**

19 17. I offer my plea of guilty freely, voluntarily and knowingly, and of my own accord  
20 and with full understanding of all the matters set forth in this Petition.

21 18. I request the Court to enter my plea of guilty in accordance with this petition.

22 19. I understand that I have the right to appeal from the Judgment rendered upon my  
23 conviction by filing notice of appeal to the Oregon Court of Appeals within thirty (30) days of  
24 the date of sentencing. I have been advised that ORS 138.050 prohibits the filing of a notice  
25 of appeal in a case stemming from a guilty or no-contest plea, or from a probation-violation or  
26 re-sentencing hearing, unless the notice specifies at least one colorable claim of error. The

1 phrase "colorable claim of error" is defined as seemingly valid, genuine, or plausible claims  
2 of error or substantial and non-frivolous claims of error.

3 I understand that to process my appeal I must serve copies of my notice of appeal to  
4 the Clerk of the Court, the District Attorney, and the Court Reporter. I further understand that  
5 I will forward the original copy with proof of service to these individuals to the Oregon Court  
6 of Appeals. If without sufficient funds, I have the right to a transcript and lawyer without cost  
7 to me in the prosecution of such appeal. I understand that since I am pleading guilty, the only  
8 issue I may raise on appeal is the excessiveness of my sentence.

9 20. I further state that I am able to read, write, and understand the English language, that  
10 my date of birth December 13, 1983, that I completed 12<sup>th</sup> grade in school, and that my  
11 residence is Bend (City) Oregon (State).

12 21. I am not now under the influence of any intoxicants or medication that would impair  
13 my ability to think.

14 Signed by me July 3, 2025.  
Month Day

15 Joshua Lawrence Smith  
16 JOSHUA LAWRENCE SMITH

17 **CERTIFICATE OF COUNSEL**

18 The undersigned, as lawyers and counselors for the Defendant, Raun Atkinson and Kelly  
19 Monaghan do hereby certifies:


20 1. I read and fully explained to the Defendant the allegations contained in the accusatory  
21 instrument in this case.

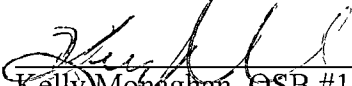
22 2. To the best of my knowledge and belief the statements, representations and  
23 declarations made by the Defendant in the foregoing Petition are in all respects accurate and  
24 true.

25 3. I have explained the maximum penalty for each count to the Defendant and consider  
26 them competent to understand the charges against them and the effect of this Petition to enter  
a plea of guilty.

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1 4. Signed by me after full discussion of the contents of this Petition with the Defendant  
2 on July 3, 2025.

3   
4 Raun Atkinson, OSB #142758  
5 Attorney for Defendant

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7 Kelly Monaghan, OSB #153934  
8 Attorney for Defendant  
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