

IN THE CIRCUIT COURT OF THE STATE OF OREGON  
FOR THE COUNTY OF JACKSON  
100 S. Oakdale Ave  
Medford Oregon 97501

**State of Oregon**  
**vs**  
**Candice Felicia Hastings**

**Case No: 24CR17166**

**ORDER FINDING THE  
DEFENDANT UNFIT TO  
PROCEED AND COMMIT TO  
OREGON STATE HOSPITAL  
(ORS 161.370)**

This matter came before the Court on 4/9/2024, for a hearing concerning Defendant's fitness to proceed pursuant to ORS 161.370.

The defendant **refused to appear** (in custody), represented by counsel CHRISTINE KANTAS HERBERT, OSB #000530, and the State appeared through WADE HILSHER, OSB #173741.

The Court finds that the Defendant is charged with the following offenses:

Count	Arrest Date	Type	Charge(s)	ORS#	Maximum Sentence
1	04/02/2024	Felony Class A	Arson in the First Degree	164.325	20 years prison
2	04/02/2024	Felony Class A	Arson in the First Degree	164.325	20 years prison
3	04/02/2024	Felony Class C	Aggravated Animal Abuse in the First Degree	167.322	5 years prison
4	04/02/2024	Felony Class C	Aggravated Animal Abuse in the First Degree	167.322	5 years prison
5	04/02/2024	Misdemeanor Class A	Animal Abuse in the First Degree	167.320(3)	1 year jail
6	04/02/2024	Misdemeanor Class A	Animal Abuse in the First Degree	167.320(3)	1 year jail
7	04/02/2024	Felony Class C	Criminal Mischief in the First Degree	164.365	5 years prison
8	04/02/2024	Misdemeanor Class A	Recklessly Endangering Another Person	163.195	1 year jail
9	04/02/2024	Misdemeanor Class A	Recklessly Endangering Another Person	163.195	1 year jail

**Based on the Court's review and consideration of:**

☒ the previous letter by certified evaluator, Dr. Lauren Best, dated 8/7/2023;

☒ the previous reports of certified evaluator, Dr. Daniel Brynolf, dated 11/17/2023 and 1/24/2024;

☒ a previous report from the community mental health program (CMHP), dated 1/23/2024;

☒ CMHP consultation is waived in this case because Defendant is charged with one or more of the offenses in ORS 161.365(1)(b)

☒ the Court's inquiry and observation of Defendant at the cell-side hearing on 4/4/2024;

☒ statements from counsel;

☐ witness testimony from State's witnesses

☐ witness testimony from Defendant's witnesses

☒ the parties' stipulation that Defendant is not fit to proceed;

☒ other information provided: Defendant was at the OSH from 8/22/2023 – 2/8/2024 on 21CR55428, 22CR52913, 22CR56812, and 23CR06379, and returned on a Ready-to-Place Notice/OSH's end-of-jurisdiction per the federal order. She was at the Jackson County Jail upon her return from OSH until 4/1/2024 when she was released to participate in Community Restoration. While in jail, she refused all medication and supports for housing offered by the CMHP. Due to several barriers including her refusals and lack of income/disability, the CMHP was unable to refer her to an SRTF. She was arrested on 4/2/2024 on this new case.

**THE COURT FINDS:**

1. Defendant lacks fitness to proceed.
2. The most serious offense in the charging instrument is a:

☒ FELONY

☒ Defendant, who is at least 18 years old, requires a hospital-level-of-care due to: (a) public safety concerns; **or** (b) the acuity of symptoms of Defendant's qualifying mental disorder; **and** (c) that the appropriate community restoration services are not present and available in the community.

☒ The defendant is charged with a "violent felony" pursuant to ORS 135.240(5). "Violent felony" means a felony offense in which there was an actual or threatened serious physical injury to the victim, or a felony sexual offense. "Serious physical injury" means a physical injury which creates a substantial risk of death, or which causes serious and protracted disfigurement, protracted impairment of health, or protracted loss of impairment of the function of any bodily organ. ORS 161.015(8)

3. The least restrictive option appropriate for Defendant, the needs of Defendant, and the interest of justice is commitment of Defendant to the Oregon State Hospital (OSH), for treatment to gain fitness to proceed.

**ADDITIONAL FINDINGS**

☒ 1. The defendant is charged with a "violent felony" pursuant to ORS 135.240(5). "Violent felony" means a felony offense in which there was an actual or threatened serious physical injury to the victim, or a felony sexual offense. "Serious physical injury" means a physical injury which creates a substantial risk of death, or which causes serious and protracted disfigurement, protracted impairment of health or protracted loss of impairment of the function of any bodily organ. ORS 161.015(8).

☐ 2. Defendant has following condition(s):

- ☐ Intellectual disability
- ☐ Developmental disability
- ☐ Traumatic brain injury
- ☐ Dementia

## THE COURT ORDERS:

1. Criminal proceedings against Defendant in this case are suspended until further order of the Court.
2. **Commitment:** Defendant is committed to the custody of the Superintendent of OSH for treatment to gain fitness to proceed.
3. **Transportation:** The Jackson County Sheriff, or other entity as ordered by the Court, shall transport Defendant to and from OSH upon notification from OSH.
4. **OSH Evaluations and Progress Reports:** OSH is to evaluate Defendant and provide notifications to the court as required in ORS 161.371.
5. **Release of Records to OSH:** All public bodies, as defined in ORS 174.109, and any private medical provider in possession of records concerning Defendant, is to release pertinent records to OSH for the purpose of conducting an examination or evaluation under ORS 161.355 to 161.371, in compliance with timelines under ORS 161.373.
6. **Release of Records by OSH:** The Court finds good cause for ordering the release of records identified in subsections (6)(a) and (b) of this Order. Records disclosed under this Order are not for the purpose of criminal investigation and prosecution and cannot be used for any other pending or subsequent matter absent order of the Court, except pursuant to standard releases of information. Nothing in this Order permits subsequent disclosure of Defendant's patient records and information that is otherwise prohibited by law. The district attorney, defense attorney, CMHP, or their agents, may discuss the contents of such information provided pursuant to this Order with witnesses where otherwise permitted by law.
  - a. OSH is to release to the following entities information they request concerning Defendant's mental health and substance abuse disorder treatment, which may include recommendations, diagnoses, reports, attendance, treatment progress and quality of participation, dates and results of toxicology testing, and termination or completing of treatment, and any additional information designated in subsection (7)(b) of this Order from Defendant's designated medical record upon request of:
    - ☒ CMHP in the committing jurisdiction
    - ☒ defense counsel
    - ☒ district attorney
  - b. Additional records to be released upon request pursuant to subsection (6)(a):
 

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7. **Substance Use Treatment Records:** To the extent any information or records described in sections (5) and (6) of this Order relate to a substance use disorder diagnosis or treatment, as defined in 42 C.F.R. Part 2, ORS 430.399(6), and ORS 430.475(2), the court finds that: (i) disclosure is not for the purpose of criminal investigation and prosecution; (ii) the information or records shall be used solely for the purpose of evaluating Defendant's fitness to proceed; (iii) other ways of obtaining the information are not available or would not be effective; and (iv) the public interest in and need for disclosure outweigh the potential injury to Defendant's relationship with treatment providers. Any public body and private provider disclosing substance use treatment records pursuant to this Order is to disclose the minimally necessary records and information that is essential to fulfill the objectives of this Order.

8. **Maximum Duration of Commitment:** Regardless of the number of charges with which Defendant is charged, in no event will Defendant be committed to OSH for restoration services for a period longer than allowable by law, and the shorter of the following based on Defendant's most serious charge:

☒ a. Pursuant to the July 3, 2023, second amended order in *Disability Rights Oregon et al v. Allen et al.*, USDC Oregon Case No. 02-cv-00039-MO (lead case), requiring in-patient restoration across multiple charges to be consolidated, and prohibiting contiguous consecutive periods of in-patient restoration unless new charges are filed after initial period of restoration has ended, and measured from Defendant's date of admission to OSH:

- ☒ **one year** (felony listed in ORS 137.700(2))  
☐ **six months** (felony that is not listed in ORS 137.700(2))  
☐ **90 days** (misdemeanor)

☒ b. Pursuant to ORS 161.371(5):

- i. Defendant is not charged on any charging instrument with aggravated murder, or a crime listed in ORS 137.700(2); maximum commitment is measured from Defendant's initial custody date (booking) 4/2/2024:

- ☒ **three years** (Felony A, B, or C)  
☐ **364 days** (Class A Misdemeanor)  
☐ **six months** (Class B Misdemeanor)  
☐ **30 days** (Class C Misdemeanor)

- ii. Defendant is charged on any charging instrument with aggravated murder, or a crime listed in ORS 137.700(2); maximum commitment is measured from Defendant's date of admission to OSH:

☒ **three years** (felony listed in ORS 137.700(2))

9. **Discharge Planning.** The local CMHP, in consultation with OSH and any other jurisdictions that have committed Defendant under ORS 161.370, is to actively engage in discharge planning from the time that Defendant is admitted to OSH. If the CMHP determines that appropriate community restoration services are present, the CMHP is ordered to immediately begin the referral process for community placements and services.

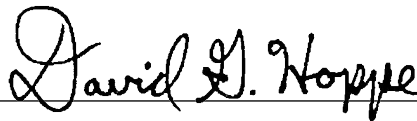
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### NOTICE OF FIREARMS PROHIBITION

The court has found that Defendant is not currently able to move forward with their criminal case due to a qualifying mental disorder. As a result, federal law prohibits Defendant from having or buying firearms (guns or ammunition). The Oregon Judicial Department reports the prohibition on Defendant from buying firearms and ammunition to the Oregon State Police.

**Future hearings on this case are set for:** 7/8/2024 at 9:00 AM.

4/10/2024 5:08:06 PM



Circuit Court Judge David G. Hoppe

Prepared by the Court

**Copies to:** OSH/JCSO/Jail/JCMH/DA/Defense/Defendant