

"I would just like to reiterate that, I feel like I've taken a pretty fair amount of responsibility for the situation that happened," Modine said. "Also, I understand that there had to be a recommendation because of my past, I've done a lot to put that behind me. To have an incident like this happen, to bring me back into a situation like this, is tough."

The violations  
At the April 20, 2017 hearing, Prall also said that it was "real important" that Modine attend a victim impact panel. Court records indicate that Modine did not attend. It was his first of several violations.

Modine completed an alcohol treatment program in December 2017. Five months later, he admitted to his probation officer that he had smoked marijuana and drank "to the point of intoxication" at a family barbecue.

Prosecutors requested a judge revoke Modine's probation, which could have put him in prison.

Modine appeared before Prall on Sept. 4, 2018, with the possibility of a 40 month sentence for violating his probation agreement.

Fischer recommended Modine get a second chance.

"We are agreeing to violate and continue the defendant's probation in both counts, two and three, however we are asking in both counts the defendant's probation be modified to zero tolerance for the use of intoxicants," Fischer said at the hearing.

Suver said that judges rarely revoke probation for non-criminal behavior.

"Voters have made it clear through

various laws and ballot measures that Oregonians prefer a different approach outside the criminal justice system to the use of drugs and alcohol," Suver said. "While the judge had the authority to revoke Mr. Modine's probation for a non-criminal violation, the judge exercised her discretion not to do so."

Given that second chance, records show, Modine remained sober, moved with his family back to Keizer in early 2019 and he started his own construction business.

From February to July of 2019, according to probation records, Modine met each month with his Marion County probation officer. According to the Marion County Sheriff's office, these visits were "to monitor compliance with court orders, conduct needs assessments, work on skill development, engage in cognitive behavioral therapy," and to address any other concerns.

Probation records indicate that on July 1, 2019, after an in-office meeting, Modine's case plan was updated. The July meeting was the last time Modine would meet with his officer.

"Risk assessments administered to Modine categorized him as a low risk to reoffend. Consistent with our practices, Modine was transitioned from a field caseload to the Limited Supervision Unit which does not require monthly check-ins with a probation officer," Sgt. Jeremy Landers, spokesperson for the sheriff's office, wrote in an email.

A probation officer recounted an Oct. 21, 2019, phone conversation with Modine. He reported that Modine "has had a rough couple months but things

may be getting better." The probation officer also told Modine to complete his required 80 hours of community service, which Modine had completed none of.

Records show that with 30 months remaining in his probation, that call was the last time Modine spoke to his probation officer.

On Jan. 16, 2020, Modine was sent a non-compliance letter for not completing his community service. The letter, according to records, said to contact the probation officer immediately. Records show no such contact.

Failure to complete community service was a violation of the probation and under the agreement, all violations were to be referred to a judge - which never occurred.

The consequence

Modine was allegedly driving east-bound in Keizer early on the morning of Jan. 22, when he swerved into a power pole and then drove through the side of a house, pinning the couple in their bed.

As they lay trapped, Modine stayed in the driver's seat. Arriving police and medics found the truck still in gear with Modine "revving the engine causing the rear tires to spin" in what appeared "to be an attempt to drive further into the house," according to the probable cause affidavit.

In a statement following the incident, a neighbor reported that when she initially approached the crash, Modine was "singing, and headbanging with his music blaring."

Hughes was declared deceased at the scene. Heitz was initially paralyzed from the waist down and died six days later in

the hospital.

Modine remains in custody at Marion County Correctional Facility and was denied bail.



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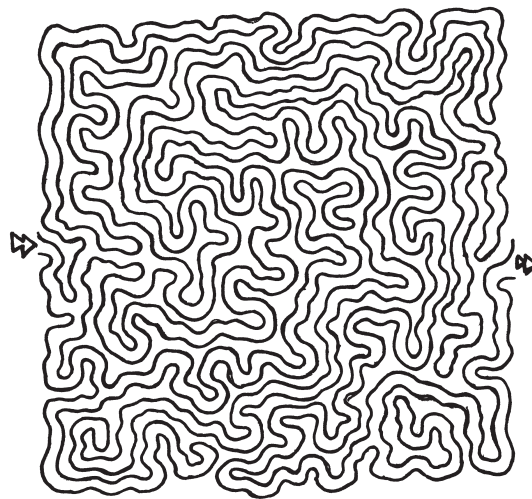
## brainfood

### sudoku

	1			2	8			
7		6				4		
		5		4			8	9
6		9						4
	4		2	9	3		7	
3						8		1
1	2			5		3		
		3				1		8
			3	1			2	

Enter digits 1-9 into blank spaces. Every row must contain one of each digit. So must every column, & every 3x3 square.

sudoku answers pg A22



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