

IN THE DISTRICT COURT OF BROWN COUNTY, NEBRASKA

THE STATE OF NEBRASKA,
Plaintiff,

vs.

MARY LOU COLE,
Defendant.

Case No. 6871

ORDER OF PROBATION

DATE OF HEARING: December 22, 1999.

APPEARANCES:

For plaintiff: David M. Streich, Brown County Attorney.

For defendant: W. Gerald O’Kief with defendant.

THIS CASE CAME ON FOR SENTENCING. The Court finds that the defendant was adjudged guilty of the charge(s) of Second Degree forgery, a Class IV felony, on November 23, 1999. Allocution had: defendant showed no sufficient reason why sentence should not be pronounced.

IT IS THEREFORE ORDERED AND ADJUDGED that the defendant is hereby sentenced to Probation for a period of three (3) years under the supervision of a State Probation Officer. The defendant shall meet the following conditions of probation:

1. Not violate any laws, and refrain from disorderly conduct or acts injurious to others.
2. Avoid social contact with those persons having criminal records or who are on probation or parole.
3. Report to your probation officer in person as required by the probation officer, at such reasonable times and places to be fixed by the probation officer.
4. Truthfully answer questions and allow the probation officer to visit you at all reasonable times and places. Generally cooperate with the reasonable requests of the probation officer for information. Show ordinary business courtesy toward the probation officer.
5. With regard to amounts of money ordered paid by defendant under this order, this paragraph shall apply unless this order specifies the date by which, or the length of time during which, the payment is to be made.
 - a. With regard to each amount ordered paid by the defendant, such amount shall be paid in compliance with a reasonable installment payment schedule to be proposed by the defendant in writing within 10 days after the date of sentencing.
 - b. The schedule shall specify the rate and timing of all payments.

- c. The schedule shall be structured to assure that all payments are completed at least six (6) months prior to release from probation and shall provide for approximately equal installments throughout the schedule.
 - d. The schedule shall be subject to the approval of the probation officer. If approved, the probation officer shall file a copy of the payment schedule with the court clerk within 5 days after establishment thereof. If not approved, the probation officer shall notify the court in writing and a hearing will be held after which the court will establish a payment schedule.
6. Obtain and maintain suitable employment, or provide adequate proof to the probation officer that the probationer is diligently seeking employment. Such proof shall include, at a minimum, registration with the Nebraska Job Service, and weekly reports in writing of at least two (2) bona fide personal contacts with prospective employers listing:
 - a. the name of the prospective employer;
 - b. the name of the person contacted;
 - c. the date and time of the contact;
 - d. the position for which employment was sought;
 - e. the job description of such position or a list of the skills required therefor; and,
 - f. such additional reasonable information as the probation officer may require from time to time.
7. Meet your family responsibilities. If you have been or are hereafter ordered by any court to pay child or spousal support, pay all such amounts as directed by the court before the same become delinquent.
8. Obtain permission from this court or the probation officer before any change of address or employment.
9. Furnish the Clerk of the District Court of Brown County, Nebraska, in writing, with defendant's address (including specific street address or other physical location, in addition to mailing address), telephone number, and social security number, and the name, address, and telephone number of defendant's employer. The defendant shall also be required to advise the Clerk in writing of any changes in such information between the time of entry of this order and release from probation, within ten (10) days after the effective date of such change.
10. Not leave the State of Nebraska without written permission of the court or the probation officer.
11. Not have in your possession any firearms or illegal weapons.
12. Submit, from time to time, to any reasonable search and seizure of premises, person or vehicle, with or without probable cause, by or upon request of the probation officer or any law enforcement officer.
13. The defendant shall:
 - a. Submit an annual financial report to the probation officer on or before April 15 of each year during the term of probation, which report shall include:

- (1) true and accurate copy of defendant's federal income tax return for the previous calendar year;
 - (2) true and accurate copies of all Forms W-2 for previous calendar year; and,
 - (3) a detailed itemization of defendant's assets and liabilities.
 - b. Provide any other financial records or information requested by the probation officer from time to time during the term of probation.
 - c. Sign any releases or authorizations reasonably requested by the probation officer from time to time during the term of probation as may be required to verify any financial information.
14. Pay for the costs of any tests, evaluations, treatments, counseling, programs, classes, courses, meetings, or exercises required under the terms of this order or as required by the probation officer as a part of the administration of the terms of probation.
15. The defendant shall perform 100 hours of community service.
 - a. Within 30 days after date of sentencing, the defendant shall propose one or more suitable and qualified agencies for whose benefit the service is to be performed, which shall be subject to the approval of the probation officer.
 - b. These hours shall be performed in compliance with a reasonable schedule to be developed by the defendant with the approval of the probation officer.
 - c. The schedule shall specify the rate and timing of performance of community service hours. The schedule shall be structured to assure that performance is completed at least six (6) months prior to release from probation, and shall utilize an even rate of performance throughout the schedule.
 - d. If approved, the probation officer shall file a copy of the schedule with the court clerk within 5 days after establishment thereof. If not approved, the probation officer shall notify the court in writing and a hearing will be held after which the court will establish a performance schedule.
16. The defendant is sentenced to 2 days in the Brown County Jail, to be served on the second weekend of the month of January, 2000, as follows:
 - a. For purposes of this order, the second weekend of the month shall commence on Friday, January 14, 2000, at 7:00 p.m. and end on Sunday, January 16, 2000, at 7:00 p.m.
 - b. There was no jail time served before sentencing.
 - c. The defendant shall appear and surrender to the sheriff for execution of sentence at the time for commencement of each portion of the sentence. Failure to appear and surrender shall constitute a violation of probation, with such consequences as may be imposed by law, and may further result in a separate prosecution for the crime of Failure to Appear, with a separate and additional penalty, and may also result in the issuance of a bench warrant.
 - d. Commitment to the Brown County Jail shall issue as soon as possible by the clerk of the court, under seal, in form to be submitted by the county attorney within 7 days.
 - e. Because the sentence does not provide for any period of imprisonment for 14 consecutive days, there is no reduction in sentence required under Neb. Rev. Stat. § 47-502.

- f. The jail sentence is not subject to waiver.
17. The defendant is sentenced to 10 days of house arrest in the defendant's place of residence, to be served on the second weekend of each month for five consecutive months, as follows:
- a. For purposes of this order, the second weekend of the month shall be deemed to commence on the second Friday of the month at 7:00 p.m. and end on the following Sunday at 7:00 p.m. The first such period shall commence on Friday, February 11, 2000, at 7:00 p.m. and end on Sunday, February 13, 2000, at 7:00 p.m.
 - b. During each period of house arrest, the defendant shall remain within the interior of the house, and shall not exit the house during such entire period, except:
 - (1) for emergencies; and,
 - (2) to attend religious services at the defendant's church, and shall proceed directly to the place of worship immediately before the scheduled time of worship and shall return directly to her home following the conclusion of such religious service.
 - c. This portion of the sentence is not subject to waiver.
18. The defendant has previously apologized in writing to the North Central Development Center, the victim of the crime.
19. The defendant shall pay to the clerk of the sentencing court, for disbursement to the North Central Development Center, the victim of the crime, restitution in the amount of \$_____, less restitution paid prior to sentencing in the amount of \$_____.
20. Pay to the clerk of the sentencing court the costs of prosecution taxed in the amount of \$_____.
21. During the term of probation, the defendant shall not be placed in a position of trust and confidence having authority over the expenditure of any public or quasi-public funds without the written permission of the probation officer.
22. The defendant shall, within 20 days after commencement of the probationary term, cause a display advertisement to be published:
- a. In the Ainsworth Star-Journal, or other newspaper in general circulation in Ainsworth, Nebraska approved by the probation officer;
 - b. Consisting of at least 16 column inches;
 - c. With the form and content to be approved by the probation officer, but to include, at a minimum:
 - (1) the defendant's name;
 - (2) a picture of the defendant showing a reasonable likeness to the defendant's then current appearance;
 - (3) a statement that the defendant has pleaded guilty to the charge of Second Degree Forgery, a Class IV felony;
 - (4) a statement that the defendant has been placed on probation;
 - (5) a statement that the defendant's probation includes 2 days in jail and 10 days of house arrest, to be served on the second weekend of each month for the next six

months, and that the period of house arrest prohibits the defendant from exiting her home except for emergencies and to proceed directly to and from attendance of church services;

- (6) a statement of apology to the public for the misappropriation of public funds by the defendant;
- (7) the name, address, and telephone number(s) of the probation officer(s) having supervisory responsibility for the defendant;
- (8) requesting any member of the public observing any violation of probation to immediately report the matter to the probation officer or any law enforcement officer; and,
- (9) a statement that the advertisement is being published at the defendant's expense by order of the District Court of the Eighth Judicial District as a condition of probation.

d. The defendant shall, within 10 days after date of publication, provide a copy of the published notice from the newspaper to the probation officer.

e. The defendant shall pay all costs of publication and copying.

23. Bail, if any, shall be released upon defendant's acceptance in writing of the terms and conditions of probation.

IT IS FURTHER ORDERED that during the term of this probation, the Court, upon application of the probation officer or the defendant, or upon its own motion, may modify or eliminate any of the above conditions or add further conditions.

BY THE COURT:

William B. Cassel, District Judge

I hereby accept probation and agree to abide by all the conditions of probation ordered by the court. Any violation of the above conditions is cause for revocation of my probation and may result in a sentence to confinement. I do hereby waive extradition to the State of Nebraska if, at the time of my apprehension, I am in another state.

I received a copy of the above order on _____.

Defendant