

IN THE DISTRICT COURT OF HOLT COUNTY, NEBRASKA

THE STATE OF NEBRASKA,
Plaintiff,

vs.

HAROLD A. ROCKFORD,
Defendant.

Case No. CR99-33

ORDER OF PROBATION

DATE OF HEARING: January 13, 2000.

APPEARANCES:

For plaintiff: Thomas P. Herzog, Holt County Attorney.

For defendant: Rodney W. Smith, Holt County Public Defender, with defendant.

THIS CASE CAME ON FOR SENTENCING. The Court finds that the defendant was adjudged guilty of the charge(s) of Operating Motor Vehicle During Time of Fifteen Year Suspension, a Class IV felony, on November 18, 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. 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.
6. 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. As to any existing delinquency, the defendant shall, within 30 days, prepare and implement a plan to cure the delinquency, which shall be subject the approval of the probation officer. This condition does not preclude any other enforcement action against the defendant for delinquent support through civil or administrative process or otherwise.
 7. Obtain permission from this court or the probation officer before any change of address or employment.
 8. Furnish the Clerk of the District Court of Holt 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.
 9. Not leave the State of Nebraska without written permission of the court or the probation officer.
 10. Not have in your possession any firearms or illegal weapons.
 11. 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.
 12. Not use or possess any alcoholic liquor or beverages; not use or possess any controlled substance or any mind or mood altering material or chemical, whether illegal or a "designer drug," except when prescribed by a licensed physician.
 13. Submit to the following tests and examinations:
 - a. Roadside sobriety test;
 - b. Alco-sensor test;
 - c. Chemical test for alcohol or drug content of your blood, breath or urine; and/or,
 - d. Tests to determine the loss of mental function or physical agility due to the use of alcohol or drugs.
 - e. Such tests may be administered at any time and from time to time, with or without probable cause, upon request of the probation officer, or any law enforcement officer. Failure to submit to tests shall constitute a violation of probation.

14. Pay to the clerk of the sentencing court \$5.00 per month for chemical testing while on probation. The first installment shall be due as of the date of sentencing, and a like installment on the 13th day of each consecutive month thereafter during the term of probation. If additional testing is required by this order which is not included in the standard fee above, pay to the clerk of the sentencing court the actual cost of such testing as certified by the probation officer from time to time.
15. 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.
16. The defendant is sentenced to 13 days, less 1 day credit for time served before sentencing, in the Holt County Jail, to be served on the fourth Saturday of each month for the next 12 consecutive months, as follows:
 - a. For purposes of this order, the fourth Saturday of the month shall be deemed to commence on the fourth Saturday 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 Saturday, January 22, 2000, at 7:00 p.m. and end on Sunday, January 23, 2000, at 7:00 p.m.
 - b. 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.
 - c. Commitment to the Holt 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.
 - d. 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.
 - e. The jail sentence is not subject to waiver.
 - f. This sentence shall be served concurrently with any other sentence of imprisonment which may be effective as of the date of sentencing or which may be imposed after date of sentencing but prior to completion of service of this sentence in full.
17. Pay to the clerk of the sentencing court the amount of \$180.00, representing partial reimbursement of the cost of imprisonment for 12 days in the Holt County Jail at \$15.00 per day, for disbursement to Holt County. The defendant shall, at the commencement of each portion of the sentence, pay to the sheriff or deputy the amount of reimbursement for such portion, and the sheriff or deputy shall remit the same to the clerk on the next business day.
18. No restitution was sought by the plaintiff.
19. Pay to the clerk of the sentencing court the costs of prosecution taxed in the amount of \$_____, to be paid within one year from the date of sentencing.

20. Pay to the clerk of the sentencing court, for disbursement to Holt County for partial reimbursement of the cost of defense counsel, the sum of \$4.00 per month for each month while on probation. The first installment shall be due as of the date of sentencing, and a like installment on the 13th day of each consecutive month thereafter during the term of probation.
21. The defendant shall not operate a motor vehicle for any purpose during the term of probation. Operation of a motor vehicle during employment for employment purposes only and only for operations that would not otherwise require a motor vehicle operator's license shall not be deemed to be a violation of this condition.
22. The defendant shall, within 20 days after commencement of the probationary term, cause a display advertisement to be published:
 - a. In the Holt County Independent, or other newspaper in general circulation in O'Neill, Nebraska approved by the probation officer;
 - b. Consisting of at least 18 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 operating a motor vehicle during time of 15-year suspension;
 - (4) a statement that the defendant has been placed on probation, including 13 days in jail;
 - (5) a statement that the defendant's probation prohibits the defendant from using or possessing alcohol and prohibits the defendant from operating a motor vehicle for any purpose;
 - (6) the name, address, and telephone number(s) of the probation officer(s) having supervisory responsibility for the defendant;
 - (7) 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,
 - (8) 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 _____, 2000.

Defendant