

IN THE DISTRICT COURT OF CHERRY COUNTY, NEBRASKA

THE STATE OF NEBRASKA,
Plaintiff,

vs.

TRAVIS YELLOW EYES,
Defendant.

Case No. CR99-19

JUDGMENT AND SENTENCE

HEARING DATE: February 18, 2000.

APPEARANCES:

For plaintiff: Eric A. Scott, Cherry County Attorney.
For defendant: defendant with counsel, Mark Kozisek.

CHARGES: Count 1: Criminal Attempt (of Criminal Mischief); § 28-201; Class I misdemeanor.

PROCEEDINGS:

Prior Proceedings: 9 reviewed by court;
9 no motions;
9 motion for new trial considered,
9 no evidence, 9 evidence for defendant, 9 evidence for plaintiff,
argument for defendant: 9 heard 9 waived,
argument for plaintiff: 9 heard 9 waived,
motion is 9 denied 9 granted, further relief _____

Presentence: 9 presentence report disclosed to defendant
9 defendant has reviewed report
9 defendant has not reviewed report, granted add'l time, recess taken
9 defendant has not reviewed report, waives further review
defendant's objections, additions, corrections: 9 none 9 stated, ruling on record
plaintiff's objections, additions, corrections: 9 none 9 stated, ruling on record

Restitution Hrg: 9 plaintiff waives restitution.
9 defendant waives hearing, stipulates to restitution to:
Count 1: _____ of \$_____.
9 restitution hearing held:
evidence adduced for: 9 plaintiff 9 defendant,
plaintiff's argument: 9 heard 9 waived,
defendant's argument: 9 heard 9 waived.

Evidence: plaintiff: 9 has no evidence 9 adduces evidence
defendant: 9 has no evidence 9 adduces evidence

Arguments: argument of plaintiff's counsel is: 9 heard 9 waived
argument of defendant's counsel is: 9 heard 9 waived

Allocution: upon inquiry by Court, defendant:
9 makes no statement 9 exercises right of allocution

FINDINGS: 9 stated on record 9 not specifically stated

SENTENCE: IT IS THE JUDGMENT AND SENTENCE OF THE COURT that the defendant is sentenced:

On Count No. 1: 9 to imprisonment and committed to the Cherry County Jail for a period of 90 days,
9 with 26 days credit for time served before sentencing;
9 to pay restitution to the clerk of this court, for disbursement to:
\$_____ to Tim Bader and Kathy Bader, and,
\$_____ to Shane Zierke,
to be paid within one year after the date of judgment or defendant's final release date from imprisonment, whichever is later;
and,
9 to pay court costs of \$_____ to the clerk of this court.

Remand/Commitment: 9 It is therefore ordered that the defendant be remanded to the custody of the Sheriff of Cherry County, Nebraska, for execution of sentence, and commitment thereto is hereby ordered accordingly and shall be immediately issued by the court clerk under seal of this court.

Further App.: 9 It is further ordered that in the event the defendant shall fail to pay any fine or restitution as ordered above, the defendant shall appear at the first regular session of this court after the expiration of time for payment thereof, and show cause, if any there be, why the defendant should not be held in contempt of court and punished for failure to comply therewith.

Good Time: 9 As required by law, the court advised the defendant on the record of the time required to be served on the sentence, assuming no good time for which the defendant is eligible is lost, upon the defendant's maximum term before attaining mandatory release

Bond: After deduction of any statutory fees, the defendant's bond:
9 is hereby released, discharged, and any surety thereon exonerated.
9 was previously forfeited.

Other: 9 Work release is authorized with the consent of the sheriff.

ENTERED ON: February 18, 2000.

If checked, the Court Clerk shall:

- 9 Mail a copy of this order to all counsel of record and to any pro se parties.
Done on _____, 20____ by _____.
- 9 Enter judgment on the judgment record.
Done on _____, 20____ by _____.
- 9 Mail postcard/notice required by § 25-1301.01 within 3 days.
Done on _____, 20____ by _____.
- 9 Deliver certified copy of order and original commitment to sheriff for execution of sentence.
Done on _____, 20____ by _____.
- 9 Immediately transcribe trial docket entry dictated on record in open court.
Done on _____, 20____ by _____.

Mailed to:

BY THE COURT:

William B. Cassel
District Judge