

IN THE DISTRICT COURT OF HOLT COUNTY, NEBRASKA

THE STATE OF NEBRASKA,
Plaintiff,

vs.

DAVID STAMP a/k/a BUTCH STAMP,
Defendant.

Case No. CR00-16

**JOURNAL ENTRY
ON TRIAL**

DATE OF TRIAL: August 2, 2000.

APPEARANCES:

For plaintiff: Thomas P. Herzog, Holt County Attorney.
For defendant: Rodney W. Smith, Holt County Public Defender, with defendant.

SUBJECT: Jury Trial.

PROCEEDINGS:

The juror orientation video was displayed. After hearing introductory comments by the court, the jury panel was duly sworn for examination. The names of 24 prospective jurors were duly drawn by the clerk and voir dire examination conducted by the court.

During the court’s examination, 1 prospective juror were excused for cause and replacement duly drawn by the clerk and examined by the court. Voir dire examination was then conducted by counsel for plaintiff. The plaintiff passed the panel for cause. At the conclusion of the plaintiff’s examination, the panel was duly admonished and a mid-morning recess was taken. Following the recess, voir dire examination was then conducted by counsel for defendant. Defense counsel passed the panel for cause.

Peremptory challenges to the panel of 24 prospective jurors were exercised by counsel for plaintiff and counsel for defendant, and the trial jury of 12 persons, consisting of:

Carol L. Hamik	Cathy M. Pacha	James P. Knust
Wayne L. Brewster	Debra D. Barelmann	Von L. Mosel
Sharon L. Rentschler	Candace K. Belzer	Marlo P. Drobny
Ginger Kollman	Beverly K. Dvorak-Cone	Lori J. Beck

was duly sworn and admonished. Preliminary instructions were given by the court to the jury. The trial jury was duly admonished by the court and excused for lunch. Recess for lunch followed.

Following the recess, opening statements were presented by counsel for plaintiff and counsel for

defendant. Evidence was adduced for plaintiff. Douglas L. Kelley was sworn and testified. During direct examination, the jury was admonished and excused from the courtroom. In the absence of the jury, an evidentiary matter was considered and ruled upon on the record. A recess followed. Thereafter, in the absence of the jury, a stipulated procedure was approved regarding a discovery violation. The jury returned and the testimony of Douglas L. Kelley was suspended. Ronald Dorn Jr. was sworn and testified. The jury was admonished and a brief recess was taken.

After a brief consultation by the court and counsel in chambers during the recess, and in the absence of the jury, counsel for defendant advised the court that the defendant desired to change his plea. The court advised the defendant of his right against self-incrimination, including the right to remain silent. The court advised the defendant of his right to counsel. The defendant requested additional time to consult with his attorney, which was granted and further recess taken for that purpose.

Following the recess, the defendant voluntarily withdrew his plea of not guilty. The court advised the defendant of his constitutional and statutory rights, and the defendant acknowledged that he understood those rights. The court noted service of the information more than one full day before arraignment. The defendant reaffirmed his prior waiver in the county court of the right to a preliminary hearing. The defendant waived the reading of the information.

The court advised the defendant of the charge against him, the statutory elements of the crime, the possible penalties, the available pleas, and the resulting effects thereof, and the defendant acknowledged understanding thereof. The defendant entered a plea of guilty to the charged crime. The court examined the defendant regarding the effect of the plea, including the waiver of all constitutional and statutory rights thereby. The court examined the defendant regarding a factual basis, and the county attorney stated an additional factual basis. The court inquired of defendant's counsel regarding the plea. Findings were stated on the record. The court accepted the defendant's plea of guilty and adjudged the defendant guilty as charged of Conspiracy to Deliver a Controlled Substance, a Class III felony.

The jury returned, and the court discharged the jury with thanks.

Sentencing was deferred and set for October 5, 2000, at 9:00 AM. A presentence investigation was ordered, and the defendant notified to consult with the probation officer, Tara Sprigler Price, who was present. No requests were made on the matter of bond. The defendant was ordered to appear and

advised of the consequences of failure to appear.

ORDER:

IT IS THEREFORE ORDERED that:

1. The defendant, David Stamp, also known as Butch Stamp, is adjudged guilty as charged of Conspiracy to Deliver a Controlled Substance, a Class III felony.
2. Presentence investigation is ordered.
3. Sentencing is set for October 5, 2000, at 9:00 a.m. The defendant is ordered to appear for sentencing.
4. The jury is discharged.

Dated: August 2, 2000.

If checked, the Court Clerk shall:

Mail a copy of this order to all counsel of record and to any pro se parties.

Done on _____, 19____ by _____.

Enter judgment on the judgment record.

Done on _____, 19____ by _____.

Mail postcard/notice required by § 25-1301.01 within 3 days.

Done on _____, 19____ by _____.

(Trial docket entry dictated.)

Mailed to:

BY THE COURT:

William B. Cassel
District Judge