

IN THE DISTRICT COURT OF CHERRY COUNTY, NEBRASKA

THE STATE OF NEBRASKA,
Plaintiff,

vs.

TAMARA MYERS,
Defendant.

Case No. CR00-2

ORDER OF PROBATION

DATE OF HEARING: August 4, 2000.

APPEARANCES:

For plaintiff: Eric A. Scott, Cherry County Attorney.

For defendant: Michael T. Varn with defendant.

THIS CASE CAME ON FOR SENTENCING. The Court finds that the defendant was adjudged guilty of the charge(s) of Child Abuse, a Class I misdemeanor, on June 7, 2000. 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 two (2) years from and after the commencement of probation under the supervision of a State Probation Officer. The term of probation shall be deemed to commence upon the first to occur of the following: (1) defendant’s acceptance in writing of the conditions of probation, (2) the expiration of 30 days from the date of entry of this order if no appeal is taken, or, (3) the entry of judgment upon the mandate of the appellate court if appeal is timely perfected within 30 days after the date of entry of this order. 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 three (3) 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 Cherry 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. 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.

11. 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.
12. 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.
13. Pay to the clerk of the sentencing court \$120.00 (based upon \$5.00 per month) for chemical testing while on 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.
14. Continue the defendant’s existing counseling program and follow existing recommendations of treatment by that counselor as approved by the probation officer. Treatment may include inpatient treatment, outpatient treatment, individual, family, and/or group counseling, or any other diagnostic or treatment technique or program recommended by the center and approved by the probation officer. Counseling shall also include education on parenting skills. All costs shall be paid by the probationer. Counseling shall not be discontinued or any change of counselor made except upon the written recommendation of the counselor or the approval of the probation officer.
15. The defendant shall have no contact, directly or indirectly, with Tim Bare or Wanda Bare. A chance meeting on the street or at some other public place shall not constitute a violation of probation, so long as such contact is immediately discontinued by the defendant.
16. Complete the following therapeutic, educational, rehabilitative, or punitive measures:
 - a. If required by the probation officer in writing at any time during the term of probation, commence in-house drug or alcohol treatment at a facility approved by the probation officer within 10 days after being so directed, successfully complete the required program, and pay the costs of such treatment to the facility before being released from probation;
 - b. Any After-care program specified by the facility approved by the probation officer;
 - c. If required by the probation officer in writing at any time during the term of probation, attend at least one(1) meeting per week of Alcoholics Anonymous or N.A.
17. 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.
18. The defendant is sentenced to 90 days in the Cherry County Jail, less 104 days credit for time served before sentencing. Thus, no further jail time remains to be served.

19. No restitution was sought by the plaintiff.
20. Pay to the clerk of the sentencing court the costs of prosecution taxed in the amount of \$_____.
21. Pay to the clerk of the sentencing court, for disbursement to Cherry County for partial reimbursement of the cost of defense counsel, the sum of \$96.00.
22. 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