

**IN THE DISTRICT COURT OF CHERRY COUNTY, NEBRASKA**

**THE STATE OF NEBRASKA,**  
Plaintiff,

Case No. CR00-7

vs.

**JUDGMENT AND SENTENCE**

**PATRICK T. ARNOLD,**  
Defendant.

**HEARING DATE:** August 4, 2000.

**APPEARANCES:**

For plaintiff: Eric A. Scott, Cherry County Attorney.  
For defendant: defendant with counsel, John P. Heitz.

**CHARGES:** Count 1: Felon in Possession of Firearm; § 28-1206; Class III felony.

**PROCEEDINGS:**

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

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

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

Evidence: plaintiff: : has no evidence  adduces evidence on sentencing  
defendant: : has no evidence  adduces evidence on sentencing

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

Allocution: upon inquiry by Court, defendant:

: makes no statement      9 exercises right of allocution

**FINDINGS:**

: 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:

: to imprisonment and committed to an institution under the jurisdiction of the Nebraska Department of Correctional Services for a period of not less than one year, nor more than one year,  
: with 136 days credit for time served before sentencing; and,  
: to pay court costs of \$\_\_\_\_\_ to the clerk of this court.

Remand/

Commitment:

: It is therefore ordered that the defendant be remanded to the custody of the Sheriff of Cherry County, Nebraska,  
: to be taken for execution of sentence to the:  
: Nebraska Penal and Correctional Complex at or near the City of Lincoln, Lancaster County, Nebraska,  
: and commitment thereto is hereby ordered accordingly  
: and shall be immediately issued by the court clerk under seal of this court.

Good Time:

: 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:  
: minimum term before attaining parole eligibility  
: maximum term before attaining mandatory release

Bond:

After deduction of any statutory fees, the defendant's bond:  
9 shall be released upon defendant's acceptance in writing of terms and conditions of probation.  
9 is hereby released, discharged, and any surety thereon exonerated.  
9 was previously forfeited.

Stay:

Upon defendant's motion, and after consideration of any objections thereto and arguments thereon, the:  
9 request for stay of execution is denied.  
9 execution of sentence is stayed until \_\_\_\_\_, 20\_\_\_\_, at \_\_\_\_\_ .M., at which time the defendant shall appear and surrender to the said sheriff for execution of sentence, and bond is continued to secure such appearance and surrender.  
9 the execution of sentence is stayed, upon verbal notice of intention to appeal, until the first to occur: (1) the expiration of time for appeal if no appeal is timely filed and perfected, or, (2) entry of judgment upon the mandate of the appellate court if

appeal is timely filed and perfected. Upon expiration of stay, commitment shall issue in accordance with the final judgment and the defendant shall appear and surrender to the Holt County Sheriff for execution of sentence.

9 Upon any failure to appear and surrender, upon appropriate affidavit and motion, the defendant shall be subject to: (1) forfeiting bond, (2) prosecution for the separate crime of Failure to Appear, and/or (3) arrest upon bench warrant.

Other: 9 \_\_\_\_\_.

SIGNED ON: July 14, 2000. (Deemed "entered" upon filing by court clerk)

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 \_\_\_\_\_, 20\_\_\_\_ by \_\_\_\_\_.
- : Enter judgment on the judgment record.  
Done on \_\_\_\_\_, 20\_\_\_\_ by \_\_\_\_\_.
- : Mail postcard/notice required by § 25-1301.01 within 3 days.  
Done on \_\_\_\_\_, 20\_\_\_\_ by \_\_\_\_\_.
- : Deliver certified copy of order and original commitment to sheriff for execution of sentence.  
Done on \_\_\_\_\_, 20\_\_\_\_ by \_\_\_\_\_.
- : 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