

IN THE DISTRICT COURT OF CHERRY COUNTY, NEBRASKA

THE STATE OF NEBRASKA,
Plaintiff,

vs.

**APRIL M. WESCOTT also known as APRIL
BROWN,**
Defendant.

Case No. CR01-14

ORDER OF PROBATION

DATE OF SENTENCING: January 10, 2002.

APPEARANCES:

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

THIS CASE CAME ON FOR SENTENCING. The Court finds that the defendant was adjudged guilty of the charge(s) of Criminal Attempt of Aiding Consummation of a Felony on November 9, 2001. 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 years from and after the commencement of probation without requirement of supervision. 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. As conditions of probation, the defendant shall:

1. Not violate any laws, and refrain from disorderly conduct or acts injurious to others.
2. Furnish the Clerk of the District Court for this county, 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.
3. 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 any law enforcement officer.

4. The defendant is sentenced to 60 days, less 7 days credit for time served before sentencing, in the Cherry County Jail, to be served on consecutive days commencing on July 10, 2003, as follows:
 - A. This portion of the jail sentence shall be deemed automatically waived unless there has been a subsequent order modifying probation entered cancelling such waiver. Such order may be entered if the defendant violates any conditions of probation during the first 12-month period of her term of probation and proceedings to determine a violation of probation have been initiated during the first 14-month period of her term of probation.
 - B. This portion of the sentence is subject to reduction under Neb. Rev. Stat. § 47-502. Assuming no good time for which defendant is eligible is lost, the defendant must serve 42 days, less 7 days credit for time served before sentencing, on this portion of the sentence before mandatory release, unless the sentence is automatically waived as provided above.
 - C. Commitment to the Cherry County Jail shall issue on July 1, 2003, by the clerk of the court, under seal, in form to be submitted by the county attorney at least 30 days prior thereto, unless the automatic waiver has occurred.
 - D. Unless waived, the defendant shall appear and surrender to the sheriff for execution of sentence at the time for commencement of this 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.
5. Pay to the clerk of the sentencing court the amount of \$105.00, representing partial reimbursement of the cost of imprisonment for 7 days in the Cherry County Jail at \$15 per day, for disbursement to Cherry County, to be paid on or before December 31, 2002.
6. No restitution was sought by the plaintiff.
7. Pay to the clerk of the sentencing court the costs of prosecution taxed in the amount of \$_____, to be paid on or before December 31, 2002.
8. 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 \$200.00, to be paid on or before December 31, 2002.
9. 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 and/or other authorized punishment. I do hereby waive extradition to the State of Nebraska if, at the time of my apprehension, I am in another state. If probation supervision is transferred to another state, I do hereby agree to abide by additional rules and regulations that may be imposed by the receiving state.

I received a copy of the above order on _____, 2002.

Defendant