

IN THE DISTRICT COURT OF CHERRY COUNTY, NEBRASKA

THE STATE OF NEBRASKA,
Plaintiff,

Case No. CR01-19

vs.

JUDGMENT AND SENTENCE

TYRONE SMALL,
Defendant.

HEARING DATE: January 10, 2002.

APPEARANCES:

For plaintiff: Eric A. Scott, Cherry County Attorney.
For defendant: defendant with counsel, Todd Flynn.

CHARGES: Count 1: Criminal Mischief; § 28-519; Class IV felony.

PROCEEDINGS:

Prior Proceedings: 9 reviewed by court;
9 no motions.

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 previously waived restitution.

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

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 an institution under the jurisdiction of the Nebraska Department of Correctional Services for a period of not less than 12 months, nor more than 30 months,
9 with 236 days credit for time served before sentenc-

ing;

9 to pay court costs of \$_____ to the court clerk within 30 days after defendant's final release from imprisonment.

Remand/
Commitment:

9 It is therefore ordered that the defendant be remanded to the custody of the Sheriff of Cherry County, Nebraska,
9 to be taken for execution of sentence to the:

9 Nebraska Penal and Correctional Complex at or near the City of Lincoln, Lancaster County, Nebraska,

9 and commitment thereto is hereby ordered accordingly
9 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 costs 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 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:

9 minimum term before attaining parole eligibility

9 maximum term before attaining mandatory release

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 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.

Other:

9 _____.

SIGNED ON: January 10, 2002. (Deemed "entered" upon filing by court clerk)

If checked, the Court Clerk shall:

- 9 Mail a copy of this order to all counsel of record.
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 in open court.
Done on _____, 20____ by _____.

Mailed to:

BY THE COURT:

William B. Cassel
District Judge