

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

**THE STATE OF NEBRASKA,**  
Plaintiff,

Case No. CR00-48

vs.

**JUDGMENT AND SENTENCE**

**BRENT SCHWINDT,**  
Defendant.

**HEARING DATE:** January 14, 2002.

**APPEARANCES:**

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

**CHARGES:** Count 1: Theft By Unlawful Taking; § 28-511; Class III felony

**PROCEEDINGS:**

Prior Proceedings: 9 reviewed by court;  
9 no motions;  
9 motion for \_\_\_\_\_ considered,  
9 no evidence, 9 evidence for defendant, 9 evidence for plaintiff,  
argument for defendant: 9 heard 9 waived,  
argument for plaintiff: 9 heard 9 waived,  
motion is 9 denied 9 granted, further relief \_\_\_\_\_

Presentence: 9 presentence report disclosed to defendant  
9 defendant allowed to supplement report with any information relating  
to plaintiff's recommendations which the defendant desires the court to  
consider, and reaffirming prior order declining to allow plaintiff to make  
any recommendation as sanction for violation of plea bargain  
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: plaintiff's counsel: 9 not heard, plea bargain violation sanction  
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 Order of Probation entered on May 29, 2001, is revoked, and the defendant is sentenced as upon the original conviction:

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 one year, nor more than three years, with 92 days credit for time served before sentencing; and,

9 to pay court costs of \$\_\_\_\_\_ to the clerk of this court within 60 days after final release date from imprisonment.

Remand/Commitment: 9 It is therefore ordered that the defendant be remanded to the custody of the Sheriff of Holt 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.

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 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 his minimum term before attaining parole eligibility and upon his maximum term before attaining mandatory release.

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

SIGNED ON: January 14, 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