

IN THE DISTRICT COURT OF HOLT COUNTY, NEBRASKA

THE STATE OF NEBRASKA,
Plaintiff,

Case No. CR01-24

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: Assault on an Officer in the Third Degree; § 28-931(1); Class IIIA felony
Count 2 dismissed pursuant to plea bargain

PROCEEDINGS:

Prior Proceedings: reviewed by court;
 no motions;
 motion for _____ 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 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 plea bargain violation sanction
 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 previously waived restitution.

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

Arguments: plaintiff's counsel: not heard, plea bargain violation sanction
defendant's counsel is: heard waived

Allocution: upon inquiry by Court, defendant:
 makes no statement exercises right of allocution

FINDINGS: stated on record 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 196 days, nor more than two years, with 98 days credit for time served before sentencing, to be served consecutively to the sentence imposed in Case No. CR00-48 (except to the extent that the amount of credit allowed for time served before sentencing in this case has the effect of a partially concurrent sentence); 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