

IN THE DISTRICT COURT OF BROWN COUNTY, NEBRASKA

THE STATE OF NEBRASKA,
Plaintiff,

vs.

CHRISTOPHER GUDGEL,
Defendant.

Case No. CR01-4

ORDER OF PROBATION

DATE OF SENTENCING: January 29, 2002.

APPEARANCES:

For plaintiff: David M. Streich, Brown County Attorney.

For defendant: Bill Quigley with defendant.

THIS CASE CAME ON FOR SENTENCING. The Court finds that the defendant was adjudged guilty of the charge(s) of Assault in the Third Degree, a Class I misdemeanor, on December 7, 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 one year from and after the commencement of probation under the supervision of a State Probation Officer. 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. Avoid social contact with those persons having criminal records or who are on probation or parole.
3. Report to your probation officer in person as required by the probation officer, at such reasonable times and places to be fixed by the probation officer. If the defendant is arrested or cited for any violation of law, report such arrest or citation to the probation officer by the next working day.
4. Truthfully answer questions and allow the probation officer to visit you at all reasonable times and places. Generally cooperate with the reasonable requests of the probation officer for information. Show ordinary business courtesy toward the probation officer.

5. With regard to each amount ordered paid by the defendant, such amount shall be paid in compliance with a reasonable installment payment schedule at the rate of \$60.00 per month, the first installment due on the first day of the month following the date of commencement of probation, and a like payment on the first day of each consecutive month thereafter until paid in full.
6. Obtain and maintain suitable employment, or provide adequate proof to the probation officer that the probationer is diligently seeking employment.
7. 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.
8. Not have possession of any firearms, ammunition, or illegal weapons. Not be personally present with anyone who has possession of any firearms, ammunition, or illegal weapons.
9. 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 the probation officer or any law enforcement officer.
10. Complete an anger management class approved by the probation officer within six months after the commencement of probation.
11. Pay for the costs of any tests, evaluations, treatments, counseling, programs, classes, courses, meetings, or exercises required under the terms of this order or as required by the probation officer as a part of the administration of the terms of probation.
12. The defendant is sentenced to 30 days, less two (2) days credit for time served before sentencing, in the Brown County Jail, to be served as follows:
 - A. 10 days to be served on the fourth weekend of each month for the next five consecutive months, as follows:
 - (1) For purposes of this order, the fourth weekend of the month shall be deemed to commence on the fourth Friday of the month at 7:00 p.m. and end on the following Sunday at 7:00 p.m. Assuming no delay in commencement of probation, the first such period would commence on Friday, February 22, 2002, at 7:00 p.m. and end on Sunday, February 24, 2002, at 7:00 p.m.
 - (2) The defendant shall appear and surrender to the sheriff for execution of sentence at the time for commencement of each 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.

- (3) Commitment to the Brown County Jail shall issue as soon as possible by the clerk of the court, under seal, in form to be submitted by the county attorney within 7 days.
 - (4) Because this portion of the sentence does not provide for any period of imprisonment for 14 consecutive days, there is no reduction in sentence required under Neb. Rev. Stat. § 47-502.
 - (5) This portion of the jail sentence is not subject to waiver.
- B. 20 days, less two days credit for time served before sentencing, to be served on consecutive days commencing on December 1, 2002, as follows:
 - (1) Upon request of the probation officer, the court may advance the date for service of this portion of the jail sentence at any time without further hearing.
 - (2) This portion of the jail sentence may be waived by the court upon the recommendation of the probation officer.
 - (3) 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 14 days, less 2 days credit for time served before sentencing, on this portion of the sentence before mandatory release unless this portion is waived by the court.
 - (4) Unless advanced or waived, commitment shall issue by the clerk on or before November 25, 2002, for execution of sentence by the sheriff. If advanced or waived, the clerk shall issue commitment as directed by such order. If advanced, the clerk shall mail a copy of the order advancing sentence to the defendant's last known address by regular mail. The county attorney shall submit the form of the commitment prior to the time for issuance thereof.
 - (5) Unless the sentence is waived, the defendant shall appear and surrender to the Brown County Sheriff at the time required by this order or by the order advancing date of 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.
13. Pay to the clerk of the sentencing court the amount of \$150.00, representing partial reimbursement of the cost of imprisonment for 10 days in the Brown County Jail at \$15.00 per day, for disbursement to Brown County.
14. No restitution was sought by the plaintiff.
15. Pay to the clerk of the sentencing court the costs of prosecution taxed in the amount of \$_____.
16. Pay to the clerk of the sentencing court, for disbursement to Brown County for partial reimbursement of the cost of defense counsel, the sum of \$300.00.

17. 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