

IN THE DISTRICT COURT OF HOLT COUNTY, NEBRASKA

THE STATE OF NEBRASKA,
Plaintiff,

Case No. 20517

vs.

JUDGMENT AND SENTENCE

THOMAS SHAFFER a/k/a
THOMAS MEYERS,
Defendant.

HEARING DATE: February 25, 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: Criminal Mischief; § 28-519; Class IV felony

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 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 waives restitution.
 defendant previously waived further hearing, stipulates to restitution to:
Count 1: Fern Burtwistle, the victim, and/or Durre Real Estate, agent for the victim, and/or Farmers Mutual Home Insurance Company, as there interests may appear, of \$2,500.00, less credit for \$470.50 paid on restitution while on probation.
 restitution hearing held:
evidence adduced for plaintiff defendant,
plaintiff's argument: heard waived,
defendant's argument: heard waived.

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 Order of Probation previously entered on May 14, 1998, as amended from time to time, is revoked, and the defendant is sentenced as upon the original conviction:

On Count No. 1: 9 to imprisonment and committed to the Holt County Jail for a period of 275 days,
9 with 57 days credit for time served before sentencing;
and,

9 to pay \$2,500.00 restitution, less credit for \$470.50 paid prior to the date of this sentencing, to the clerk of this court, for disbursement to:
Fern Burtwistle, the victim, and/or Durre Real Estate, agent for the victim, and/or Farmers Mutual Home Insurance Company, as there interests may appear, to be paid:
9 in monthly installments of \$50.00 commencing on the first day of the month following the date of defendant's final release from imprisonment and on the first day of each month thereafter until paid; and,

9 to pay court costs of \$15.50, in addition to the costs previously paid by defendant, to the clerk of this court, to be paid within 60 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 Holt County, Nebraska, for execution of sentence, and commitment 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 or restitution 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.

Bond:

After deduction of any statutory fees, the defendant's bond:

- 9 is hereby released, discharged, and any surety thereon exonerated.
- 9 was previously forfeited.

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 execution of sentence is stayed until _____, 20____, at _____ .M., at which time the defendant shall appear and surrender to the said sheriff for execution of sentence, and bond is continued to secure such appearance and surrender.
- 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. Upon expiration of stay, commitment shall issue in accordance with the final judgment and the defendant shall appear and surrender to the said county sheriff for execution of sentence.
- 9 Upon any failure to appear and surrender, upon appropriate affidavit and motion, the defendant shall be subject to: (1) forfeiting bond, (2) prosecution for the separate crime of Failure to Appear, and/or (3) arrest upon bench warrant.

Other:

9 _____.

SIGNED ON: February 25, 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 and to any pro se parties.
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 on record in open court.
Done on _____, 20____ by _____.

Mailed to:

BY THE COURT:

William B. Cassel
District Judge