

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

**THE STATE OF NEBRASKA,**  
Plaintiff,

vs.

**OLLIN PETERSON,**  
Defendant.

Case No. CR00-33

**ORDER OF INTENSIVE  
SUPERVISION PROBATION**

**DATE OF SENTENCING:** March 4, 2002.

**APPEARANCES:**

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

**THIS CASE CAME ON FOR SENTENCING.** The Court finds that the defendant was adjudged guilty of the charge(s) of Burglary, a Class III felony, on September 28, 2000, and sentenced to probation on February 12, 2001. Thereafter, on January 14, 2002, the defendant was adjudged to have violated probation, and on this date the prior order of probation was revoked, and the defendant is resentenced as upon the original conviction. 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 Intensive Supervision Probation for a period of five (5) years 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 \$75.00 per month, the first installment due on the first day of the month following the date of release from Work Ethic Camp, and a like payment on the first day of each consecutive month thereafter until paid in full. The payments shall be applied in the following order: 1<sup>st</sup>, to court costs; 2<sup>nd</sup>, to intensive supervision probation monitoring fees; 3<sup>rd</sup>, to drug and alcohol testing fees; 4<sup>th</sup>, to restitution; and 5<sup>th</sup>, to any other payments required by this order.
6. Obtain and maintain suitable employment, or provide adequate proof to the probation officer that the probationer is diligently seeking employment. Such employment shall not include self-employment unless the defendant demonstrates to the probation officer that he is actually realizing at least \$1,300.00 per month net of expenses, but before income and self-employment taxes, from such self-employment.
7. If required by the probation officer, such proof of search for employment shall include, at a minimum, registration with the Nebraska Job Service, and weekly reports in writing of at least two (2) bona fide personal contacts with prospective employers listing: (a) the name of the prospective employer, (b) the name of the person contacted; (c) the date and time of the contact; (d) the position for which employment was sought; (e) the job description of such position or a list of the skills required therefor; and, (f) such additional reasonable information as the probation officer may require from time to time.
8. Meet your family responsibilities. If you have been or are hereafter ordered by any court to pay child or spousal support, pay all such amounts as directed by the court before the same become delinquent.
9. Obtain permission from this court or the probation officer before any change of address or employment.
10. 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.
11. Not leave the State of Nebraska without written permission of the court or the probation officer.
12. 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.

13. 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.
14. Concerning alcohol and drugs:
  - A. Not use or possess any alcoholic liquor or beverages.
  - B. Neither be found in nor enter any tavern, club, bar, or restaurant wherein there is an on-sale liquor license in effect.
  - C. Not use or possess any controlled substance except when prescribed by a licensed physician.
  - D. Submit to the following tests and examinations:
    - (1) Roadside sobriety test;
    - (2) Alco-sensor test;
    - (3) Chemical test for alcohol or drug content of your blood, breath or urine; and/or,
    - (4) Tests to determine the loss of mental function or physical agility due to the use of alcohol or drugs.
    - (5) Such tests may be administered at any time and from time to time, with or without probable cause, upon request of the probation officer, or any law enforcement officer.
  - E. Pay to the clerk of the sentencing court \$300.00 (based upon \$5.00 per month) for chemical testing while on probation. If additional testing is required by this order which is not included in the standard fee above, pay to the clerk of the sentencing court the actual cost of such testing as certified by the probation officer from time to time. (Note to clerk: \$300.00 for drug testing already on Justice system is replaced by this amount)
15. Within one year after commencement of probation, obtain a GED and provide the probation officer with written verification thereof.
16. 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.
17. Regarding Work Ethic Camp:
  - A. Enter the Work Ethic Camp at McCook, Nebraska, on Monday, March 4, 2002, if transportation by the Holt County Sheriff is available on that date. Otherwise, enter the Work Ethic Camp on Monday, March 11, 2002.
  - B. Comply with all program facility rules.
  - C. Satisfactorily complete the program within 180 days from entry into the Work Ethic Camp.

- D. Follow all program after-care recommendations as directed during the course of the probationary sentence within the community.
  - E. If transportation by the Holt County Sheriff is not available on March 4, 2002, pending admission into the Work Ethic Camp, maintain residency as approved by the probation officer and abide by any curfew set by this judgment.
  - F. Upon successful completion of Work Ethic Camp, immediately return to the residence approved by the probation officer and be placed on electronic monitoring as provided in the following paragraph.
18. Regarding Intensive Supervised Probation:
- A. Serve 180 days on electronic monitoring following completion of the Work Ethic Camp.
  - B. Pay for electronic monitoring equipment if damaged or lost.
  - C. Agree to abide by, and thereafter comply with, all ISP program regulations, copies of which are attached to and made a part of this order;
  - D. During and following the period of electronic monitoring, abide by the curfew required by the ISP program regulations at the highest level required by the regulations. The probation officer may reduce the ISP curfew level at any time during the term of probation. This curfew provision supplements the curfew provision provided below; the curfew provision below shall remain effective even if the ISP curfew has been reduced to an equivalent or lower level.
  - E. Pay to the clerk of the sentencing court the electronic monitoring fee of \$7.00 per day for a total of \$1,260.00, to be paid as part of the installment payments specified above.
19. There were 73 days of jail time, including commitment for evaluation, served before the original sentencing to probation. There were 2 additional days of jail time served before this sentencing judgment. Although the defendant served 23 days on a county court sentence in Holt County Court Case No. CR00-344 and the plea bargain recommends concurrent sentencing, this court declines to impose jail time or equivalents concurrently and accords no credit against this sentence for time served on the county court sentence. Thus, the defendant is entitled to a total credit of 75 days for time served before sentencing.
20. The defendant has previously apologized to the victim of the crime.
21. The defendant shall pay to the clerk of the sentencing court, for disbursement to Jerry Childers, the victim of the crime, or to any insurance company producing written assignment from the victim pursuant to subrogation rights, restitution in the amount of \$820.00 (included in installment payments). The defendant shall be entitled to a credit against restitution, up to a maximum of 50% of the total amount thereof, for any restitution actually paid in Case No. CR00-32, *State v. Robinson*. (Note to clerk: \$820.00 amount already on Justice system is replaced by this amount)

22. Pay to the clerk of the sentencing court the costs of prosecution taxed in the amount of \$327.21 (included in installment payment), consisting of \$250.82 of unpaid court costs in the original proceeding (complete record, \$10.00; county court fees, \$24.00; service fees, \$144.37; service fees, \$72.45) and \$76.59 of new court costs (service fees, \$15.50; computer screen test, \$10.00; drug test expenses, \$51.09).
23. Pay to the clerk of the sentencing court, for disbursement to Holt County for partial reimbursement of the cost of defense counsel, the sum of \$180.00. (Note to clerk: this amount is the same as previously ordered in probation and does not represent an additional charge)
24. In addition to any order of revocation, suspension, or limited driving imposed by law, the defendant's motor vehicle operator's license shall be impounded and the driving privileges of the defendant shall be limited as follows:
  - A. The defendant shall not operate a motor vehicle, except:
    - (1) to drive between the place of residence and employment by the most direct route,
    - (2) during the course of employment for employment purposes only,
    - (3) to and from probation and counseling appointments by the most direct route,
    - (4) to and from AA/NA meetings by the most direct route, and,
    - (5) emergencies.
  - B. This period of impoundment shall be for a period of two (2) years from date of commencement of probation.
  - C. The probation officer may terminate this period of impoundment at any time, or may grant exceptions from time to time.
  - D. The defendant shall deliver his motor vehicle operator's license to the probation officer, who shall hold the same during the period of this limitation, and who shall provide the defendant with a photocopy thereof with these restrictions endorsed thereon.
  - E. This paragraph does not grant any driving privileges and does not affect any more restrictive order of revocation, suspension, or non-driving entered pursuant to law.
25. For a period of two years from the commencement of probation, the defendant shall maintain a curfew and shall not be present outside of his home and its curtilage between the hours of 10:00 PM and 5:00 AM, except for emergencies or for work-related activities approved in advance in writing by the probation officer.
26. The defendant shall previously caused a display advertisement to be published during the original sentence to probation, and the previous advertisement substantially fulfills the purpose of alerting the public to prohibited activities on 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:

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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.

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Defendant