

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

**THE STATE OF NEBRASKA,**  
Plaintiff,

vs.

**AUSTIN L. GRENIER,**  
Defendant.

Case No. 20456

**JUDGMENT OF PROBATION**

**DATE OF SENTENCING:** March 18, 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 Theft By Unlawful Taking, a Class III felony, on November 13, 1997, and sentenced to probation on January 8, 1998. Thereafter, on January 7, 2002, the defendant was adjudged to have violated probation, and on this date the prior order of probation was revoked, and the defendant is resentenced as upon the original conviction.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 Probation for a period of six months from and after the commencement of probation under the limited 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 judgment 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 judgment. As conditions of probation, the defendant shall:

1. 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, to the extent required by the probation officer to carry out this sentence. Only limited supervision to assure completion of jail sentence and payment of costs provided below shall be required.

2. The defendant is sentenced to 16 days, less 1 day credit for time served before sentencing, in the Holt County Jail, to be served on Saturday of each weekend for the next 15 consecutive weeks after commencement of probation, as follows:
  - A. For purposes of this judgment, Saturday of each weekend shall be deemed to commence on each Saturday at 9:00 A.M., and end on the following day (Sunday) at 9:00 A.M. Assuming that the term of probation commenced today, the first such period would commence on Saturday, March 23, 2002, at 9:00 a.m. and end on Sunday, March 24, 2002, at 9:00 a.m.
  - B. 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.
  - C. Commitment to the Holt 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 three days.
  - D. Because 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.
  - E. The jail sentence is not subject to waiver.
  - F. With the consent of the sheriff, the jail sentence may be served in whole or in part at any other Nebraska certified county or municipal jail facility, on the condition that the defendant shall pay to such other facility any cost that would otherwise be charged to the County of Holt by such facility, to be paid before entering the facility for each portion of the sentence.
3. Pay to the clerk of the sentencing court the additional costs of prosecution taxed in the amount of \$23.88, to be paid within 60 days after commencement of probation.
4. On the original sentence to probation, the defendant has already apologized to the victim, paid full restitution, paid all prior court costs, paid for drug and alcohol testing, demonstrated freedom from drug and alcohol dependence, demonstrated satisfactory employment experience and responsibility, paid for partial reimbursement of cost of defense counsel, and completed impoundment of motor vehicle operator's license. These matters do not need to be further addressed in this judgment.

**IT IS FURTHER ORDERED AND ADJUDGED** 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 judgment on \_\_\_\_\_, 2002.

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Defendant