

IN THE DISTRICT COURT OF CHERRY COUNTY, NEBRASKA

THE STATE OF NEBRASKA,
Plaintiff,

Case No. CR01-22

vs.

JUDGMENT AND SENTENCE

TIMOTHY W. HAND, JR.,
Defendant.

HEARING DATE: March 22, 2002.

APPEARANCES:

For plaintiff: Eric A. Scott, Cherry County Attorney.
For defendant: defendant with counsel, A. Michael Bianchi.

CHARGES: Count 1: Assault in the First Degree; § 28-308; Class III 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 _____

Restitution Hrg: plaintiff previously waived restitution.

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

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

Arguments: argument of plaintiff's counsel is: heard waived
argument of 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 12 months, nor more than 60 months,
9 with 26 days credit for time served before sentencing;

9 to pay court costs of \$_____ to the clerk of this court within one year after defendant's final release date from imprisonment.

Remand/Commitment: 9 It is therefore ordered that the defendant be remanded to the custody of the Sheriff of Cherry 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:
9 minimum term before attaining parole eligibility
9 maximum term before attaining mandatory release

Bond: After deduction of any statutory fees, the defendant's bond:
9 is hereby released, discharged, and any surety thereon exonerated.
9 is continued pending appeal.
9 is hereby released, discharged, and any surety thereon exonerated, and the defendant is remanded to the custody of the sheriff pending posting of increased bond in the amount of \$_____ subject to the 10% rule.
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 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: March 22, 2002. (Deemed "entered" upon filing by court clerk)

If checked, the Court Clerk shall:

- 9 Mail a copy of this judgment 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 judgment and two certified copies of 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 _____.

BY THE COURT:

 William B. Cassel
 District Judge

Mailed to: