

IN THE DISTRICT COURT OF CHERRY COUNTY, NEBRASKA

THE STATE OF NEBRASKA,
Plaintiff,

vs.

WILLIAM J. SHEETS,
Defendant.

Case No. CR01-36

ORDER OF PROBATION

DATE OF SENTENCING: March 22, 2002.

APPEARANCES:

For plaintiff: Eric A. Scott, Cherry 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 Criminal Attempt of Unauthorized Use of a Financial Transaction Device, a Class I misdemeanor, on January 10, 2002. 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 14 months 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. Obtain and maintain suitable employment, or provide adequate proof to the probation officer that the probationer is diligently seeking employment.
6. 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.
7. Furnish the probation officer **and** 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 probation officer **and** court clerk in writing of any changes in such information between the time of entry of this order and release from probation, within five (5) days after the effective date of such change.
8. The defendant shall perform 100 hours of community service.
 - A. Within 14 days after commencement of probation, the defendant shall propose one or more suitable and qualified agencies for whose benefit the service is to be performed, which shall be subject to the approval of the probation officer.
 - B. These hours shall be performed at the rate of at least 15 hours per calendar month, commencing with the first full calendar month after commencement of probation.
 - C. The defendant shall provide the probation officer with written verification of community service hours as to each calendar month by the 10th day of the succeeding month.
9. The defendant is sentenced to 67 days, less 7 days credit for time served before sentencing, in the Cherry County Jail, to be served on consecutive days commencing on December 1, 2002, as follows:
 - A. 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.
 - B. This portion of the jail sentence may be waived by the court upon the recommendation of the probation officer.
 - C. 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 39 days (46-7) on this portion of the sentence before mandatory release.
 - D. Unless advanced or waived, commitment shall issue by the clerk on or before November 27, 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 provide the form of commitment to the clerk.

- E. Unless the sentence is waived, the defendant shall appear and surrender to the Cherry 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.
10. The defendant shall apologize in person to Duane Bolton and Wynona Bolton, the victims of the crime, or one of them if approved by the probation officer, within 30 days after the commencement of probation; and the defendant shall notify written verification to the probation officer within 10 days thereafter that the apology has been accomplished. If the victim or representative shall request the apology to be furnished in writing or shall request that there be no personal contact with the defendant, the apology shall be in writing and not in person.
 11. No restitution was sought by the plaintiff.
 12. Pay to the clerk of the sentencing court the costs of prosecution taxed in the amount of \$_____, to be paid within six months from date of commencement of probation.
 13. Pay to the clerk of the sentencing court, for disbursement to Cherry County for partial reimbursement of the cost of defense counsel, the sum of \$200.00, to be paid within ten months from date of commencement 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