

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

**THE STATE OF NEBRASKA,**  
Plaintiff,

vs.

**MELISSA MISTELSKI,**  
Defendant.

Case No. CR01-37

**JUDGMENT OF PROBATION**

**DATE OF HEARING:** April 15, 2002.

**APPEARANCES:**

For plaintiff: Thomas P. Herzog, Holt County Attorney.

For defendant: Forrest F. Peetz with defendant.

**THIS CASE CAME ON FOR SENTENCING.** The Court finds that the defendant was adjudged guilty of the charge(s) of Issuing Bad Check, a Class IV felony, on February 11, 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 two (2) 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 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. The defendant shall meet the following conditions of probation:

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.
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. Perform all acts reasonably necessary for transfer of probation administration to any other state where you reside.

5. Obtain and maintain suitable employment, or provide adequate proof to the probation officer that the probationer is diligently seeking employment.
6. Meet your family responsibilities.
7. Obtain permission from this court or the probation officer before any change of address or employment.
8. Furnish the Clerk of the District Court of Holt County, Nebraska, 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.
9. Not leave the State of Nebraska or the state of your residence without written permission of the court or the probation officer.
10. Not have in your possession any firearms or illegal weapons.
11. If so directed by the probation officer in writing at any time during the term of probation, the defendant shall not open, establish, or maintain any checking account, or other similar account upon which checks or drafts may be drawn, during the remainder of the term of probation after 10 days from the date of notice by the probation officer, and during such remaining term shall not exercise signature authority over any such account belonging to any other person or entity during the term of probation.
12. Complete a financial management class approved by the probation officer within 9 months from the commencement of probation.
13. 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.
14. The defendant shall perform 234 hours of community service.
  - a. Within 30 days after date of 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 least three (3) hours per week, commencing as of the date of commencement of probation. If the weekly requirement begins before any receiving agencies are identified and approved, any delinquency in the schedule shall be cured within 30 days after the date of identification of any receiving agency.
15. Within 30 days after the commencement of probation, the defendant may elect in writing, to be filed with the court clerk, to pay a fine of \$936.00 in satisfaction of the community service requirement in paragraph 14 above. Such election, once made, shall not be revocable, and the defendant shall

pay such fine to the court clerk at the rate of \$15.00 per week, the first installment due on the date of filing of such election, and a like installment on the same day of each consecutive week thereafter until paid in full.

16. There was no jail time served before sentencing.
17. The victim has stated that no apology is desired.
18. The defendant has previously made full restitution to the extent required by the State.
19. Pay to the clerk of the sentencing court the costs of prosecution taxed in the amount of \$\_\_\_\_\_, to be paid in full with 120 days after commencement of probation.
20. The defendant has provided for the cost of her own defense counsel.
21. Bail, if any, shall be released upon defendant's acceptance in writing of the terms and conditions of probation.

**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:

\_\_\_\_\_  
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. I do hereby waive extradition to the State of Nebraska if, at the time of my apprehension, I am in another state.

I received a copy of the above judgment on \_\_\_\_\_, 2002.

\_\_\_\_\_  
Defendant