

IN THE DISTRICT COURT OF HOLT COUNTY, NEBRASKA

THE STATE OF NEBRASKA,
Plaintiff,

Case No. CR02-14

vs.

JUDGMENT AND SENTENCE

DARRIN E. PELC,
Defendant.

HEARING DATE: May 13, 2002.

APPEARANCES:

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

CHARGES: Count 1: Possession of a Controlled Substance; § 28-416(3); Class IV felony

PROCEEDINGS:

Prior Proceedings: 9 reviewed by court;
9 no motions;
9 motion _____ trial considered,
9 no evidence, 9 evidence for defendant, 9 evidence for plaintiff,
argument for defendant: 9 heard 9 waived,
argument for plaintiff: 9 heard 9 waived,
motion is 9 denied 9 granted, further relief _____

Restitution Hrg: 9 plaintiff previously waived restitution.
Presentence: 9 presentence report disclosed to defendant
9 defendant has reviewed report
9 defendant has not reviewed report, granted add'l time, recess taken
9 defendant has not reviewed report, waives further review
defendant's objections, additions, corrections: 9 none 9 stated, ruling on record
plaintiff's objections, additions, corrections: 9 none 9 stated, ruling on record

Evidence: plaintiff: 9 has no evidence 9 adduces evidence on sentencing
defendant: 9 has no evidence 9 adduces evidence on sentencing

Arguments: argument of plaintiff's counsel is: 9 heard 9 waived
argument of defendant's counsel is: 9 heard 9 waived

Allocution: upon inquiry by Court, defendant:
9 makes no statement 9 exercises right of allocution

FINDINGS: 9 stated on record 9 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 24 months, with 22 days credit for time served before sentencing, to be served concurrently with any other existing sentence to imprisonment; and,

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 Holt 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 shall be released upon defendant's acceptance in writing of terms and conditions of probation.
- 9 is hereby released, discharged, and any surety thereon exonerated.
- 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 execution of sentence is stayed until _____, 20____, at _____ .M., at which time the defendant shall appear and surrender to the said sheriff for execution of sentence, and bond is continued to secure such appearance and surrender.
- 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 at O'Neill, Nebraska, on **May 13, 2002**;
DEEMED ENTERED upon file stamp date by court clerk.

BY THE COURT:

If checked, the court clerk shall:

9 Mail a copy of this judgment to all counsel of record and any pro se parties.
Done on _____, 20____ by _____.

9 Immediately transcribe trial docket entry dictated in open court.
Done on _____, 20____ by _____.

9 Deliver certified copy of judgment and original commitment to sheriff for execution of sentence.
Done on _____, 20____ by _____.

9 Mail postcard/notice required by § 25-1301.01 within 3 days.
Done on _____, 20____ by _____.

9 Enter judgment on the judgment record.
Done on _____, 20____ by _____.

William B. Cassel
District Judge

Mailed to: