

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

**THE STATE OF NEBRASKA,**  
Plaintiff,

vs.

**KEVIN JACKSON, JR.,**  
Defendant.

Case No. CR02-1

**JUDGMENT OF PROBATION**

**DATE OF SENTENCING:** June 24, 2002.

**APPEARANCES:**

For plaintiff: Thomas P. Herzog, Holt County Attorney.  
For defendant: John P. Heitz with defendant.

**THIS CASE CAME ON FOR SENTENCING.** The Court finds that the defendant was adjudged guilty of the charge(s) of Burglary, a Class III felony, on April 8, 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 four (4) 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. 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 for information of, and show ordinary business courtesy toward, the probation officer.

5. With regard to each amount ordered paid by the defendant, such amount shall be paid in compliance with a reasonable installment payment schedule at the rate of \$40.00 per month, the first installment due on the first day of the month following the date of commencement of probation, and a like payment on the first day of each consecutive month thereafter until paid in full. Installments shall be applied by the court clerk in the following order: 1<sup>st</sup>, to court costs; 2<sup>nd</sup>, to restitution; 3<sup>rd</sup>, to defense counsel reimbursement; and, 4<sup>th</sup>, to any other amounts required by the judgment.
6. Promptly request services for the Rehabilitation Services for the Visually Impaired, or other similar agency approved by the probation officer, and cooperate with such agency in providing assistance to the defendant. Such program shall include services reasonably designed to provide for such useful and productive activities as are within the reasonable capacity of the defendant.
7. Obtain advance permission from the probation officer before any change of address.
8. Furnish 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 any 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 judgment and release from probation, within ten (10) days after the effective date of such change.
9. Not leave the State of Nebraska without written permission of the court or the probation officer. The defendant may, with the approval of the probation officer, move to another state willing to accept supervision of probation. In such event, the defendant shall sign all interstate paperwork necessary to achieve transfer of supervision before leaving the State of Nebraska.
10. Not have possession of any firearms, ammunition, or illegal weapons. Not be personally present with anyone who has possession of any firearms, ammunition, or illegal weapons.
11. Submit, from time to time, to any reasonable search and seizure of premises, person or vehicle, with or without probable cause, by or upon request of the probation officer or any law enforcement officer.
12. Pay for the costs of any tests, evaluations, treatments, counseling, programs, classes, courses, meetings, or exercises required under the terms of this judgment or as required by the probation officer as a part of the administration of the terms of probation, except to the extent provided by any other agency or program without charge.
13. There was no jail time served before sentencing.
14. The defendant shall apologize in writing to the owner of Larry's Package and Video Store, the victim of the crime, within 30 days after the commencement of probation; and the defendant shall provide written verification to the probation officer within 10 days thereafter that the apology has been accomplished.

15. The defendant shall not enter Larry's Package and Video Store during the term of probation.
16. The defendant shall pay to the clerk of the sentencing court, for disbursement to Larry's Package Liquor, the victim of the crime, and Columbia Insurance Group, the victim's insurer, as their interests may appear, restitution in the amount of \$833.71, together with an additional amount of restitution of \$50.00 to Larry's Package Liquor for cleanup (included in installment payments). The defendant shall be allowed a credit against the restitution judgment, up to a maximum of 50% of the total thereof, for any amounts paid in restitution by Shawn Jackson. The court clerk may accept copies of county court records of such payments as sufficient proof thereof.
17. Pay to the clerk of the sentencing court the costs of prosecution taxed in the amount of \$\_\_\_\_\_ (included in installment payments).
18. Pay to the clerk of the sentencing court, for disbursement to Holt County for partial reimbursement of the cost of defense counsel, the sum of \$300.00 (included in installment payments).
19. For a period of 18 months from the commencement of probation, the defendant shall maintain a curfew and shall not be present outside of the defendant's home and its curtilage between the hours of 11:00 P.M. and 5:00 A.M., except for emergencies, work-related activities or equivalent approved in advance in writing by the probation officer, or other special family, church, or community activities approved in advance in writing by the probation officer.
20. The defendant shall, within 20 days after commencement of the probationary term, cause a display advertisement to be published:
  - A. In the Holt County Independent, or other newspaper in general circulation in O'Neill, Nebraska approved by the probation officer;
  - B. Consisting of at least 20 column inches;
  - C. With the form and content to be approved in advance by the probation officer, and to include, at a minimum:
    - (1) the defendant's name;
    - (2) a picture of the defendant showing a reasonable likeness to the defendant's then current appearance;
    - (3) a statement that the defendant has pleaded guilty to the charge of burglary;
    - (4) a statement that the defendant has been placed on probation;
    - (5) any public apology the defendant desires to include that does not dispute the essential nature of the conviction or the convicted offense;
    - (6) a statement that the defendant's probation prohibits the defendant from violating curfew by being outside of the defendant's residence and its curtilage between the hours of 11:00 P.M. and 5:00 A.M., except for approved employment;
    - (7) the name, address, and telephone number(s) of the probation officer(s) having supervisory responsibility for the defendant;

- (8) requesting any member of the public observing any violation of probation to immediately report the matter to the probation officer or any law enforcement officer; and,
  - (9) a statement that the advertisement is being published at the defendant's expense by order of the District Court of the Eighth Judicial District as a condition of probation.
- D. The defendant shall, within 10 days after date of publication, provide a copy of the published notice from the newspaper to the probation officer.
- E. The defendant shall pay all costs of publication and copying.

**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 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.

\_\_\_\_\_  
Defendant