

IN THE DISTRICT COURT OF HOLT COUNTY, NEBRASKA

THE STATE OF NEBRASKA,
Plaintiff,

Case No. CR02-15

vs.

JUDGMENT OF PROBATION

ROSANNE M. CULLEN,
Defendant.

DATE OF SENTENCING: July 1, 2002.

APPEARANCES:

For plaintiff: Thomas P. Herzog, Holt County Attorney.
For defendant: Rodney W. Smith, Holt County Public Defender, 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 Theft By Unlawful Taking, a Class IV felony, on April 29, 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 five (5) 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 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. 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 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 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. 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.
10. 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.
11. The defendant shall perform 400 hours of community service.
 - A. Within 20 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 20 hours per calendar month, commencing with the first full calendar month after the date of commencement of probation.
 - C. The defendant shall receive a credit against such community service hours for each hour of employment during the calendar month in excess of 130 hours of monthly employment. However, any such credit shall apply only to that calendar month's community service requirement, and shall not carry over to any other month.
 - D. The defendant shall provide written verification of each month's hours (whether performed or satisfied by employment credit) to the probation officer by the last day of the next calendar month; e.g., January hours must be verified by the last day of February.
12. The defendant is sentenced to eight (8) days in the Holt County Jail, to be served on the first weekend of each month for the next four consecutive months after the commencement of probation, as follows:
 - A. For purposes of this order, the first weekend of the month shall be deemed to commence on the first Friday of the month at 7:00 p.m. and end on the following Sunday at 7:00 p.m. Unless the term of probation has not yet commenced by such date, the first such period

shall commence on Friday, July 5, 2002, at 7:00 p.m. and end on Sunday, July 7, 2002, at 7:00 p.m.

- B. There was no jail time served before sentencing.
 - C. The defendant shall appear and surrender to the sheriff for execution of sentence at the time for commencement of each portion of the 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.
 - D. Commitment to the Holt County Jail shall issue as soon as possible by the clerk of the court, under seal, in form to be submitted by the county attorney within 3 days.
 - E. Because the sentence does not provide for any period of imprisonment for 14 consecutive days, there is no reduction in sentence required under Neb. Rev. Stat. § 47-502.
 - F. The jail sentence is not subject to waiver.
13. Pay to the clerk of the sentencing court the amount of \$120.00, representing partial reimbursement of the cost of imprisonment for 8 days in the Holt County Jail at \$15.00 per day, for disbursement to Holt County. Such amount shall be paid by the defendant within one year after the date of commencement of the term of probation.
 14. The defendant shall apologize in person to the board of directors of Central Farmers Cooperative, the owner of the victim, at a regular meeting of the board within 60 days after the commencement of probation, and shall furnish the probation officer with a written acknowledgment of such apology from a corporate officer of the victim within 90 days after the commencement of probation.
 15. The defendant shall pay to the clerk of the sentencing court, for disbursement to Central Farmers Cooperative, the owner of Ampride Travel Center, the victim of the crime, restitution in the amount of \$6,996.00, in installments at the rate of \$130.00 per month, the first installment due on the first day of the month following commencement of probation, and a like installment on the first day of each month thereafter until paid in full.
 16. Pay to the clerk of the sentencing court the costs of prosecution taxed in the amount of \$_____, to be paid within six months after the date of commencement of the term of probation.
 17. 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 \$60.00 within one year after the date of commencement of probation.
 18. During the term of probation, the defendant shall not be placed in a position of trust and confidence having authority over the expenditure or processing of any public or quasi-public funds without the advance written permission of the probation officer.

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 order on _____, 2002.

Defendant