

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

**THE STATE OF NEBRASKA,**  
Plaintiff,

vs.

**STEPHEN J. CARTWRIGHT,**  
Defendant.

Case No. CR01-25

**JUDGMENT OF PROBATION**

**DATE OF SENTENCING:** July 26, 2002.

**APPEARANCES:**

For plaintiff: Eric A. Scott, Cherry 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 Assault on a Officer in the Third Degree, a Class IIIA felony, on May 17, 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 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 permission from this court or the probation officer before any change of address. Not leave the State of Nebraska until all documents have been signed and approved for transfer of administration to the State of Michigan. Not leave Muskegon, Michigan, after transfer of probation administration becomes effective without written permission of the court or the probation officer, and shall reside within the following locality, to wit: Muskegon, Michigan.
6. 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.
7. 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.
8. Continue to take all prescribed medications in compliance with physicians' prescriptions, and continue under the care and supervision of a psychiatrist (whether on an out-patient basis or otherwise) at all times during the term of probation. If in-patient treatment is recommended by the defendant's psychiatrist, the defendant shall immediately commence and successfully complete such in-patient treatment at the defendant's expense.
9. Concerning alcohol and drugs:
  - A. Not use or possess any alcoholic liquor or beverages.
  - B. Not use or possess any controlled substance except when prescribed by a licensed physician.
  - C. Submit to the following tests and examinations:
    - (1) Roadside sobriety test;
    - (2) Alco-sensor test;
    - (3) Chemical test for alcohol or drug content of your blood, breath or urine; and/or,
    - (4) Tests to determine the loss of mental function or physical agility due to the use of alcohol or drugs.

- (5) Such tests may be administered at any time and from time to time, with or without probable cause, upon request of the probation officer, or any law enforcement officer.
- D. Pay to the clerk of the sentencing court \$5.00 per month, or such other amount as is regularly charged by the State of Michigan if administration is transferred to Michigan, for chemical testing while on probation. Such amounts shall be paid by the first day of each month during probation. If probation administration is transferred to Michigan, such payments may be made as arranged by the Michigan probation authority. If additional testing is required by this judgment which is not included in the standard fee above, pay to the clerk of the sentencing court the actual cost of such testing as certified by the probation officer from time to time.
10. 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.
11. There were 140 days of jail time served, and 246 days of commitment during restoration of competence accomplished, before sentencing. The defendant is sentenced to 180 days, less 140 days credit for time served before sentencing, in the Cherry County Jail. Because the defendant is entitled to reduction in sentence under Neb. Rev. Stat. § 47-502 and after such reduction the defendant's sentence would require 124 days of time served, the defendant has already served more than such amount and no further commitment is required.
12. No restitution was sought by the plaintiff.
13. Pay to the clerk of the sentencing court the costs of prosecution taxed in the amount of \$\_\_\_\_\_, to be paid within one year from the commencement 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:

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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.

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Defendant