

IN THE DISTRICT COURT OF HOLT COUNTY, NEBRASKA

THE STATE OF NEBRASKA,
Plaintiff,

vs.

EDWARD F. SCHMUECKER,
Defendant.

Case No. CR02-2

JUDGMENT OF PROBATION

DATE OF SENTENCING: August 19, 2002.

APPEARANCES:

For plaintiff: Thomas P. Herzog, Holt County Attorney.
For defendant: Rodney W. Smith 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 I misdemeanor, 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 two years from and after the commencement of probation under the limited 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. 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 judgment and release from probation, within ten (10) days after the effective date of such change.

3. Obtain outpatient mental health counseling with a counselor recommended by defendant's physician. Furnish written verification of commencement of counseling from the counselor to the probation officer within 90 days after commencement of probation. The probation officer may extend the deadline for a maximum of an additional 90 days.
4. Not exercise signature authority over any checking or similar account. The defendant shall direct all financial institutions with which he has any contractual relationship to verify to the probation officer in writing within 90 days after commencement of probation that the defendant has terminated or suspended signature authority over all depository accounts during the term of probation and that the defendant has directed such financial institution to notify the probation officer if the defendant exercises or attempts to exercise any such signature authority. The probation officer may extend the deadline for a maximum of an additional 90 days.
5. With the assistance of a lawyer, certified public accountant, or other tax accountant admitted to practice before the Internal Revenue Service, complete filing of federal and state income tax returns for the past five tax years within 90 days from the commencement of probation. The probation officer may extend the deadline for a maximum of an additional 90 days.
6. The defendant shall, within 30 days after commencement of the probationary term, cause a display advertisement to be published:
 - A. In the Atkinson Graphic, or other newspaper in general circulation in Atkinson, Nebraska approved by the probation officer;
 - B. Consisting of at least 8 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 statement that the defendant has pleaded guilty to the charge of Issuing Bad Check;
 - (3) a statement that the defendant has been placed on probation;
 - (4) any apology the defendant desires to include that does not dispute the essential nature of the conviction or the convicted offense;
 - (5) a statement that the defendant's probation prohibits the defendant from exercising signature authority over any checking or similar account;and,

- (6) 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.
- 7. 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.
- 8. There was no jail time served before sentencing.
- 9. The defendant has previously made full restitution.
- 10. Pay to the clerk of the sentencing court the costs of prosecution taxed in the amount of \$_____, to be paid within 30 days from the date of commencement of probation.
- 11. The defendant has provided his own defense counsel.

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