

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

**THE STATE OF NEBRASKA,**  
Plaintiff,

vs.

**VICTOR P. FLORES,**  
Defendant.

Case No. CR02-12

**JUDGMENT OF PROBATION**

**DATE OF SENTENCING:** August 19, 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 Possession of a Firearm by a Felon, a Class IV felony, on June 10, 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 three 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. 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.
4. 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.
5. The defendant is sentenced to 60 days, less 19 days credit for time served before sentencing, in the Holt County Jail, to be served on consecutive days commencing on or before January 31, 2003, unless appeal is timely perfected in which event the sentence shall be served commencing on or before 30 days after the entry of judgment upon the mandate of the appellate court, as follows:
  - A. The jail sentence is not subject to waiver.
  - B. The sentence is subject to reduction under Neb. Rev. Stat. § 47-502. Assuming no good time for which defendant is eligible is lost, the defendant must serve 42 days, less 19 days credit for time served before sentencing, on the sentence before mandatory release.
  - C. Commitment to the Holt County Jail shall issue by the clerk of the court, under seal, in form to be submitted by the county attorney within seven days from date of sentencing.
  - D. The defendant shall appear and surrender to the sheriff for execution of sentence at the time for commencement of the sentence. If the defendant elects to begin serving the sentence prior to January 31, 2003, the defendant shall provide at least seven days advance written notice to the sheriff of the specific date and time that the defendant elects to commence serving the sentence. Failure to provide such notice shall be deemed an election to commence the sentence of January 31, 2003. 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.
6. Pay to the clerk of the sentencing court the amount of \$420.00, representing partial reimbursement of the cost of imprisonment for 42 days in the Holt County Jail at

\$10.00 per day, for disbursement to Holt County, to be paid in full on or before January 31, 2003.

7. No restitution was sought by the plaintiff.
8. Pay to the clerk of the sentencing court the costs of prosecution taxed in the amount of \$\_\_\_\_\_, to be paid by January 31, 2003.
9. 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 \$500.00, to be paid within one year from 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