

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

**THE STATE OF NEBRASKA,**  
Plaintiff,

Case No. CR02-27

vs.

**JUDGMENT AND SENTENCE**

**BRANDON NETH,**  
Defendant.

**HEARING DATE:** September 9, 2002.

**APPEARANCES:**

For plaintiff: Thomas P. Herzog, Holt County Attorney.  
For defendant: defendant with counsel, Rodney W. Smith, Holt County Public Defender.

**CHARGES:**

Count 1: Theft By Receiving Stolen Property; § 28-517; Class IV felony  
Count 3: Theft By Receiving Stolen Property; § 28-517; Class IV felony  
(Counts 2, 4-11 dismissed pursuant to plea bargain)

**PROCEEDINGS:**

Prior Proceedings:  reviewed by court;  
 no motions;  
 motion for \_\_\_\_\_ considered,  
 no evidence,  evidence for defendant,  evidence for plaintiff,  
argument for defendant:  heard  waived,  
argument for plaintiff:  heard  waived,  
motion is  denied  granted, further relief \_\_\_\_\_

Restitution Hrg:  plaintiff waives/previously waived restitution.  
Presentence:  presentence report disclosed to defendant  
 defendant has reviewed report  
 defendant has not reviewed report, granted add'l time, recess taken  
 defendant has not reviewed report, waives further review  
defendant's objections, additions, corrections:  none  stated, ruling on record  
plaintiff's objections, additions, corrections:  none  stated, ruling on record

Evidence: plaintiff:  has no evidence  adduces evidence on sentencing  
defendant:  has no evidence  adduces evidence on sentencing

Arguments: argument of plaintiff's counsel is:  heard  waived  
argument of defendant's counsel is:  heard  waived

Allocution: upon inquiry by Court, defendant:  
 states no reason why sentence should not be pronounced, and,  
 makes no statement  exercises right of allocution

**FINDINGS:** ☒ stated on record ☒ not specifically stated

**SENTENCE:** IT IS THE JUDGMENT AND SENTENCE OF THE COURT that the defendant is sentenced:

On Count No. 1: ☒ to imprisonment and committed to an institution under the jurisdiction of the Nebraska Department of Correctional Services for a period of not less than 8 months, nor more than 36 months, with 145 days credit for time served before sentencing, to be served consecutively to any other sentence of imprisonment effective prior to this date; and,  
☒ to pay court costs of \$\_\_\_\_\_ to the clerk of this court within one year after defendant's final release date from imprisonment.

On Count No. 3: ☒ to imprisonment and committed to an institution under the jurisdiction of the Nebraska Department of Correctional Services for a period of not less than 8 months, nor more than 36 months, with no additional credit due for time served before sentencing, to be served consecutively to the sentence imposed on Count No. 1 above and consecutively to any other sentence of imprisonment effective prior to this date.

Remand/  
Commitment: ☒ It is therefore ordered that the defendant be remanded to the custody of the Sheriff of Holt County, Nebraska, to be taken for execution of sentence to the Nebraska Penal and Correctional Complex at or near the City of Lincoln, Lancaster County, Nebraska, and commitment thereto is hereby ordered accordingly and shall be immediately issued by the court clerk under seal of this court.

Further App.: ☒ It is further ordered that in the event the defendant shall fail to pay any costs as ordered above, the defendant shall appear at the first regular session of this court after the expiration of time for payment thereof, and show cause, if any there be, why the defendant should not be held in contempt of court and punished for failure to comply therewith.

Good Time: ☒ As required by law, the court advised the defendant on the record of the time required to be served on the sentence, assuming no good time for which the defendant is eligible is lost, upon:  
☒ minimum term before attaining parole eligibility  
☒ maximum term before attaining mandatory release

Bond: After deduction of any statutory fees, the defendant's bond:  
☒ is hereby released, discharged, and any surety thereon

exonerated.

☎ was previously forfeited.

Stay:

Upon defendant's motion, and after consideration of any objections thereto and arguments thereon, the:

☎ request for stay of execution is denied.

☎ the execution of sentence is stayed, upon verbal notice of intention to appeal, until the first to occur: (1) the expiration of time for appeal if no appeal is timely filed and perfected, or, (2) entry of judgment upon the mandate of the appellate court if appeal is timely filed and perfected. Upon expiration of stay, commitment shall issue in accordance with the final judgment and the defendant shall appear and surrender to the said county sheriff for execution of sentence.

☎ Upon any failure to appear and surrender, upon appropriate affidavit and motion, the defendant shall be subject to: (1) forfeiting bond, (2) prosecution for the separate crime of Failure to Appear, and/or (3) arrest upon bench warrant.

Other:

☎ \_\_\_\_\_.

Signed at **O'Neill**, Nebraska, on **September 9, 2002**;  
DEEMED ENTERED upon file stamp date by court clerk.  
If checked, the court clerk shall:

**BY THE COURT:**

☎ Mail a copy of this judgment to all counsel of record and any pro se parties.  
Done on \_\_\_\_\_, 20\_\_\_\_ by \_\_\_\_\_.

☎ Immediately transcribe trial docket entry dictated in open court.  
Done on \_\_\_\_\_, 20\_\_\_\_ by \_\_\_\_\_.

☎ Deliver certified copy of judgment and original commitment to sheriff for execution of sentence.  
Done on \_\_\_\_\_, 20\_\_\_\_ by \_\_\_\_\_.

☎ Mail postcard/notice required by § 25-1301.01 within 3 days.  
Done on \_\_\_\_\_, 20\_\_\_\_ by \_\_\_\_\_.

☎ Enter judgment on the judgment record.  
Done on \_\_\_\_\_, 20\_\_\_\_ by \_\_\_\_\_.

\_\_\_\_\_  
**William B. Cassel**  
**District Judge**

Mailed to: