

IN THE DISTRICT COURT OF HOLT COUNTY, NEBRASKA

THE STATE OF NEBRASKA,
Plaintiff,

vs.

**MANDY K. CARR a/k/a MANDY
TRIPLETT,**
Defendant.

THE STATE OF NEBRASKA,
Plaintiff,

vs.

**MANDY K. CARR a/k/a MANDY
TRIPLETT,**
Defendant.

Cases Nos. CR99-46 & CR00-13

**JUDGMENT AND SENTENCE
MODIFYING PROBATION**

HEARING DATE: December 23, 2002.

APPEARANCES:

For plaintiff: Thomas P. Herzog, Holt County Attorney.
For defendant: defendant ☒ pro se ☒ with counsel,

☒ defendant reaffirms prior waiver of right to counsel
☒ defendant requests appointed counsel, _____
appointed.

CHARGES:

No. CR99-46: Probation violation proceeding concerning convictions in/for:
Count 3: Issuing Bad Check, subsequent offense; § 28-611(2); Class
IV felony

No. CR00-13: Count 1: Issuing Bad Check, subsequent offense; § 28-611(2); Class
IV felony

Count 2: Issuing Bad Check, subsequent offense; § 28-611(2); Class
IV felony

Count 3: Issuing Bad Check, subsequent offense; § 28-611(2); Class
IV felony

Count 4: Issuing Bad Check, subsequent offense; § 28-611(2); Class
IV felony

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 acknowledges previous satisfaction of restitution.

Presentence:

updated 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 Order of Probation entered on July 27, 2000, is modified by adding the following additional conditions:

23. In addition to the periods of imprisonment provided for in Condition No. 15, the defendant is sentenced to imprisonment and committed to the Holt County Jail for a definite period of 56 additional hours, and for an indeterminate period thereafter not to exceed 10 days until the defendant shall have read the chapter on "Responsibility" from "The Book of Virtues" by William J. Bennett and shall have completed a 250-word written report to the probation officer demonstrating completion of such reading and application of the principle to the defendant's life, subject to the following:
- a. Such imprisonment shall commence on Friday, December 27, 2002, at 7:00 p.m., and the defendant shall appear and surrender to the sheriff for execution of sentence at such date and time.
 - b. 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.
 - c. The probation officer shall provide the sheriff with such book to be available to the defendant at the beginning of the 56-hour period and throughout the period of imprisonment. The report may be submitted by the defendant to the sheriff for delivery to the probation officer.

- d. The defendant shall be subject to release at any time after the expiration of the mandatory 56-hour period upon the submission of such report.
- e. Such sentence is in addition to the 45-day sentence previously imposed as a condition of probation, which sentence has been satisfied by performance and by waiver. There is no additional credit due for time served before sentencing.
- f. Because this portion of 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.
- g. This portion of the jail sentence is not subject to waiver.
- h. Commitment to the Holt County Jail shall issue within 48 hours by the clerk of the court, under seal, in form to be submitted by the county attorney within 24 hours.

24. The defendant shall pay the costs of this probation violation proceeding, taxed in the amount of \$_____, to the clerk of this court, forthwith.

Except as modified above, the Order of Probation entered on July 27, 2000, shall remain in full force and effect.

Signed at **O'Neill**, Nebraska, on **December 23, 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: