

IN THE DISTRICT COURT OF HOLT COUNTY, NEBRASKA

THE STATE OF NEBRASKA,
Plaintiff,

Case No. CR01-7

vs.

JUDGMENT OF MODIFICATION

SHANE DEMPSEY,
Defendant.

HEARING DATE: January 27, 2003.

APPEARANCES:

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

CHARGES: Violation of Judgment of Intensive Supervision Probation entered on April 22, 2002.

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: restitution was previously determined.

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 Judgment of Intensive Supervision Probation entered on April 22, 2002, is modified to add the following additional conditions:

26. The defendant shall, within 48 hours of being so directed by the probation officer, enter into a drug and alcohol halfway house program approved by the probation officer, successfully complete the program, comply with all aftercare recommendations, and pay for the cost of such program and aftercare.
27. Within 30 days after completion of the halfway house program, the defendant shall cure all delinquencies in the performance of the conditions of probation set forth in the original Judgment of Intensive Supervision Probation.
28. The defendant shall pay the additional costs of this violation proceeding, taxed in the amount of \$ _____, to be paid within 30 days after completion of the halfway house program.

Bond: After deduction of any statutory fees, the defendant's bond:
☎ shall be released upon defendant's acceptance in writing of terms and conditions of probation.
☎ 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.

Other: ☎ _____.

Signed at **O'Neill**, Nebraska, on **January 27, 2003**;
DEEMED ENTERED upon file stamp date by court clerk.
If checked, the court clerk shall:

- ☎ 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 **for costs** on the judgment record.
Done on _____, 20____ by _____.

BY THE COURT:

William B. Cassel
District Judge

Mailed to: