

IN THE DISTRICT COURT OF BROWN COUNTY, NEBRASKA

THE STATE OF NEBRASKA,
Plaintiff,

Case No. 6850

vs.

JUDGMENT AND SENTENCE

PATRICK T. ARNOLD,
Defendant.

HEARING DATE: April 18, 2003.

APPEARANCES:

For plaintiff: David M. Streich, Brown County Attorney.
For defendant: defendant with counsel, John P. Heitz.

CHARGES: Count 1: Terroristic Threats; § 28-311.01; Class IV felony
Count 2: (previously dismissed)
Count 3: Terroristic Threats; § 28-311.01; 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 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 Order of Probation entered on November 17, 1999, be revoked, and the defendant be resentenced as upon the original conviction:

On Count No. 1: ☞ to pay, to the clerk of this court, a fine of \$750.00, to be paid in monthly installments of \$75.00, commencing on June 1, 2003, and on the first day of each month thereafter until paid; and,
☞ to pay court costs of \$_____ to the clerk of this court by May 1, 2003.

On Count No. 3: ☞ to pay, to the clerk of this court, a fine of \$750.00, to be paid in monthly installments of \$75.00, commencing on April 1, 2004, and on the first day of each month thereafter until paid.

Further App.: ☞ It is further ordered that in the event the defendant shall fail to pay any fine or 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.

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 **Ainsworth**, Nebraska, on **April 18, 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 _____.
- 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 _____.

Mailed to:

BY THE COURT:

William B. Cassel
District Judge