

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

**THE STATE OF NEBRASKA,**  
Plaintiff,

Case No. CR03-48

vs.

**JUDGMENT AND SENTENCE**

**RANDY VANDERFORD,**  
Defendant.

**HEARING DATE:** July 29, 2003.

**APPEARANCES:**

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

**CHARGES:**

Count 1: Issuing Bad Check; § 28-611;  
[ ] Class IV felony [ ] Class II misd.  
Count 2: Issuing Bad Check; § 28-611;  
[ ] Class IV felony [ ] Class II misd.  
Count 3: Issuing Bad Check; § 28-611; Class II misd.  
Count 4: Issuing Bad Check; § 28-611; Class II misd.  
Count 5: Issuing Bad Check; § 28-611; Class II misd.

**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 \_\_\_\_\_

Enhancement Hrg: [ ] enhancement hearing held:  
evidence adduced for: [ ] plaintiff [ ] defendant,  
plaintiff's argument: [ ] heard [ ] waived,  
defendant's argument: [ ] heard [ ] waived.  
[ ] the conviction on Count No. 1 DOES constitute a second or subsequent offense under § 28-611(1)(c) or § 28-611(1)(d), and is enhanced for punishment as a Class IV felony.  
[ ] the conviction on Count No. 1 does NOT constitute a second or subsequent offense under § 28-611(1)(c) or § 28-611(1)(d), and is classified for punishment as a Class II misdemeanor.  
[ ] the conviction on Count No. 2 DOES constitute a second or subsequent offense under § 28-611(1)(c) or § 28-611(1)(d), and is enhanced for punishment as a Class IV felony.  
[ ] the conviction on Count No. 2 does NOT constitute a second or

subsequent offense under § 28-611(1)(c) or § 28-611(1)(d), and is classified for punishment as a Class II misdemeanor.

Restitution Hrg:  defendant previously waived hearing and stipulated to restitution to:  
Count 1: O'Neill Sack-N-Save of \$27.07;  
Count 2: O'Neill Sack-N-Save of \$35.00;  
Count 3: Jensen's Western Wear of \$42.00;  
Count 4: Ampride of \$20.00;  
Count 5: Gibson Discount Center of \$26.47.

Presentence:  presentence report was previously waived by both parties.

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 the Holt County Jail for a period of 38 days, with 38 days credit for time served before sentencing;

to pay \$27.07 restitution to the clerk of this court, for disbursement to:

O'Neill Sack-N-Save, to be paid:

immediately  on or before September 15, 2003;

to pay court costs of \$\_\_\_\_\_ to the clerk of this court.

On Count No. 2:  to pay \$35.00 restitution to the clerk of this court, for disbursement to:

O'Neill Sack-N-Save, to be paid:

immediately  on or before September 15, 2003.

On Count No. 3:  to pay \$42.00 restitution to the clerk of this court, for disbursement to:

Jensen's Western Wear, to be paid:

immediately  on or before September 15, 2003.

On Count No. 4:  to pay \$20.00 restitution to the clerk of this court, for disbursement to:

Ampride, to be paid:

immediately  on or before September 15, 2003.

On Count No. 5:  to pay \$26.47 restitution to the clerk of this court, for disbursement to:

Gibson Discount Center, to be paid:

immediately  on or before September 15, 2003.

Remand/  
Commitment:

[ ] No further commitment is required because the time served before sentencing fulfills the sentence to imprisonment.

Further App.:

[ ] It is further ordered that in the event the defendant shall fail to pay any fine, costs, or restitution 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, before attaining mandatory release

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.

Other:

[ ] \_\_\_\_\_.

Signed at **O'Neill, Nebraska**, on **July 29, 2003**;  
DEEMED ENTERED upon file stamp date by court clerk.

BY THE COURT:

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

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

Mailed to: