

IN THE DISTRICT COURT OF HOLT COUNTY, NEBRASKA

THE STATE OF NEBRASKA,

Plaintiff,

vs.

**TERRANCE FOREE, whose true name is
TERENCE FOREE,**

Defendant.

Case No. CR03-14

**ORDER GRANTING MOTION
TO SUPPRESS**

DATE OF HEARING: July 29, 2003.

DATE OF RENDITION: July 29, 2003.

DATE OF ENTRY: Date of filing by court clerk (§ 25-1301(3)).

TYPE OF HEARING: Open court.

APPEARANCES:

For plaintiff:

Thomas P. Herzog, Holt County Attorney.

For defendant:

Rodney W. Smith, Holt County Public Defender, with
defendant.

SUBJECT OF ORDER: Defendant's motion to suppress.

PROCEEDINGS: At the hearing, these proceedings occurred:

Counsel for defendant and counsel for plaintiff waived opening comments. The plaintiff adduced evidence. The plaintiff rested. The defendant adduced evidence. The plaintiff rested on rebuttal without additional evidence. Both counsel presented arguments on the motion. The court pronounced factual findings. Upon inquiry by the court, neither party requested additional factual findings. The court pronounced decision.

FINDINGS: The findings were stated on the record.

ORDER: IT IS THEREFORE ORDERED that:

1. The defendant's motion to suppress is granted.
2. The evidence seized during the execution of the search warrant is suppressed.

3. The county attorney is allowed six days, i.e., until Monday, August 4, 2003, to file with the court clerk notice of intention to seek review of this order.

4. Except for articles of contraband, the property seized in connection with the search shall be returned to the defendant. The articles of contraband shall be destroyed. Such return or destruction shall be accomplished upon judgment in this case becoming final.

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

Mail a copy of this order to all counsel of record and any pro se parties.
Done on _____, 20____ by _____.

If not already done, immediately transcribe trial docket entry dictated.
Done on _____, 20____ by _____.

BY THE COURT:

William B. Cassel
District Judge

Mailed to: