

IN THE DISTRICT COURT OF HOLT COUNTY, NEBRASKA

THE STATE OF NEBRASKA,
Plaintiff,

vs.

BRENDA STERNS,
Defendant.

Case No. CR03-39

JUDGMENT OF PROBATION

DATE OF SENTENCING: August 25, 2003.

APPEARANCES:

For plaintiff: Thomas P. Herzog, Holt County Attorney.

For defendant: Forrest F. Peetz with defendant.

THIS CASE CAME ON FOR SENTENCING. The Court finds that the defendant was adjudged guilty of the charge(s) of Theft by Unlawful Taking, a Class III felony, on June 30, 2003. Allocution had: defendant showed no sufficient reason why sentence should not be pronounced.

IT IS THEREFORE ORDERED AND ADJUDGED that the defendant is hereby sentenced to Probation for a period of three years from and after the commencement of probation under the supervision of a State Probation Officer. The term of probation shall be deemed to commence upon the first to occur of the following: (1) defendant's acceptance in writing of the conditions of probation, (2) the expiration of 30 days from the date of entry of this judgment if no appeal is taken, or, (3) the entry of judgment upon the mandate of the appellate court if appeal is timely perfected within 30 days after the date of entry of this judgment. As conditions of probation, the defendant shall:

1. Not violate any laws, and refrain from disorderly conduct or acts injurious to others.
2. Avoid social contact with those persons having criminal records or who are on probation or parole.
3. Report to your probation officer in person as required by the probation officer, at such reasonable times and places to be fixed by the probation officer. If the defendant is arrested or cited for any violation of law, report such arrest or citation to the probation officer by the next working day.

4. Truthfully answer questions and allow the probation officer to visit you at all reasonable times and places. Generally cooperate with the reasonable requests of the probation officer for information. Show ordinary business courtesy toward the probation officer.
5. Obtain and maintain suitable employment, or provide adequate proof to the probation officer that the probationer is diligently seeking employment.
6. Meet your family responsibilities.
7. Obtain permission from this court or the probation officer before any change of address or employment.
8. Furnish the Clerk of the District Court for this county, in writing, with defendant's address (including specific street address or other physical location, in addition to mailing address), telephone number, and social security number, and the name, address, and telephone number of defendant's employer. The defendant shall also be required to advise the clerk in writing of any changes in such information between the time of entry of this judgment and release from probation, within ten (10) days after the effective date of such change.
9. Submit, from time to time, to any reasonable search and seizure of premises, person or vehicle, with or without probable cause, by or upon request of the probation officer or any law enforcement officer.
10. Pay for the costs of any tests, evaluations, treatments, counseling, programs, classes, courses, meetings, or exercises required under the terms of this judgment or as required by the probation officer as a part of the administration of the terms of probation.
11. The defendant shall perform 400 hours of community service.
 - A. Within 20 days after commencement of probation, the defendant shall propose one or more suitable and qualified agencies for whose benefit the service is to be performed, which shall be subject to the approval of the probation officer.
 - B. These hours shall be performed at the rate of at least 14 hours per calendar month, commencing with the first full calendar month after the date of commencement of probation.
 - C. The defendant shall provide written verification of each month's hours to the probation officer by the last day of the next calendar month, e.g., January hours must be verified by the last day of February.

12. The defendant is sentenced to eight (8) days in the Holt County Jail, to be served on the first weekend of each month for the next four consecutive months after the commencement of probation, as follows:
 - A. For purposes of this order, the first weekend of the month shall be deemed to commence on the first Friday of the month at 7:00 p.m. and end on the following Sunday at 7:00 p.m. Unless the term of probation has not yet commenced by such date, the first such period shall commence on Friday, September 5, 2003, at 7:00 p.m. and end on Sunday, September 7, 2003, at 7:00 p.m.
 - B. There was no jail time served before sentencing.
 - C. The defendant shall appear and surrender to the sheriff for execution of sentence at the time for commencement of each portion of the sentence. 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.
 - D. Commitment to the Holt County Jail shall issue as soon as possible by the clerk of the court, under seal, in form to be submitted by the county attorney within 7 days.
 - E. Because 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.
 - F. The jail sentence is not subject to waiver.
13. Pay to the clerk of the sentencing court the amount of \$80.00, representing partial reimbursement of the cost of imprisonment for 8 days in the Holt County Jail at \$10.00 per day, for disbursement to Holt County. Such amount shall be paid by the defendant within six months after the date of commencement of the term of probation.
14. The defendant shall pay to the clerk of the sentencing court, for disbursement to Central Farmers Coop, the victim of the crime, restitution in the amount of \$1,585.43 (determined by stipulation), to be paid in monthly installments of at least \$53.00 per month, commencing on the first day of the calendar month following commencement of probation and a like amount on the first day of each consecutive month thereafter until paid.
15. Pay to the clerk of the sentencing court the costs of prosecution taxed in the amount of \$_____, to be paid within one year after the commencement of probation.

16. Pay to the clerk of the sentencing court the probation administrative enrollment fee of \$30.00, to be paid immediately upon commencement of probation.
17. Pay to the clerk of the sentencing court the monthly probation programming fee of \$25.00 per month, to be paid by the 10th day of each month, for the duration of probation.
18. The defendant has provided for her own defense counsel.
19. During the term of probation, the defendant shall not be placed in a position of trust and confidence having authority over the expenditure or processing of any public or quasi-public funds without the advance written permission of the probation officer.
20. During the term of probation, the defendant shall not be placed in a position of trust and confidence having authority over the expenditure or processing of any funds of a private employer without advance written verification of the employer to the probation officer that the employer is aware of this probation and the circumstances of the defendant's conviction.
21. The defendant shall, within 30 days after commencement of the probationary term, cause a display advertisement to be published:
 - A. In the Holt County Independent, or other newspaper in general circulation in O'Neill, Nebraska approved by the probation officer;
 - B. Consisting of at least 12 column inches;
 - C. With the form and content to be approved in advance by the probation officer, and to include, at a minimum:
 - (1) the defendant's name;
 - (2) a statement that the defendant has pleaded guilty to the charge of theft;
 - (3) a statement that the defendant has been placed on probation;
 - (4) an apology to the members, employees, and customers of Central Farmers Coop that does not dispute the essential nature of the conviction or the convicted offense; and,
 - (5) a statement that the advertisement is being published at the defendant's expense by order of the District Court of the Eighth Judicial District as a condition of probation.
 - D. The defendant shall, within 10 days after date of publication, provide a copy of the published notice from the newspaper to the probation officer.
 - E. The defendant shall pay all costs of publication and copying.

IT IS FURTHER ORDERED AND ADJUDGED that during the term of this probation, the Court, upon application of the probation officer or the defendant, or upon its own motion, may modify or eliminate any of the above conditions or add further conditions.

BY THE COURT:

William B. Cassel, District Judge

I hereby accept probation and agree to abide by all the conditions of probation ordered by the court. Any violation of the above conditions is cause for revocation of my probation and may result in a sentence to confinement and/or other authorized punishment. I do hereby waive extradition to the State of Nebraska if, at the time of my apprehension, I am in another state. If probation supervision is transferred to another state, I do hereby agree to abide by additional rules and regulations that may be imposed by the receiving state.

I received a copy of the above judgment on _____, 2003.

Defendant