

IN THE DISTRICT COURT OF HOLT COUNTY, NEBRASKA

THE STATE OF NEBRASKA,
Plaintiff,

Case No. CR02-4

vs.

JUDGMENT AND SENTENCE

ANTHONY C. LEAL,
Defendant.

HEARING DATE: September 8, 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: Criminal Attempt of Possession of Short Shotgun; §§ 28-201 & 28-1203(1); Class I 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 _____

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

defendant is sentenced:

- On Count No. 1: to imprisonment and committed to the Holt County Jail for a period of 81 days, with 81 days credit for time served before sentencing;
- to pay, to the clerk of this court, a fine of \$500.00, to be paid on or before December 31, 2003;
- to pay court costs of \$_____ to the clerk of this court, to be paid on or before December 31, 2003.

Remand/Commitment: Because the credit for time served equals or exceeds the sentence, no commitment is required at this time.

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: Because the credit for time served equals or exceeds the sentence, no further good time would be applicable.

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 **September 8, 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: