

IN THE DISTRICT COURT OF HOLT COUNTY, NEBRASKA

THE STATE OF NEBRASKA,
Plaintiff,

vs.

EUGENE ELLIS JR.,
Defendant.

Case No. CR03-30

COMMITMENT

STATE OF NEBRASKA)
) ss.
COUNTY OF HOLT)

THE STATE OF NEBRASKA,
HOLT COUNTY,

To the Sheriff of said County and the Nebraska Department of Correctional Services:

WHEREAS, at a regular term of the District Court for said county, which term was begun and held at the courthouse, in O'Neill, in said county, on January 1, 2003, before the Hon. William B. Cassel, one of the judges of said court; and,

WHEREAS, Thomas P. Herzog, County Attorney in and for the County of Holt, State of Nebraska, on July 21, 2003, came into court, and presented a certain amended information in due form of law against Eugene Ellis Jr. for Criminal Attempt of Assault in the First Degree and Criminal Attempt of Use of a Deadly Weapon to Commit a Felony, which information was by order of the court filed and the cause docketed; and afterwards on July 21, 2003, further proceedings were had upon said information, to-wit:

The said defendant, Eugene Ellis Jr., was duly arraigned and entered his plea of no contest to the charge contained in the information; and,

WHEREAS, on September 15, 2003, the said Eugene Ellis Jr. was duly arraigned before the court for sentence, and was then by the said judge sentenced, in these words:

IT IS THE JUDGMENT AND SENTENCE OF THE COURT that the defendant, Eugene Ellis Jr., is sentenced:

On Count No. 1: for Criminal Attempt of Assault in the First Degree (§§ 28-201 & 28-308), a Class IIIA felony,

to imprisonment and committed to an institution under the jurisdiction of the Nebraska Department of Correctional Services for a period of not less than 24 months, nor more than 60 months, with 151 days credit for time served before sentencing; and,

to pay \$13,636.71 restitution to the clerk of this court, for disbursement to the victims, Tommy Fox and Michelle Mailloux of \$370.00, Avera St. Anthony's Hospital of \$2,328.95, and the State of Nebraska Medicaid Program of \$10,937.76, to be paid in monthly installments of \$228.00 commencing on the first day of the first full calendar month after the date of judgment or defendant's final release date from imprisonment, whichever is later, and a

like installment on the first day of each consecutive month thereafter until paid, to be disbursed by the clerk first to payment of Fox and Mailloux, and upon satisfaction of that portion thereof to Avera St. Anthony's Hospital, and upon satisfaction of that portion thereof the balance to the State of Nebraska Medicaid Program; and,

to pay court costs of \$_____ to the clerk of this court within one year after the date of judgment or defendant's final release date from imprisonment, whichever is later.

On Count No. 2: for Criminal Attempt of Use of a Deadly Weapon to Commit a Felony (§§ 28-201 & 28-1205), a Class IV felony,

to imprisonment and committed to an institution under the jurisdiction of the Nebraska Department of Correctional Services for a period of not less than 12 months, nor more than 60 months, with no additional credit due for time served before sentencing, to be served consecutively to the sentence imposed on Count No. 1.

It is therefore ordered that the defendant be remanded to the custody of the Sheriff of Holt County, Nebraska, to be taken for execution of sentence to the Nebraska Penal and Correctional Complex at or near the City of Lincoln, Lancaster County, Nebraska, and commitment thereto is hereby ordered accordingly and shall be immediately issued by the court clerk under seal of this court.

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.

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, upon his minimum term before attaining parole eligibility and upon his maximum term before attaining mandatory release.

YOU ARE THEREFORE COMMANDED TO PROCEED TO EXECUTE SAID SENTENCE AND JUDGMENT OF THE COURT.

William B. Cassel, District Judge

WITNESS, my hand and seal of said court, at O'Neill, Nebraska, on September 15, 2003.

Clerk of District Court