

IN THE DISTRICT COURT OF HOLT COUNTY, NEBRASKA

THE STATE OF NEBRASKA,

Plaintiff,

vs.

JOHN M. BURK,

Defendant.

Case No. CR03-23

VERDICT AND ORDER

DATE OF TRIAL: September 4, 2003.

DATE OF RENDITION: September 29, 2003.

DATE OF ENTRY: See court clerk's file-stamp date per § 25-1301(3).

APPEARANCES:

For plaintiff:

Thomas P. Herzog, Holt County Attorney.

For defendant:

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

SUBJECT OF ORDER: Verdict following trial upon stipulated facts.

PROCEEDINGS: See journal entry rendered following trial.

FINDINGS: The court finds and concludes that:

1. A trial upon stipulated facts occurred on September 4, 2003. The court took the matter under advisement for pronouncement of verdict on October 20, 2003, to allow time for consideration after allowing time for submission of formal or informal briefs.

2. Having now considered the matters submitted by counsel and the court's own research, the court finds the evidence establishes, beyond a reasonable doubt, that the defendant is guilty on both counts of second degree forgery, each count constituting a Class III felony.

3. There is no good purpose to be served by further deferring the matter to the previously scheduled time for pronouncement.

ORDER: IT IS THEREFORE ORDERED that:

1. The defendant is adjudged guilty as charged on both counts of the information.

2. Restitution hearing is scheduled for **Monday, October 20, 2003, at 9:00 a.m.**, and the defendant is ordered to appear at such time and place.

3. Sentencing is deferred and scheduled for **Monday, November 10, 2003, at 9:00 a.m.**, or as soon thereafter as the same may be heard.

4. Presentence investigation is ordered and the clerk is directed to notify the probation officer.

5. Bond is continued.

Signed in chambers at **Ainsworth, Nebraska, on September 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 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 in open court.
Done on _____, 20____ by _____.
- Note the decision on the trial docket as: [date of filing] **Signed "Verdict and Order"**
entered.
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: