

IN THE DISTRICT COURT OF HOLT COUNTY, NEBRASKA

THE STATE OF NEBRASKA,
Plaintiff,

vs.

JAMES M. WINKLER,
Defendant.

Case No. CR01-38

JUDGMENT OF PROBATION

DATE OF SENTENCING: October 27, 2003.

APPEARANCES:

For plaintiff: Thomas P. Herzog, Holt County Attorney.
For defendant: James D. Gotschall, Holt County Public Defender, with defendant.

THIS CASE CAME ON FOR SENTENCING. The Court finds that the defendant was adjudged guilty of the charge(s) of Terroristic Threats, a Class IV felony, on August 25, 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 unsupervised Probation for a period of three years from and after the commencement of probation. 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. 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.

3. Not have possession, or be personally present with anyone who has possession, of any firearms, ammunition, or illegal weapons.
4. 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.
5. Pay to the clerk of the sentencing court a fine in the amount of \$5,000.00, to be paid installments of at least \$200.00 per month, the first installment due on the first day of the calendar month following the date of commencement of probation, and a like installment on the first day of each month thereafter until paid in full. The defendant may prepay the fine, and upon payment of the fine, so long as no violation proceedings are pending, shall be eligible for early release from probation after at least eight months of the term have been completed.
6. There was no jail time served before sentencing.
7. No restitution was sought by the plaintiff.
8. Pay to the clerk of the sentencing court the costs of prosecution taxed in the amount of \$_____, to be paid by December 31, 2003.
9. Pay to the clerk of the sentencing court the probation administrative enrollment fee of \$30.00, to be paid immediately upon commencement of probation.
10. 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.
11. The defendant has provided for his own defense counsel.

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