

IN THE DISTRICT COURT OF HOLT COUNTY, NEBRASKA

THE STATE OF NEBRASKA,
Plaintiff,

vs.

KEVIN JACKSON, JR.,
Defendant.

Case No. CR02-1

**JOURNAL ENTRY
ON SENTENCING**

HEARING DATE: November 24, 2003.

APPEARANCES:

For plaintiff: Thomas P. Herzog, Holt County Attorney.
For defendant: defendant pro se with counsel, _____.
 defendant reaffirms prior waiver of right to counsel
 defendant requests appointed counsel, _____
appointed.

CHARGES: Adjudication of violation of probation upon original conviction for:
Count 1: Burglary; § 28-507; Class III felony

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: restitution was previously determined.

Presentence: updated 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 Judgment of Probation entered on June 24, 2002, is modified to add the following conditions of probation:

21. The defendant is sentenced to sixty (60) days in the Holt County Jail, with no credit due for time served before sentencing, to be served on consecutive days commencing forthwith. The jail sentence is not subject to waiver. The sentence is subject to reduction under Neb. Rev. Stat. § 47-502. Assuming no good time for which defendant is eligible is lost, the defendant must serve 42 days on the sentence before mandatory release.
22. The defendant shall pay the additional costs of prosecution upon this probation violation proceeding, taxed in the amount of \$_____, on or before March 1, 2004.

Remand/

Commitment: It is therefore ordered that the defendant be remanded to the custody of the Sheriff of Holt County, Nebraska, for execution of sentence, and commitment thereto is hereby ordered accordingly and shall be immediately issued by the court clerk under seal of this court.

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: 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.

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.

Stay: Upon defendant's motion, and after consideration of any objections thereto and arguments thereon, the:
 request for stay of execution is denied.
 execution of sentence is stayed until _____, 20____, at _____ .M., at which time the defendant shall appear and surrender to the said sheriff for execution of sentence, and bond is continued to secure such appearance and surrender.
 the execution of sentence is stayed, upon verbal notice of

intention to appeal, until the first to occur: (1) the expiration of time for appeal if no appeal is timely filed and perfected, or, (2) entry of judgment upon the mandate of the appellate court if appeal is timely filed and perfected. Upon expiration of stay, commitment shall issue in accordance with the final judgment and the defendant shall appear and surrender to the said county sheriff for execution of sentence.

[] Upon any failure to appear and surrender, upon appropriate affidavit and motion, the defendant shall be subject to: (1) forfeiting bond, (2) prosecution for the separate crime of Failure to Appear, and/or (3) arrest upon bench warrant.

Other: [] _____.

Signed at **O'Neill**, Nebraska, on **November 24, 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: