

**IN THE DISTRICT COURT OF HOLT COUNTY, NEBRASKA**

**THE STATE OF NEBRASKA,**  
Plaintiff,

vs.

**AMI KAUP a/k/a AMI BUCKENDAHL,**  
Defendant.

Case No. CR03-51

**JUDGMENT OF PROBATION  
(INTENSIVE SUPERVISION)**

**DATE OF SENTENCING:** November 24, 2003.

**APPEARANCES:**

For plaintiff: Thomas P. Herzog, Holt County Attorney.  
For defendant: Rodney W. Smith, Holt County Public Defender, with defendant.

**THIS CASE CAME ON FOR SENTENCING.** The Court finds that the defendant was adjudged guilty of the charge on Count No. of Possession of a Controlled Substance, a Class IV felony, on October 27, 2003, together with other misdemeanor counts not included in this judgment of probation. 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 on Count No. 1 to Intensive Supervision Probation for a period of four years from and after the commencement of probation under the supervision of a State Probation Officer. 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. Avoid social contact with those persons having criminal records or who are on probation or parole.

3. Report to your probation officer as required by the probation officer, at such reasonable times and places to be fixed by the probation officer. If the defendant is arrested or cited for any violation of law, report such arrest or citation to the probation officer by the next working day.
4. Truthfully answer questions and allow the probation officer to visit you at all reasonable times and places. Generally cooperate with the reasonable requests of the probation officer for information. Show ordinary business courtesy toward the probation officer.
5. Obtain and maintain suitable employment, or provide adequate proof to the probation officer that the probationer is diligently seeking employment.
6. If required by the probation officer, such proof of search for employment shall include, at a minimum, registration with the Nebraska Job Service, and weekly reports in writing of at least two (2) bona fide personal contacts with prospective employers listing: (a) the name of the prospective employer, (b) the name of the person contacted; (c) the date and time of the contact; (d) the position for which employment was sought; (e) the job description of such position or a list of the skills required therefor; and, (f) such additional reasonable information as the probation officer may require from time to time.
7. Obtain permission from this court or the probation officer before any change of address or employment.
8. 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.
9. Concerning alcohol and drugs:
  - A. Not use or possess any alcoholic liquor or beverages.
  - B. Not use or possess any controlled substance except when prescribed by a licensed physician.
  - C. Submit to the following tests and examinations:
    - (1) Roadside sobriety test;
    - (2) Alco-sensor test;
    - (3) Chemical test for alcohol or drug content of your blood, breath or urine; and/or,
    - (4) Tests to determine the loss of mental function or physical agility due to the use of alcohol or drugs.

- (5) Such tests may be administered at any time and from time to time, with or without probable cause, upon request of the probation officer, or any law enforcement officer.
  - D. Pay to the clerk of the sentencing court \$240.00 (based upon \$5.00 per month) for chemical testing while on probation, to be paid within one year after commencement of probation. If additional testing is required by this judgment which is not included in the standard fee above, pay to the clerk of the sentencing court the actual cost of such testing as certified by the probation officer from time to time.
  - E. Attend mandatory drug abuse treatment and counseling conducted by one of the community mental health facilities authorized by Chapter 71, article 50, of the Nebraska Revised Statutes, or other licensed drug treatment facility. (§ 28-416(14))
  - F. If directed by the probation officer in writing at any time during the term of probation, initiate in-house alcoholism treatment at a facility approved by the probation officer within five days after being so directed, complete the required program, and pay the costs of such treatment to the facility before being released from probation.
10. Pay for the costs of any tests, evaluations, treatments, counseling, programs, classes, courses, meetings, or exercises required under the terms of this judgment or as required by the probation officer as a part of the administration of the terms of probation.
11. Regarding Work Ethic Camp:
- A. Enter the Work Ethic Camp at McCook, Nebraska, at the earliest possible date as notified by the probation officer.
  - B. Comply with all program facility rules.
  - C. Satisfactorily complete the program.
  - D. Follow all program after-care recommendations as directed during the course of the probationary sentence within the community.
  - E. Pending admission into the Work Ethic Camp, maintain residency as approved by the probation officer and abide by any curfew set by the probation officer.
  - F. Upon successful completion of Work Ethic Camp, immediately return to the residence approved by the probation officer and be placed on electronic monitoring for 90 days at a cost of \$5.00 per day.
12. Regarding Intensive Supervised Probation:

- A. Serve 90 days on electronic monitoring after completion of the Work Ethic Camp.
  - B. Pay for electronic monitoring equipment if damaged or lost.
  - C. Agree to abide by, and thereafter comply with, all ISP program regulations, copies of which are attached to and made a part of this judgment;
  - D. During and following the period of electronic monitoring, abide by the curfew required by the ISP program regulations at the highest level required by the regulations. The probation officer may reduce the curfew level at any time during the term of probation.
  - E. Pay to the clerk of the sentencing court the electronic monitoring fee of \$5.00 per day for a total of \$450.00, to be paid monthly by the first day of the following month and on the first day of each month thereafter.
- 13. There was one day jail time served before sentencing.
  - 14. No restitution was sought by the plaintiff.
  - 15. Pay to the clerk of the sentencing court the costs of prosecution taxed in the amount of \$\_\_\_\_\_, to be paid within one year after commencement of probation.
  - 16. Pay to the clerk of the sentencing court the probation administrative enrollment fee of \$30.00, to be paid immediately upon commencement of probation.
  - 17. 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.
  - 18. Pay to the clerk of the sentencing court, for disbursement to Holt County for partial reimbursement of the cost of defense counsel, the sum of \$180.00, to be paid within three years after commencement of probation.

**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:

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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.

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Defendant