

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

**THE STATE OF NEBRASKA,**  
Plaintiff,

vs.

**JOHN M. BURK,**  
Defendant.

Case No. CR03-23

**JUDGMENT OF PROBATION**

**DATE OF SENTENCING:** December 8, 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(s) of Count No. 1, Second Degree Forgery, a Class III felony, and Count No. 2, Second Degree Forgery, a Class III felony, on October 1, 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 Probation for a period of five 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 in person 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. Obtain permission from this court or the probation officer before any change of address or employment.
7. The defendant is sentenced to 67 days, less 19 days credit for time served before sentencing, in the Holt County Jail, to be served on the fourth weekend of each month for the next 24 consecutive months after commencement of probation, as follows:
  - A. For purposes of this judgment, the fourth weekend of the month shall be deemed to commence on the fourth Friday of the month at 7:00 p.m. and end on the following Sunday at 7:00 p.m.
  - B. The defendant shall appear and surrender to the jailer for execution of sentence at the time for commencement of each portion of the sentence. Failure to appear and surrender shall constitute a violation of probation, with such consequences as may be imposed by law, and may further result in a separate prosecution for the crime of Failure to Appear, with a separate and additional penalty, and may also result in the issuance of a bench warrant.
  - C. Commitment to the Holt County Jail shall issue as soon as possible by the clerk of the court, under seal, in form to be submitted by the county attorney within 7 days.
  - D. Because the sentence does not provide for any period of imprisonment for 14 consecutive days, there is no reduction in sentence required under Neb. Rev. Stat. § 47-502.
  - E. The jail sentence is not subject to waiver.
8. Pay to the clerk of the sentencing court the amount of \$480.00, representing partial reimbursement of the cost of imprisonment for 48 days in the Holt County Jail at \$10.00 per day, for disbursement to Holt County, to be paid within two years after the date of commencement of probation.

9. No restitution was sought by the plaintiff.
10. Pay to the clerk of the sentencing court the costs of prosecution taxed in the amount of \$\_\_\_\_\_, to be paid within one year after the date of commencement of probation.
11. Pay to the clerk of the sentencing court the probation administrative enrollment fee of \$30.00, to be paid immediately upon commencement of probation.
12. 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.
13. 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 \$400.00, to be paid within four years after the date of commencement of probation.
14. Continue and successfully complete counseling at Heartland Counseling, O'Neill, Nebraska, at the defendant's expense, and not terminate or discontinue such counseling without the approval of the probation officer.
15. Shall not purchase, sell, trade, or otherwise deal in the purchase or sale of any livestock during the term of probation without the express written permission of the probation officer.

**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