

IN THE DISTRICT COURT OF _____ COUNTY, NEBRASKA

THE STATE OF NEBRASKA,)
Plaintiff,)
vs.)
_____,)
Defendant.)

Case No. _____

JOURNAL ENTRY

HEARING DATE: _____.

APPEARANCES:

For plaintiff: _____ County Attorney.
For defendant: defendant pro se with counsel,
_____, _____ County Public Defender.

CHARGES:

Count 1: _____; § _____; Class ___ felony misd.
Count 2: _____; § _____; Class ___ felony misd.
Count 3: _____; § _____; Class ___ felony misd.
Count 4: _____; § _____; Class ___ felony misd.

PROCEEDINGS:

Plea Bargain: no plea bargain; plea bargain announced, defense counsel concurs
 victim consultations disclosed

Change of Plea: defendant requests leave to withdraw previous plea of not guilty
 court inquiry made determined made freely, voluntarily, knowing, intelligently
request granted denied

Amendment: plaintiff moves to amend by filing by interlineation, amended to:
Count 1: _____; § _____; Class ___ felony misd.
Count 2: _____; § _____; Class ___ felony misd.
Count 3: _____; § _____; Class ___ felony misd.
Count 4: _____; § _____; Class ___ felony misd.
 no objection by defendant defendant objects, arguments heard
motion granted denied accomplished instanter

Rights Advisement: Court advises defendant of:
 right against self-incrimination/ to remain silent right to speak and/or testify
 right to counsel, including court-appointed counsel at public expense, if indigent
defendant: waives has requests counsel; asserts indigence
indigence: conceded hearing held, determined indigent not indigent
request for counsel granted denied _____ appointed
 court inquiry made determined made freely, voluntarily, knowing, intelligently
waiver of counsel approved denied

right to be informed of charges and penalties, including right to service one full day before arraignment
 presumption of innocence burden of proof beyond a reasonable doubt right to trial by 12-person jury
 right to speedy trial within 6 months right to release on reasonable bail and right to bail hearing
 right of confrontation, including right to see, hear, and cross examine witnesses
 right to testify, call witnesses, present evidence, and compel witness attendance
 right to unanimous verdict right to appeal to Court of Appeals Supreme Court
 right to transfer to juvenile court and criteria to be considered in making decision
 right to enhancement hearing and attendant rights
defendant advises s/he does does not understand rights

Preliminary Inquiry: upon inquiry by Court, defendant states:
 full name and other names known by extent of formal education
current employment unemployment ability to read, write, understand English language
during last 72 hours, defendant has has not consumed any alcohol further inquiry conducted

during last 72 hours, defendant has has not consumed any drugs; further inquiry conducted
defendant has has not been treated for mental illness further inquiry conducted
defendant does does not suffer from mental or emotional disability further inquiry conducted
defendant states that he does does not understand proceedings further inquiry conducted
defense counsel has conversed with defendant determined mental condition finds condition good

Information Served: more, less, than one full day; not served
defendant waives service by sheriff intervening full day before arraignment
 court inquiry made determined made freely, voluntarily, knowing, intelligently
waiver approved denied
 arraignment continued to _____

Preliminary Hearing: held waived; from proceedings in county court
 court inquiry made determined made freely, voluntarily, knowing, intelligently
waiver approved denied

Information Reading: read by county attorney waived by defendant
 court inquiry made determined made freely, voluntarily, knowing, intelligently
waiver approved denied

Statutes; Penalties: statute(s) explained by court elements of crime(s) explained
 statutory penalties explained consecutive/concurrent sentences explained
 restitution explained
 indirect consequences explained: testimony impeached habitual criminal
 civil rights deprived drug/alcohol enhancement sex offender registration

Pleas Explained: Court explained nature and consequences of pleas of: not guilty guilty nolo
contendere (no contest) standing mute or being evasive

Defendant: upon inquiry by court, states that defendant understands: charges against him/her
 statutes accused of violating possible penalties available pleas resulting
effects of available pleas
upon inquiry by court, states that defendant is is not ready to plead

Defendant Pleads: Ct 1: not guilty guilty no contest mute/evasive, not guilty entered
Ct 2: not guilty guilty no contest mute/evasive, not guilty entered
Ct 3: not guilty guilty no contest mute/evasive, not guilty entered
Ct 4: not guilty guilty no contest mute/evasive, not guilty entered

Trial Setting/Bond: jury trial set for _____ at _____; trial priority first second
after consultation with counsel, pretrial motions ordered filed by _____
 defendant moves for bond reduction; arguments heard; granted denied
bond waived by state continued set at \$ _____ 10%
Conditions: appear as ordered; not leave state; other: _____

defendant ordered to appear and advised of consequences for failure to appear
 defendant remanded to custody of sheriff pending posting of bond

Further Examination: Court advised defendant of plea waiver of hearings concerning:
 voluntariness of confession/admission unlawful search/seizure
 defendant acknowledges understanding of plea effect of waiver of these rights.
 upon inquiry, defendant acknowledges that:
 rights were explained by counsel s/he informed counsel of defenses
 s/he disclosed witnesses to counsel counsel investigated any defenses
 counsel interviewed any witnesses defendant satisfied with counsel,
feels competent job performed no threats or promises made other than
announced plea bargain no promises made on sentence possible
consecutive/concurrent sentences plea waives defects.
 upon inquiry, defendant states understanding of loss of rights from plea, including

effects of plea that:

no trial no jury no state witnesses, and loss of confrontation to see, hear, and cross examine witnesses relieving state of burden of proving each element by proof beyond reasonable doubt no opportunity to testify, call witnesses, compel witness appearance, or present other evidence loss of presumption of innocence loss of right against self incrimination, including right to remain silent loss of right to counsel; and

defendant states that s/he wishes to give up all of those rights
 upon inquiry, defendant states understanding that plea will waive any error

Factual Basis:

Court inquired concerning factual basis to defendant county attorney
defendant acknowledges all some no elements of charged crime(s)
defendant does does not accept prosecutor's factual recitations
defense counsel does does not desire to be heard on factual basis
Court finds, beyond a reasonable doubt, that a factual basis does does not exist
for the plea

Defense Counsel:

states, upon Court inquiry, that:
 no promises, other than announced plea bargain, have been made to defendant to induce enter noted plea
 defendant's plea is consistent with known facts
 in counsel's opinion, defendant is making plea freely, voluntarily, knowingly, and intelligently
 counsel knows of no reason why the court should not accept the plea

Prosecutor:

responds, upon Court inquiry, that defendant has been advised of all constitutional and statutory rights

Adjudication:

Court finds, beyond a reasonable doubt, that the defendant:
 understands defendant's constitutional and statutory rights
 is acting freely and voluntarily
 understands nature of charges and possible penalties and effect of plea
 makes plea freely, voluntarily, knowingly and intelligently
 Court accepts defendant plea and adjudges defendant guilty as charged.

Sentencing:

Sentencing deferred and set for _____ at _____
 Presentence investigation ordered clerk to notify probation officer
 defendant moves for bond reduction; arguments heard; granted denied
bond waived by state continued set at \$_____ 10%
Conditions: appear as ordered; not leave state; other: _____

defendant ordered to appear and advised of consequences for failure to appear
 defendant remanded to custody of sheriff pending posting of bond

Other:

BY THE COURT:

District Judge