Nebraska State Court Form DC 5:2 Rev. 11/2023

[Neb. Rev. Stat. § 29-2262](https://nebraskalegislature.gov/laws/statutes.php?statute=29-2262)

# IN THE DISTRICT COURT OF COUNTY, NEBRASKA

THE STATE OF NEBRASKA ,

Plaintiff,

Case No.

vs.

,

Defendant.

# ORDER OF PROBATION

**THIS CASE CAME ON FOR SENTENCING** on .

The State of Nebraska was represented by of

County, Nebraska, and the defendant was present and ( ) represented by ( ) waived counsel after advice of the right to counsel. The Honorable presided. The court found the defendant guilty of

on . The defendant was allowed allocution and showed no sufficient reason why sentence should not be pronounced.

**IT IS THEREFORE ADJUDGED** that the defendant shall serve months/years on [ ] Traditional Supervision Probation [ ] Intensive Supervision Probation/Community Based Intervention. [ ] ISP/CBI with Work Ethic Camp (condition #20 applies). During the term of probation, the defendant shall:

1. Obey all city ordinances, the laws of any state, and the laws of the United States, and report any arrest, citation, or any other contact with law enforcement to the probation officer by the next regular probation office business day.
2. Avoid social contact with persons having criminal records, or on probation or parole, except by permission from the court or probation officer, and not be present where illegal activity is taking place.
3. Report as directed by the court or probation officer and permit the probation officer to visit the defendant at all times and places.
4. Reside within the State of Nebraska, or , except as authorized by the probation officer, obtain permission from the probation officer prior to any change in address or employment, and not leave the State of Nebraska without advance permission from the court or probation officer.
5. Obtain and maintain suitable employment, or regularly attend school/vocational training, unless exempted by the court or probation officer, meet the defendant’s family responsibilities, and make no changes in the defendant’s school or work program without prior consultation with the probation officer.
6. Cooperate in all matters which may affect this probation sentence, and truthfully answer all inquiries from the probation officer.
7. Not own or possess a firearm, ammunition, or dangerous weapon.
8. Abstain from the use or possession of alcohol and controlled substances, except by prescription; not be present in any location where the primary business is to serve alcohol, nor attend any social function at which alcoholic beverages are served, without permission of the probation officer; and, submit to random chemical testing of the defendant’s blood, breath, or urine to determine the presence of alcohol and/or controlled substances as directed by the court or probation officer, or a law enforcement officer who has been authorized and directed by the probation officer.
9. Submit to random searches and seizure of the defendant’s person, premises, or vehicle/s upon request of a probation officer or a law enforcement officer who has been authorized and directed by the probation officer.
10. Undergo blood, saliva, DNA testing, and fingerprinting if required by Neb. Rev. Stat. § 29-4103 and § 29-4106 (Reissue 2008).
11. Pay a $30.00 Probation Administrative Enrollment fee today.
12. Unless otherwise ordered, pay all fines(s), court costs, restitution, probation programming fees, drug testing fees, offender assessment screens, evaluations, and other rehabilitation services in equal monthly payments, and have all financial obligations and other conditions of probation completed not later than thirty (30) days before to the end of the probation term.
13. Pay to the court clerk:
    1. Court costs: $ [ ] by .

[ ] to be taken from bond deposit with any balance released.

* 1. Restitution: $ [ ] for distribution

to .

* 1. Chemical Testing: $5.00 per month for a total of $ .
  2. Probation Programming fees of $ per month for a total of

.

The balance of $ per month of the regular probation programming fee is waived.

* 1. Offender Assessment: $ by .
  2. Fine(s): I: $ , II. ,

III. by .

* 1. Electronic Monitoring/GPS: $ per day for a total of

$ .

* 1. Other: .

The following special conditions have been added by the court to further the rehabilitation of the Defendant:

1. Jail:

[ ] a. Serve days in the County jail beginning

with eligibility to earn days’ good time.

[ ] b. Serve the following terms of confinement in the

County jail:

[ ] days beginning . [ ] days beginning . [ ] days beginning .

These periods of confinement may be waived, **all or in part**, by the court. [ ] c. Other:

1. Treatment:

[ ] a. Obtain a chemical dependency evaluation under the

Nebraska Standardized Model within days, and [ ] follow the treatment recommendations of the evaluation, or [ ] after review and/or further hearing, the court may amend this condition/sentence to include any treatment reasonably related to the rehabilitation of the defendant. The defendant shall not change treatment programs without prior approval of the probation officer.

[ ] b. Satisfactorily complete an outpatient treatment program for chemical dependency with a registered provider in accordance with the Standardized Model, including any continuing care. The defendant shall not change treatment programs without prior approval of the probation officer.

[ ] c. Satisfactorily complete an Intensive Outpatient Chemical Dependency Program with a registered provider in accordance with the Standardized Model, including any continuing care. The defendant shall not change treatment programs without prior approval of the probation officer.

[ ] d. Satisfactorily complete a residential chemical dependency treatment program, with a registered provider in accordance with the Standardized Model, including any continuing care. The defendant shall not change treatment programs without prior approval of the probation officer.

[ ] e. Attend AA/NA meetings per week for a period of

.

[ ] f. Obtain an AA/NA sponsor and verify with the probation officer.

[ ] g. Obtain a psychological evaluation and [ ] follow the treatment recommendations of the evaluation; or [ ] after review and/or further hearing, the court may amend this Order to include any treatment reasonably related to the rehabilitation of the defendant. The defendant shall not change treatment programs without prior approval of the probation officer.

[ ] h. Attend and satisfactorily complete a program of mental health counseling at . The defendant shall not change counseling programs without approval of the probation officer.

[ ] i. Attend and satisfactorily complete counseling. The defendant shall not change counseling programs without permission of the probation officer.

[ ] j. Attend and satisfactorily complete cognitive behavioral programming.

[ ] k. Other:

1. Monitoring:

[ ] a. Submit to and complete days of continuous alcohol monitoring.

The defendant shall not consume any alcohol while under continuous alcohol monitoring and shall comply with any associate policies and procedures including payment of required fees.

[ ] b. Serve days (minimum 30 with a maximum of 180) on Electronic Monitoring or GPS, at the defendant’s own expense; pay for equipment if damaged or lost; and abide by any curfew the probation officer sets.

16. Victim:

[ ] a. Write a letter of apology to the victim to be approved by the Community Probation officer prior to mailing, within days from today.

[ ] b. Successfully complete victim/offender mediation through the

, in . If the victim declines to participate, the defendant shall meet with a mediator to help focus on the impact of defendant’s actions on others and how those actions may affect future decision making.

[ ] c. Be responsible for payment of the victim’s treatment/counseling expenses, in the amount of .

[ ] d. Perform hours of community service work under the supervision of the probation officer.

18. Other:

[ ] a.

[ ] b.

[ ] c.

[ ] 19. Complete Intensive Supervision Probation with Work Ethic Camp placement conditions listed on Attachment A.

[ ] 20. Complete Specialized Substance Abuse Supervision (SSAS) programming conditions listed on Attachment B.

[ ] 21. Complete Domestic Violence offense conditions listed on Attachment C.

|  |  |  |  |
| --- | --- | --- | --- |
| [ | ] | 22. | Complete Sexual Assault offense conditions listed on Attachment D. |
| [ | ] | 20. | Complete Driving Under the Influence (DUI) and Refusal |

conditions listed on Attachment E.

[ ] 21. Follow specialized Gang related conditions listed on Attachment F. Bond, if previously posted, shall be released.

# ADVISEMENTS

IT IS FURTHER ORDERED 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 more conditions. Upon violation of any condition of probation, the defendant may be brought before the court for further proceedings as provided by law.

FURTHER, after completion of the sentence and upon petition to the sentencing court, the defendant may be eligible to have this conviction set aside as provided in [Neb. Rev. Stat. § 29-2264](https://nebraskalegislature.gov/laws/statutes.php?statute=29-2264). In addition, the defendant’s name, assigned probation officer and conditions of probation shall be provided to the Nebraska Commission on Law Enforcement.

BY THE COURT:

District Court Judge

I received a copy of this probation sentence on ; I have read and understand its conditions. I further understand that any violation of the above conditions is cause for revocation of probation and a possible sentence to confinement. I do hereby waive extradition to the State of Nebraska in the event a charge of violation of probation is filed if, at the time of my apprehension, I am in another state. In the event probation supervision is transferred to another state, I do hereby agree to abide by additional rules and conditions that may be imposed by the receiving state.

Defendant

pc: County Attorney Defense Attorney Sheriff/Jail

State Probation

(Attachment A)

WORK ETHIC CAMP CONDITIONS

1. [ ] Enter the Work Ethic Camp in McCook, Nebraska on Monday,

, 20 ; by o’clock . m.; comply with all program facility rules; satisfactorily complete the program and follow all program aftercare recommendations as directed during the course of this probation sentence within the community.

[ ] Report to the Sheriff of County, Nebraska for transportation to the Work Ethic Camp.

[ ] The defendant will be transported to the Work Ethic Camp by:

1. [ ] Pending admission into the Work Ethic Camp, the defendant shall:
   1. [ ] Maintain residency as approved by the probation

officer and abide by any curfew the probation officer sets.

* 1. [ ] Remain in the County Jail.
  2. [ ] Maintain residency as approved by the probation officer under electronic monitoring for a period of days at a cost of per day.

1. [ ] Upon successful completion of Work Ethic Camp, the defendant shall immediately return to the defendant’s approved residence as your probation officer directs.
2. [ ] Upon successful completion of Work Ethic Camp, the defendant shall immediately return to the defendant’s approved residence as the probation officer directs and be placed on Electronic Monitoring for days at a cost of $ per day.
3. If the defendant is discharged or removed unsuccessfully from the Work Ethic Camp before completing the program, the defendant shall be placed in the custody of the county sheriff in the county where the defendant is located, the

County Sheriff shall transport the defendant to County, Nebraska, and the defendant shall be held in the jail pending the setting of terms and conditions of release.

1. Payments for probation programming fees, chemical testing and electronic monitoring are waived for the months the defendant is at the Work Ethic Camp. The probation officer shall file a statement with the clerk of the court verifying the months the defendant remains at the Work Ethic Camp.

(Attachment B)

SPECIALIZED SUBSTANCE ABUSE SUPERVISON (SSAS) CONDITIONS

1. Attend Day/Evening Reporting Center activities, if available, relevant to areas of need outlined in the defendant’s individual case plan.
2. Regularly attend, participate, and successfully complete the Thinking for a Change/MRT or other probation office approved cognitive program.
3. Participate in life skills groups and educational enhancement classes based on criminogenic need factors specific to the offender. Examples of life skill deficits might include, but are not limited to:
   * Lack of job skills
   * Difficulty in obtaining and maintaining employment
   * Poor money management
   * Inability to maintain housing
   * Poor social skills and etiquette
   * Parenting
   * Anger management.
4. Regularly attend and successfully complete substance abuse treatment with a registered provider, in accordance with the Standardized Model. While participating in the continued care phase of treatment, the defendant shall develop a written relapse prevention plan, a copy of which shall be provided to the SSAS officer.
5. Regularly attend and successfully complete the Specialized Substance Abuse Supervision (SSAS) program which includes substance abuse treatment at the recommended level of care, in accordance with the Standardized Model, cognitive groups, and Day Reporting Center activities.
6. Not have nor associate with anyone who has possession of firearms, ammunition or illegal weapons.

(Attachment C)

DOMESTIC VIOLENCE SPECIFIC OFFENSE CONDITIONS

1. Attend and satisfactorily complete a Batterers Intervention Program from an approved provider along with any aftercare recommended, within days, at the defendant’s own expense. If not available, attend and satisfactorily complete individual/group therapy with domestic violence specific components. The defendant shall not change treatment programs without prior approval of the probation officer.
2. Not harass, molest, intimidate, retaliate against, or tamper with any witness or victim of any acts for which the defendant has been convicted.
3. Submit to polygraph examinations as directed by the court or probation officer at the defendant’s own expense.
4. Be subject to searches and seizures of the defendant’s home, person, and vehicle/s, to include computer/s, cell phone/s, and camera/s, at the request of a probation officer, or a law enforcement officer who has been authorized and directed by a probation officer. Failure to submit to searches as requested will constitute a violation of the conditions of probation.
5. Engage in no acts of violence.
6. Attend Day/Evening Reporting Center activities, if available, relevant to areas of need.
7. Attend and satisfactorily complete cognitive behavioral programming.
8. [ ] Have no contact with the victim, either direct or indirect; remain out of the home of the victim, or any place the victim is likely to be found, including work or shopping; remain at least 100 yards away from the victim at all times; and obtain permission from the [ ] court [ ] probation officer before any contact with the victim, other than through the defendant’s attorney.
9. Other:

(Attachment D)

SEX OFFENSE SPECIFIC CONDITIONS FOR ADULT OFFENDERS

1. At the defendant’s expense, submit to a sex offender specific evaluation from an approved provider, if available, and [ ] follow the treatment recommendations of the evaluation, or [ ] after review and/or further hearing, the court may amend this sentence to include any treatment reasonably related to the rehabilitation of the defendant. The defendant shall not change treatment programs without prior approval of the probation officer.
2. Obtain the [ ] court’s [ ] probation officer’s approval of the defendant’s residence and living situation in advance.
3. Abide by any curfew the probation officer sets.
4. Have no contact with the victim(s), including written and electronic correspondence, telephone contact, or communication through third parties, except under circumstances approved in advance and in writing by the defendant’s therapist, the defendant’s victim (the victim's parents, if the victim is a minor), the victim's therapist, and the probation officer. The defendant shall not enter into the premises, travel past, or loiter near the victim’s residence, place of employment, or other places frequented by the victim.
5. Have no contact with other sex offenders outside of an intervention setting.
6. Not possess any pornographic, sexually oriented, or sexually stimulating materials, including, but not limited to: visual, auditory, telephonic, electronic media, computer programs or services. The defendant shall not patronize any place where such material or entertainment is available. The defendant shall not utilize any sexually related telephone numbers and may be required to submit proof of compliance with this condition. The [ ] court [ ] probation officer may grant permission for the use of sexually oriented material for treatment purposes.
7. Not use the internet for any reason, unless the court grants permission in advance. If the court grants permission, the defendant shall refrain from visiting or viewing any social internet site, chat room, or pornographic internet site at any time. Further, the defendant is not allowed to visit any other type of internet site in which there is interaction with other people without first identifying the site to the probation officer and obtaining permission to utilize such site. Finally, the defendant shall grant the probation officer full access to all computers to which defendant has access at the request of the probation officer to confirm compliance with the prohibitions set forth in this condition of probation.
8. Be subject to searches and seizures of the defendant’s home and vehicle, and the defendant’s computer/s, cell phone/s, and camera/s at the request of a probation officer, or a law enforcement officer who has been authorized and directed by a probation officer. Failure to submit to searches as requested, or any attempt to hide or destroy computer or electronic content will constitute a violation of the conditions of probation.
9. Undergo blood, saliva, and DNA testing as required by [Neb. Rev. Stat. §](https://nebraskalegislature.gov/laws/statutes.php?statute=29-4103) [29-4103](https://nebraskalegislature.gov/laws/statutes.php?statute=29-4103) and [§ 29-4106](https://nebraskalegislature.gov/laws/statutes.php?statute=29-4106) (Reissue 2008).
10. Register as a sex offender, if required, with the State Patrol and local sheriff’s office within five (5) business days after sentencing. If the defendant moves, the defendant must re-register within five (5) days following the defendant’s move. Regardless of whether or not the defendant moves, the defendant must register annually on the defendant’s birth date.
11. Sign information releases to allow all professionals involved in assessment, treatment, and behavioral monitoring and compliance of the defendant to communicate and share documentation with each other.
12. Attend Day/Evening Reporting Center activities, if available, relevant to areas of need.
13. Attend and satisfactorily complete cognitive behavioral programming.
14. [ ] Attend and successfully complete a sex offender-specific treatment program from an approved provider at the defendant’s own expense. If not available, attend and successfully complete individual/group therapy with sex offense specific components. The defendant shall not change treatment programs without prior approval from the probation officer.
15. [ ] Have no contact, nor reside with any child under the age of eighteen

(18) years, including the defendant’s children, or any adult who has been deemed to be vulnerable (including the elderly), unless the [ ] court [ ] probation officer approves in advance in writing. The defendant shall immediately report all incidental contact with children to the treatment provider and the supervising probation officer.

1. [ ] Not date or befriend anyone who has children under the age of eighteen (18) years, unless the [ ] court [ ] probation officer approves in advance and in writing.
2. [ ] Not access or loiter near school yards, parks, arcades, playgrounds, amusement parks, swimming pools, or other places used primarily by children unless the [ ] court [ ] probation officer approves in advance and in writing.
3. [ ] Not be employed or participate in any volunteer activity that involves contact with children, except under circumstances the [ ] court [ ] probation officer approves in advance and in writing.
4. [ ] Submit to polygraph examinations as the court or probation officer directs at the defendant’s expense.
5. Other:

(Attachment E)

DRIVING UNDER INFLUENCE SPECIFIC CONDITIONS

[ ] First Offense (under .15)/ First Offense Refusal

* 1. Pay a $500.00 fine by .
  2. Shall not operate a motor vehicle for any purpose for sixty (60) days from today, and the defendant’s motor vehicle operator’s license is revoked for a like period, with credit for any Administrative License Revocation time. During the revocation period, the defendant shall apply for an approved ignition interlock device and ignition interlock driving permit, provide proof to the probation office, and pay all associated cost.

[ ] First Offense (.15 and over)

1. Pay a $500.00 fine by .
2. Shall not operate a motor vehicle for any purpose for a period of one (1) year from today, and the defendant’s motor vehicle operator’s license is revoked for a like period, with credit for any Administrative License Revocation time. During the revocation period, the defendant shall apply for an approved ignition interlock device and ignition interlock driving permit, provide proof to the probation office, and pay all associated cost.
3. [ ] Serve two (2) days in the County jail beginning

, at .M., or [ ] complete 120 hours community service work by .

[ ] Second Offense (under .15)

1. Pay a $500.00 fine by .
2. Shall not operate a motor vehicle for any purpose for a period of eighteen (18) months from today, and the defendant’s motor vehicle operator’s license is revoked for a like period, with credit for any Administrative License Revocation time. During the revocation period, the defendant shall apply for an approved ignition interlock device and ignition interlock driving permit, provide proof to the probation office, and pay all associated cost.
3. [ ] Serve ten (10) days in the County jail beginning

, at , or [ ] complete 240 hours community service work by .

[ ] Second Offense (.15 or over)

1. Pay a $1,000.00 fine by .
2. Shall not operate a motor vehicle for any purpose for a period of

(18 months -15 years) from today, and the defendant’s motor vehicle operator’s license is revoked for a like period, with credit for any Administrative License Revocation time. During the revocation period, the defendant shall apply for an approved ignition interlock device and ignition interlock driving permit, provide proof to the probation office, and pay all associated cost.

1. Serve thirty (30) days in the County jail beginning

, at .

[ ] Third Offense: (under .15)

1. Pay a $1,000 fine by .
2. Shall not operate a motor vehicle for any purpose for a period of

(2-15) years from today, and the defendant’s motor vehicle operator’s license is revoked for a like period, with credit for any Administrative License Revocation time. During the revocation period, the defendant may apply for an approved ignition interlock device and ignition interlock driving permit, provide proof to the probation office, and pay all associated cost.

1. Serve thirty (30) days in the County jail beginning

, at .

[ ] Third Offense (.15 or over):

1. Pay a $1,000 fine by .
2. Shall not operate a motor vehicle for any purpose for a period of

(5-15) years from today, and the defendant’s motor vehicle operator’s license is revoked for a like period, with credit for any Administrative License Revocation time. During the revocation period, the defendant may apply for an approved ignition interlock device and ignition interlock driving permit, provide proof to the probation office, and pay all associated cost.

1. Serve sixty (60) days in the County jail beginning

, at .

1. Upon release from jail, the defendant shall submit to and complete 60 days of continuous alcohol monitoring. The defendant shall not consume any alcohol while under continuous alcohol monitoring and shall comply with any associate policies and procedures including payment of required fees.

[ ] Fourth Offense: (under .15)

1. Pay a $2,000 fine by .
2. Shall not operate a motor vehicle for any purpose for a period of fifteen (15) years from today, and the defendant’s motor vehicle operator’s license is revoked for a like period, with credit for any Administrative License Revocation time. During the revocation period, the defendant may apply for an approved ignition interlock device and ignition interlock driving permit, provide proof to the probation office, and pay all associated cost.
3. Serve ninety (90) days in the County jail beginning

, at .

1. Upon release from jail, the defendant shall submit to and complete 90 days of continuous alcohol monitoring. The defendant shall not consume any alcohol while under continuous alcohol monitoring and shall comply with any associate policies and procedures including payment of required fees.

[ ] Fourth Offense (.15 or over):

1. Pay a $2,000 fine by .
2. Shall not operate a motor vehicle for any purpose for a period of fifteen (15) years from today, and the defendant’s motor vehicle operator’s license is revoked for a like period, with credit for any Administrative License Revocation time. During the revocation period, the defendant may apply for an approved ignition interlock device and ignition interlock driving permit, provide proof to the probation office, and pay all associated cost.
3. Serve one-hundred twenty (120) days in the County jail beginning , at .
4. Upon release from jail, the defendant shall submit to and complete 120 days of continuous alcohol monitoring. The defendant shall not consume any alcohol while under continuous alcohol monitoring and shall

comply with any associate policies and procedures including payment of required fees.

[ ] Fifth Offense (or above) and Fifth Offense (or above)(.15 or over):

1. Pay a $2,000 fine by .
2. Shall not operate a motor vehicle for any purpose for a period of fifteen (15) years from today, and the defendant’s motor vehicle operator’s license is revoked for a like period, with credit for any Administrative License Revocation time. During the revocation period, the defendant may apply for an approved ignition interlock device and ignition interlock driving permit, provide proof to the probation office, and pay all associated cost.
3. Serve one-hundred eighty (180) days in the County jail beginning , at .
4. Upon release from jail, the defendant shall submit to and complete 180 days of continuous alcohol monitoring. The defendant shall not consume any alcohol while under continuous alcohol monitoring and shall comply with any associate policies and procedures including payment of required fees.

[ ] Not operate a motor vehicle for a period of and the defendant’s motor vehicle operator’s license is impounded during said period with credit for any Administrative License Revocation time.

[ ] Obtain a valid Nebraska Motor Vehicle Driver’s license and prove reinstatement by .

[ ] Attend and satisfactorily complete the following classes/programs, at the defendant’s own expense. The required programs must be completed within

months after today:

|  |  |  |  |
| --- | --- | --- | --- |
| [ | ] Alcohol Education Class | [ | ] Defensive Driving Class |
| [ | ] Victim Impact Panel | [ | ] Attitudinal Dynamics of Driving Class |
| [ | ] Half-way house | [ | ] Three quarter-way house |
| [ | ] Aftercare program | [ | ] Decision Making class |

[ ] Approved Cognitive Restructuring program, if available

[ ] Other:

(Attachment F)

STREET GANG SPECIFIC CONDITIONS

1. Work regularly at a lawful occupation and provide evidence of legitimate source/s of income.
2. Not associate with any persons known by the defendant to be narcotic or drug users or sellers and stay away from places where the defendant would reasonably expect users and sellers congregate; and, refrain from communicating with persons on parole or inmates of penal institutions.
3. Refrain from throwing signs, putting up graffiti, or wearing clothes or accessories that symbolize gang membership.
4. Not acquire any tattoos, permanent or temporary, with or without any gang related burns/marks.
5. Report all motor vehicles the defendant owns or drives to the probation officer.
6. Maintain standards of personal appearance that will not impede obtaining employment.
7. Not be on school grounds unless attending that school.
8. Submit to fingerprinting or photographing as directed by a probation officer.
9. Not associate with any individuals known to be gang members.
10. Not be in or around any place known to be a gang gathering area.
11. Not possess graffiti materials, including, but not limited to, spray cans, marker pens, and/or liquid shoe polish.
12. Not attend any court proceeding involving gang members unless subpoenaed as a witness.
13. Not own, possess, have under the defendant’s custody or control, or have immediate access to, any firearm, ammunition, oleo capsicum pepper spray, or tear gas.
14. Not involve him/herself in activities in which weapons are used, including, but not limited to, hunting and target shooting.
15. Not remain in any vehicle in which anyone possesses a weapon, ammunition, or weapon replica.
16. Carry at all times while in a public place a valid picture identification containing the defendant’s true name, true date of birth and current address, and display such identification upon request of any peace officer, or probation officer.
17. Other:

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