

Appendix B

Sentencing Order of the York County District Court for the State of Nebraska

Dated April 21, 2017

Appendix B

FILED IN THE DISTRICT COURT
YORK COUNTY, NEBRASKA

IN THE DISTRICT COURT OF YORK COUNTY, NEBRASKA

APR 21 2017

STATE OF NEBRASKA,

Plaintiff,

vs.

SYDNEY THIESZEN,

Defendant.

CASE NO. CR 13-9000001

Docket 13896

SHARILYN STEUBE
CLERK

SENTENCE AND JUDGMENT

On the 21st day of April, 2017, this case came on for sentencing. The Honorable James C. Stecker presided. The State of Nebraska was represented by Corey M. O'Brien and Kale B. Burdick, Special Deputy York County Attorneys and Assistant Attorneys General. The Defendant personally appeared in court, together with his attorney, Jeffery A. Pickens.

The Presentence Investigation Report is considered by the Court. Evidence is adduced. Statements of counsel are heard by the Court. The Defendant is allowed allocution.

In consideration of the existing record, it is the opinion of the Court that the Defendant is not a fit and proper person to be sentenced to a term of probation.

Pursuant to Neb. Rev. Stat. §29-2260, the Court finds the following substantial and compelling reasons why the Defendant cannot effectively and safely be supervised in the community on probation:

A lesser sentence would depreciate the seriousness of the crime;
A lesser sentence would promote disrespect for the law;
Incarceration is necessary to protect the security of the public;
Defendant is in need of correctional treatment that can be provided most effectively by commitment to a correctional facility;
The crime caused or threatened serious harm;
The circumstances indicate that the Defendant understood the consequences of his or her actions and the potential harm to others;
Defendant's actions were not provoked by the victim;
There is no reason to excuse or justify the offense;

Accordingly, for his conviction for the offense of First Degree Murder, it is the sentence and judgment of the Court that the Defendant be committed to an institution under the jurisdiction of the Nebraska Department of Correctional Services for a period of not less than 70 years nor more than life imprisonment, no part of which shall be in solitary confinement,



except for violation of prison rules. Said sentence shall be served consecutively with the sentence the defendant is currently serving on Count 2, Use of a Firearm to Commit a Felony.

Defendant is given credit for time previously served since September 21, 1987, to today.

The Defendant must serve 35 years, minus credit for any time previously served, toward parole eligibility and life imprisonment, minus credit for any time previously served, towards mandatory discharge, subject to the provisions of Neb. Rev. Stat. §83-1,107(2)(b).

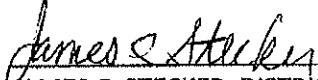
The court costs of this action plus the costs of the execution of this sentence are assessed against the Defendant. Defendant shall stand committed until all costs are paid.

The Defendant should be, and hereby is, remanded to the custody of the Nebraska Department of Correctional Services for the execution of the sentence and a commitment is to issue accordingly.

IT IS SO ORDERED.

DATED THIS 21st day of APRIL, 2017.

BY THE COURT:



JAMES C. STECKER, DISTRICT JUDGE

CC: Sydney Thieszen
NDG:
Sheriff
Probation
4/21/2017