

Appendix B

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

Dated October 27, 2021

Appendix B

IN THE DISTRICT COURT OF LANCASTER COUNTY, NEBRASKA

STATE OF NEBRASKA,

Plaintiff,

vs.

MARCUS D. WINSTON,

Defendant.

CR 20-523

ORDER OF SENTENCE

This matter is before the court for sentencing. The State was represented by A. Gaudio & E. P. Wess. The defendant appeared with John Ball and Heather Colton. Neither the defendant nor his counsel having given any reason why sentence should not be pronounced, the court sentences the defendant as follows:

The defendant having been found guilty of Count I, Manslaughter, Count II, Use of a Firearm to Commit a Felony and having regard for the nature and circumstances of the crimes and the history, character and condition of the defendant, the court finds that imprisonment of the defendant is necessary for the protection of the public because the risk is substantial that, during any period of probation, the defendant would engage in additional criminal conduct and because a lesser sentence would depreciate the seriousness of the defendant's crimes and promote disrespect for the law.

IT IS, THEREFORE, the judgment and sentence of the court, on Count I, that the defendant, be, and hereby is, ordered committed to an institution under the jurisdiction

LANCASTER COUNTY

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DISTRICT COURT

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of the Nebraska Department of Correctional Services, for a period of not less than 19 years, nor more than 20 years, no part of which shall be in solitary confinement, except for violation of prison rules. The defendant must serve 9 and 1/2 years, minus credit for any time previously served, towards parole eligibility and 10 years, minus credit for any time previously served, toward mandatory discharge, subject to the provisions of NEB. REV. STAT. §83-1,107(2)(b).

IT IS, THEREFORE, the judgment and sentence of the court, on Count II, that the defendant, be, and hereby is, ordered committed to an institution under the jurisdiction of the Nebraska Department of Correctional Services, for a period of not less than 20 years, 5 of such years being a mandatory minimum, nor more than 30 years, no part of which shall be in solitary confinement, except for violation of prison rules. The defendant must serve 12 and 1/2 years, minus credit for any time previously served, towards parole eligibility and 17 and 1/2 years, minus credit for any time previously served, toward mandatory discharge, subject to the provisions of NEB. REV. STAT. §83-1,107(2)(b).

The defendant shall pay the costs of this prosecution. Costs of prosecution shall be paid from any bond money, not subject to a valid lien or assignment, in the possession of the Clerk of the District Court prior to the return of any bond proceeds to the defendant.

This sentence is consecutive from today's date with any sentence currently being served by the defendant. Counts I & II are to be served consecutively.

The defendant should be, and hereby is, remanded to the custody of the Nebraska Department of Correctional Services for the execution of this sentence and a

commitment is to issue accordingly. The defendant is to be given credit for 587 days served on Count I.

A copy of this order is sent to counsel of record.

SO ORDERED.

Dated: October 27, 2021.

BY THE COURT:

A handwritten signature in black ink, appearing to be 'K. McManaman', written over a horizontal line.

Kevin R. McManaman
District Judge

CERTIFICATE OF SERVICE

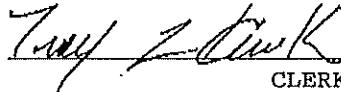
I, the undersigned, certify that on October 27, 2021 , I served a copy of the foregoing document upon the following persons at the addresses given, by mailing by United States Mail, postage prepaid, or via E-mail:

John C Ball
jball@lawyer.com

Amy J Goodro
agoodro@lanaster.ne.gov

Date: October 27, 2021

BY THE COURT:


CLERK

