

Appendix B

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

Dated February 2, 2024

	SENTENCING ORDER	Filed in Johnson District Court *** EFILED *** Case Number: D57CR170000024 Transaction ID: 0021114124 Filing Date: 02/02/2024 09:24:34 AM CST
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IN THE DISTRICT COURT OF JOHNSON COUNTY, NEBRASKA

STATE V. ERIC L RAMOS ##77370

Case ID: CR17-24

DATE OF HEARING: February 2, 2024.

PURPOSE OF HEARING: Sentencing

APPEARANCES:

Plaintiff: Johnson County Attorney Ben Beethe, Corey O'Brien, Mariah Nickel, and Gail VerMass from the Nebraska Attorney General's Office.

Defendant and his attorney's, Timothy Nelsen and Timothy Noerrlinger.

CONVICTED CHARGES:

Count I: Murder in the First Degree, 28-303(1); Class IA Felony

Count II: Use of a Weapon to Commit a Felony, 28-1205(1); Class II Felony

Count V: Tampering with or Destruction of Evidence, 28-922; Class IV Felony

Evidence was adduced and arguments made regarding enhancement pursuant to the habitual criminal allegations in the Information. The court finds by a preponderance of the evidence, that (1) defendant has been twice convicted of a crime, for which he was sentenced and committed to prison for not less than one year; (2) trial court rendered a judgment of conviction for each crime; and (3) at time of the prior conviction and sentencing, the defendant was represented by counsel or knowingly and voluntarily waived representation for those

proceedings. *State v. Kinser*, 283 Neb. 560(2012) The court therefore determines that the defendant is a habitual criminal and the convictions for Count II and Count V should be enhanced pursuant to Neb. Rev. Stat. 29-2221.

The presentence investigation report is considered. Opportunity is given to present evidence and remarks. Defendant is advised of the duty of the Court to make a disposition against Defendant upon defendant's conviction herein, and Defendant is asked if he has anything to say as to why the judgment and sentence of the Court should not be passed against Defendant, and Defendant gives no sufficient reason why sentence should not be passed.

The Court has considered all of the factors in Neb. Rev. Stat. 29-2260 including the Defendant's age, mentality, education and experience, social and cultural background, past criminal record or record of law-abiding conduct, the motivation for the offense, as well as the nature of the offense and the amount of violence involved in the commission of the crime. The Court has also fully considered the information in the presentence report.

ORDER:

Count I - Defendant is sentenced to life imprisonment in an institution under the jurisdiction of the Nebraska Department of Correctional Services (NDOCS).

Count II - Defendant is sentenced to a term of imprisonment of no less than fifty (50) years, ten (10) years of such being a mandatory minimum, nor more than sixty (60) years under the jurisdiction of the Nebraska Department of Correctional Services (NDOCS). Defendant shall receive credit for time served on Count II in the amount of two-thousand three-hundred and fifty-six (2,356) days. Count II shall run consecutive to Count I.

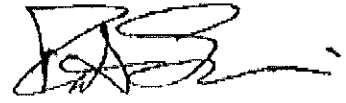
Count V - Defendant is sentenced to a term of imprisonment of no less than ten (10) years, three (3) years of such being a mandatory minimum, nor more than twenty (20) years under the jurisdiction of the Nebraska Department of Correctional Services (NDOCS). Count V shall run consecutively to Counts I and II.

The Defendant is further ordered to pay court costs in the amount of \$8,261.74 plus any additional transportation costs.

Defendant is remanded to the Sheriff for execution of said sentence.

This is a final order from which you have 30 days to appeal. Page 713 of 718

BY THE COURT

A handwritten signature in black ink, appearing to read 'Ricky A Schreiner', written over a horizontal line.

Ricky A Schreiner