



Monday April 19, 2010

DISTRICT COURT JOURNAL

JUDGE POLK

180-623    STATE OF NEBRASKA VS. RICHTER, TRACEY A  
1 CRIMINAL IMPERSONATION: \$1500/MORE (11324);2 THEFT  
BY DECEPTION OVER \$1500 (11231);3 WELFARE  
ASSISTANCE FRAUD OVER \$500 (21272)  
INFORMATION

Defendant appeared with counsel, Glenn Shapiro. State appeared by James Masteller. Defendant requested and was given leave to withdraw previous plea of "Not Guilty". Defendant arraigned. Defendant voluntarily, knowingly and intelligently entered a plea of No Contest to Count III Welfare Fraud, a Class IV FELONY and thereupon was adjudged by the court to be guilty as charged. Presentence investigation ordered. Counts I and II of the information dismissed.



T OF DOUGLAS COUNTY, NEBRASKA

FILED  
JOURNAL CLERK

AUG 03 2010

JOHN M. FRIEND  
CLERK DISTRICT COURT

STATE OF NEBRASKA,

Plaintiff,

v.

TRACEY A. RICHTER,

Defendant.

DOC. 180 NO. 623

ORDER OF PROBATION

This case came on for sentencing on this 2<sup>nd</sup> day of July 2010. The State of Nebraska was represented by James Masteller, and the Defendant was represented by Glenn Shapiro. The Honorable Marlon A. Polk presiding. The Court finds that the Defendant was adjudged guilty on the charge of **Welfare Fraud** on April 19, 2010. The Defendant showed no sufficient reason why sentence should not be pronounced.

IT IS THEREFORE ORDERED that the Defendant is hereby sentenced to Probation for a period of **three (3) years**. The Defendant is subject to the following conditions:

1. Not violate any laws, refrain from disorderly conduct, or acts injurious to others. Arrests and citations shall be reported to the probation office by the next working day.
2. Avoid social contact with those persons having criminal records, or who are on probation or parole.
3. Report as directed by the Court or probation officer.
4. Be employed; provide proof employment is being sought; or attend school.
5. Not leave Douglas Country, Nebraska with permission of the probation officer and reside within the following locality, Douglas County, Nebraska. Travel permits are required for travel outside the State of Nebraska. Obtain permission of the probation officer before any change of address or employment.
6. Submit to search and seizure of your premises, person or vehicle upon request of the probation officer, or law enforcement officer, at the request and direction of the probation officer.
7. Shall abstain from the use or possession of alcohol, or controlled substances, except by prescription, and submit to a chemical test of blood, breath or urine, at your expense, upon request of the probation officer or law enforcement officer, at the request and direction of the probation officer, to determine the use of alcoholic liquor or drugs. Failure to submit to a chemical test, as directed, will constitute an alleged probation violation.
8. Not have nor associate with anyone who has possession of firearms, ammunition or illegal weapons.
9. Agree to abide by additional probation program regulations, which are attached and made a part of this order.

10. Pay a Probation Administrative Enrollment Fee of **\$30.00** this date. In addition, pay a monthly Probation Programming Fee of **\$25.00** per month for a total of **\$900.00, waived by the Court.** Monthly Probation Programming Fees are due and payable to the Clerk of Court on or before the 10<sup>th</sup> day of each month beginning on the 10<sup>th</sup> day of August 2010.

11. Shall pay:

A. Court costs **\$145.50 by the termination of the probation period.**

B. Chemical Testing: **\$5.00** per month for a total of **\$180.00.**

C. Pay restitution to the State of Nebraska in the amount of **\$5,230.00** in **\$150.00** monthly installments to the Clerk of the District Court until paid in full.

Payment is due the first day of the following month, and the first day each month thereafter.

12. All financial obligations to the Court shall be completed no later than **thirty (30) days** prior to the date of discharge.

13. The Defendant shall not file for food stamps with the State of Nebraska during the probation period.

14. The Defendant shall submit a monthly budget to her supervising probation officer.

15. The Defendant shall complete a moral recognition training program as referred by her probation officer.

16. Shall obtain and maintain full-time employment for the duration of the probation term and provide proof.

17. The Defendant shall successfully complete a cognitive behavioral restructuring program as referred by her probation officer.

18. Serve 120 days in DCCC unless waived by the Court.

Bond, if previously posted, shall be released.

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 further conditions.

Dated this 2<sup>nd</sup> day of July 2010.

BY THE COURT



Marlon A. Polk  
District Judge

RECEIVED a copy of the above order this 2<sup>nd</sup> day of July 2010. I understand that I must abide by all of the conditions of probation ordered by the Court and that any violation of the above conditions is cause for revocation of probation and a sentence to confinement. I understand that if this is a felony conviction I have lost certain civil liberties. Those civil liberties are restored only if I successfully complete probation. I do hereby waive extradition to the State of Nebraska in the event of a charge of Violation of Probation is filed herein, if at the time of my apprehension I am in another state.

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Defendant



IN THE DISTRICT COURT OF DOUGLAS COUNTY, NEBRASKA

THE STATE OF NEBRASKA,

Plaintiff,

vs.

TRACEY A. RICHTER,

Defendant.

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ORDER

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JUL 27 2010  
JOHN M. FRIEND  
CLERK DISTRICT COURT

THIS MATTER is before the Court on the oral motion of James Masteller, Deputy County Attorney, for an order modifying the conditions of probation imposed on the defendant by the Hon. Marlon A. Polk on July 2, 2010. Specifically, the State requested that the conditions of probation be modified to permit the defendant, Tracey Richter, to travel to and from Clay County, Iowa. In support of this request, the State asserted that the Defendant has a pending criminal case in Clay County, Iowa and needs said authorization to participate in her defense and attend court hearings. The State further asserted that Glenn Shapiro, counsel for the defendant, had been contacted by the State and had no objection to the proposed modification. The Court, being fully advised in the premises, finds such an order should be entered.

IT IS THEREFORE ORDERED that the July 2, 2010 Order of Probation is modified to permit the defendant to travel to and from Clay County, Iowa. All other terms and conditions of the July 2, 2010 Order of Probation remain in full force and effect.

SO ORDERED.

Dated this 20<sup>th</sup> day of July, 2010.

BY THE COURT

  
District Court Judge

cc- James Masteller  
Glenn Shapiro