

ORIGINAL

STATE OF NORTH DAKOTA

IN DISTRICT COURT

COUNTY OF CASS

State of North Dakota,

Plaintiff,

vs.

Kristy Lynn Hoaglund,

Defendant(s).

CRIMINAL JUDGMENT
AND COMMITMENT

09-06-K-04302

SA #06-DG-00872

On this 7 day of February, 2007, came Reid A. Brady, Assistant State's Attorney, and the above-named defendant appearing in person with Richard Varriano, counsel; this being the date fixed by the Court for pronouncement of judgment upon a plea of guilty to the offense(s) of:

COUNT ONE: Dismissed,

COUNT TWO: Dismissed,

COUNT THREE: Dismissed,

COUNT FOUR: Abuse or Neglect of a Child in violation of N.D.C.C. §14-09-22(1)(a), a class C felony, occurring on or about November 15, 2006,

as charged in the Criminal Information heretofore filed against said Defendant in this Court; and the said Defendant having been asked by the Court whether the Defendant had any statement to make on the Defendant's own behalf or wished to present any information in mitigation of punishment or which would require the Court to withhold pronouncement of judgment and sentence, having considered the same, and no sufficient cause to the contrary having been shown why judgment should not be pronounced,

IT IS THE JUDGMENT AND SENTENCE OF THE COURT:

COUNT FOUR:

1. The defendant be committed to the custody of the North Dakota Department of Corrections and Rehabilitation for a period of one (1) year commencing on the day of sentencing, but that execution of all of the imprisonment be suspended for a period of eighteen (18) months commencing on the day of sentencing. During the suspended period, the defendant

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shall be placed on supervised probation subject to the supervision, management and control of the North Dakota Division of Parole and Probation and subject to the terms and conditions of probation set forth in the attached Appendix A. Upon any revocation of probation, the Court may impose any other sentence that was available at the time of the initial sentencing.

2. Credit of 3 days shall be given for previous custody time.

IT IS FURTHER ORDERED, if the Court ordered a pre-sentence investigation in this case, then the defendant shall pay \$50.00 to the Department of Corrections and Rehabilitation pursuant to N.D.C.C. § 12.1-32-02(10).

IT IS FURTHER ORDERED, if the defendant has been convicted after 31 July 2005 of any felony offense, then the defendant shall, as an additional condition of probation and as a separate Order of the Court, at the defendant's cost, submit to testing and provide a sample of blood or other body fluids to the North Dakota Department of Corrections and Rehabilitation or the Cass County Sheriff for DNA law enforcement identification purposes and inclusion in law enforcement identification data bases pursuant to N.D.C.C. ch. 31-13, including N.D.C.C. § 31-13-03, and N.D.A.C. ch. 33-40-01.

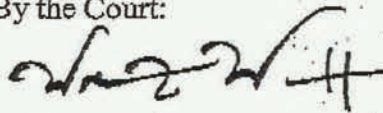
IT IS FURTHER ORDERED, unless otherwise stated in this Judgment, the Defendant is committed to the custody of the North Dakota Department of Corrections and Rehabilitation or the Sheriff of Cass County or the Sheriff's authorized representative for incarceration at hard labor in accordance with the Judgment until expiration of the sentence or until discharged by proper authority.

IT IS FURTHER ORDERED, the Clerk of this Court deliver a certified copy of this Judgment and Commitment to the Sheriff or other appropriate officer as a commitment of the Defendant.

IT IS FURTHER ORDERED, if a Pre-Sentence Investigation Report was prepared and the Defendant has been committed to the custody of the North Dakota Department of Corrections and Rehabilitation, then the Clerk of this Court is directed to deliver a copy duly secured in a manila envelope, to the Sheriff for delivery, with the Defendant, to the admitting officials of the North Dakota State Penitentiary for their use in confining this Defendant.

Dated this 7 day of February, 2007.

By the Court:



Hon. Wade L. Webb
District Judge

APPENDIX "A"
CONDITIONS FOR SENTENCE TO PROBATION,
DEFERRED OR SUSPENDED SENTENCE

PURSUANT TO THE ORDER OF THE COURT,

The Defendant herein is placed under the supervision and management of the North Dakota Department of Corrections and Rehabilitation.

The Defendant shall:

1. Not commit another criminal offense during the period for which the probation remains subject to revocation.
2. Work faithfully at a suitable employment or faithfully pursue a course of study or of vocational training that will equip the Defendant for suitable employment.
3. Inform the probation officer immediately in the manner that the officer directs of changes of residence, employment, or other pertinent activities.
4. Answer truthfully all reasonable inquiries of the probation officer. The information shall be provided to the probation officer by written report, telephone, or a personal visit to the probation office as directed.
5. Permit the probation officer to visit at reasonable times at your home or elsewhere.
6. Report within one (1) working day (Monday-Friday) after release from incarceration or being placed on probation to the North Dakota Parole and Probation at 115 North University Drive, Suite 1, Fargo, North Dakota. Telephone Number 239-7272.
7. Report to a probation office as directed by the Court or a probation officer.
8. Not leave the State of North Dakota or Clay County, Minnesota, without permission from the probation officer.
9.
 - a. Not own, purchase, borrow, possess, use or carry any type of firearm, destructive device, or dangerous weapon unless granted written permission by the Court, and not willfully defraud a urine test administered as a condition of probation.
 - b. Not willfully defraud a urine test administered as a condition of probation.
10. Support any dependants.
11. Not gamble or enter any gaming sites without written permission by the probation officer, unless no money is owing in this case.

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12. Not use or possess alcoholic beverages nor enter any liquor, beer or wine establishment without written permission from the probation officer.
13. Not use or possess any controlled substance, except as prescribed by a licensed physician.
14. Not knowingly associate with users or traffickers in narcotics, marijuana, or other controlled substances.
15. Submit to a medical examination or other reasonable testing to include breath, blood, or urine samples for the purpose of determining the use of alcohol or controlled substances whenever requested by any probation officer.
16. Submit the Defendant's person, place of residence and vehicle, or any other property to which the Defendant has access, wherever they may be found, to search and seizure, with or without a search warrant, at any time of day or night by: 1) any parole or probation officer; or, 2) any law enforcement officer at the direction of a parole or probation officer; or, 3) any law enforcement officer with a reasonable suspicion of criminal conduct.
17. Pay a fine and Court appointed attorney's fees to the Clerk of District Court and pay restitution through the office of the State's Attorney of Cass County, North Dakota, in the amount(s) shown in Paragraph 21, below. Said amounts shall be paid in equal periodic installments beginning one month after release from incarceration or being placed on probation, unless a different payment schedule has been specifically ordered by the Court. The equal periodic installments shall consist of 30% of net income. Net income is defined as Defendant's total gross monthly income less deductions for federal income tax, state income tax, FICA, cost of individual health/hospitalization coverage or actual medical expenses, and child support or spousal maintenance obligations actually being paid. In no event, shall the equal periodic installments be less than \$50.00 per month. The total amount owed shall be paid not later than three months prior to the end of probation. Restitution shall be paid in full prior to attorney's fees and fines, if any. An Order that a Defendant make restitution or reparation as a sentence or condition of probation may, unless the Court directs otherwise, be filed, transcribed, and enforced by the person entitled to the restitution or reparation in the same manner as civil judgments pursuant to N.D.C.C. § 12.1-32-08(1).
18. Pay a probation supervision fee during the period of probation pursuant to N.D.C.C. § 12.1-32-07 of the North Dakota Century Code to the Division of Parole and Probation. If the criminal offense was committed before July 1, 1999, then the supervision fee shall be \$30.00 per month throughout the supervision period. If the criminal offense was committed on July 1, 1999, or thereafter, then the supervision fee shall be \$30.00 per month for fees due before January 1, 2001, and \$40.00 per month for fees due after January 1, 2001. If the Court ordered a pre-sentence investigation in this matter, you are hereby ordered to pay \$50.00 to the Department of Corrections and Rehabilitation pursuant to N.D.C.C. § 12.1-32-02(10).

19. Undergo any or all of the following agreed-to community constraints and conditions as intermediate measures of the Department of Corrections and Rehabilitations to avoid revocation pursuant to N.D.C.C. § 12.1-32-07(4)(p):

- a. **Community Service** - 240 hours of uncompensated hours worked within the community;
- b. **Day Reporting** - Report to probation office daily for 90 days;
- c. **Curfew** - At their residence from 10:00 p.m. to 6:00 a.m. for 180 days;
- d. **Home Confinement** - Required to be at residence 12 hours a day for 90 days;
- e. **House Arrest** - Required to be at residence 24 hours a day for 90 days;
- f. **Electronic Monitoring (EMS)** - Electronically monitor the Defendant's compliance with curfew, home confinement or house arrest at the Defendant's expense for 90 days;
- g. **Residential/Half-Way House** - Contracted housing that provides structures and programming for 120 days;
- h. **Intensive Supervision Program (ISP)** - A restrictive program which may include all of the previously stated sanctions for 180 days;

20. Perform the number of community service hours shown in Paragraph 21, below through Restore. Community service hours are to be completed at the rate of 20 hours every month until the entire obligation is fulfilled, unless otherwise ordered by the Court.

21. The following amounts apply to this case:

Legislative Fees	\$500.00
Court Fees	\$0.00
Admin. Fees	\$0.00
Attorney Fees	\$0.00
Indigent App. Fee	\$ _____
Comm. Serv. Hours	50 Hours

22. The following conditions of probation are deleted and do not apply to this case:

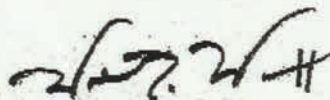
23. The following additional conditions of probation apply to this case:

- 267.24, 2/7/07*
- a. ~~Mandatory drug evaluation~~ - The defendant shall obtain a drug addiction evaluation by a licensed addiction counselor as required by N.D.C.C. § 19-03.1-23(7) within sixty (60) days and follow all recommendations therefrom.

- b. The defendant shall follow all the recommendations from Cass County Social Services relating to the care of her children.

Dated this 7 day of February, 2007.

By the Court:



District Judge
East Central Judicial District

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