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### (Neb.)-Five Appear In District Criminal Court In Dawes County



By: Chris Fankhauser Posted at: 09/25/2012 12:41 PM

(Chadron)-Five criminal cases were heard in Dawes County District Court on Tuesday morning, with Judge Travis O’Gorman presiding. Deputy Dawes County Attorney Joe Stecher represented the State in all of the cases. Civil cases are heard in the afternoon.

Mary Whitcomb faced charges of Theft by Deception, which is a Class III Felony, with possible sentencing of 1-20 years in jail, a \$25,000 fine or both, and restitution. Her appointed attorney, Michael Varn, stated that he and the State had reached a plea arrangement, where Whitcomb would submit full restitution within 6 months, the charges would be reduced to a misdemeanor, and Whitcomb would be released on a personal recognizance bond so she could work to pay restitution. Varn also said the defense would waive their right to a speedy trial. O’Gorman accepted the agreement, and set Whitcomb’s next appearance for March 19, 2013, at 11 am.

Marino Waters, represented by Dawes County Public Defender Paul Wess, entered a plea of not guilty for three charges against him. The first charge of 1<sup>st</sup> Degree Domestic Assault Enhanced is a Class I D Felony, with a possible sentence of 3-50 years in prison. The second charge of Harassment or Protection Order Violation has a possible sentence of 6 months in jail, a \$1,000 fine or both, and the third charge of Minor In Possession has a possible sentence of 3 months in jail, \$500 fine or both. Waters was advised the State could seek restitution for the victim on the first charge. O’Gorman set a pre-trial conference for November 13.

Sage Honerkamp faced two motions to revoke probation after failing to meet the probation guidelines in two separate cases. He requested an attorney, and Wess was assigned as counsel. In March of 2011, Honerkamp was sentenced to probation for one count of Attempted Delivery of a Controlled Substance, a Class IV Felony, with a possible sentence of 5 years in jail, a \$10,000 fine or both, and was also sentenced to probation for Attempted Theft By Receiving, which is a Class I Misdemeanor, with a possible sentence of 1 year in jail, a \$1,000 fine or both. He entered a plea of not guilty, and his next appearance was scheduled for October 18, at 1:30 pm.

Gordon Wells Sr. appeared for sentencing on a charge of Driving Under The Influence, to which he pled guilty on August 14. Stecher pointed out that Wells had two previous convictions for DUI, and stated he should not be driving. Stecher recommended a 15-year driver’s license revocation, as well as 1 year incarceration and a \$600 fine. Wells told the court he was remorseful for his actions, and would like to get back to Minnesota so he could work, and also stated his health was declining. The defense informed the Court that Wells had already served 129 days, and asked for time served when sentenced. O’Gorman said that he did take all factors into consideration, and seeing there is a long history of DUI offenses in

Wells' past, imposed a sentence of 1 year in jail with credit for 129 days served, \$600 fine, 15 year license revocation, and paying the costs of the prosecution.

The last case of the day involved Jeremy Murray, who entered a guilty plea to charges of Attempted 1<sup>st</sup> Degree Sexual Assault, a Class III Felony, on August 14. Stecher stated these cases are difficult to sentence, as they are inappropriate and criminal. The victim in the case was 15 at the time of the incident, and Murray was 21. Stecher stated that the pre-sentence investigation indicated Murray was a low risk to reoffend, and recommended a sentence of probation and continuous counseling. Wess informed the court that Murray was not requesting probation as the lack of a permanent address in Dawes County as well as no secure employment would make that difficult. Wess stated Murray and the victim were involved in a romantic relationship, and the victim even stated she snuck Murray into her home through a bedroom window. He also pointed out that even though the victim was not old enough to consent, there was no alcohol or drugs involved, and Murray has a minimal criminal history, consisting of speeding, littering, a fishing violation, and minor in possession. He also mentioned Murray was more likely to commit a fishing violation than repeat this offense. Wess asked for a sentence of time served, which was 245 days. O'Gorman appreciated the situation and the fact that Murray did not exhibit a strong criminal history, but the law in Nebraska is clear on crimes of this nature. Sentencing was handed down as 1 year in jail with credit for 245 days, Murray must pay the costs of the prosecution, as per the Nebraska Sex Offender laws, a DNA sample must be submitted, and Murray must register as a sex offender. He will be eligible for parole or early discharge in 6 months.

(Questions? Comments? Email [chris@chadrad.com](mailto:chris@chadrad.com))

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