

LEGISLATIVE BILL 530

Approved by the Governor March 18, 1986

Introduced by Judiciary Committee, Hoagland, 6,
Chairperson; Abboud, 12; Chambers, 11;
Chizek, 31; Conway, 17; Remmers, 1;
Rupp, 22

AN ACT relating to civil and criminal procedure; to amend section 25-1912, Revised Statutes Supplement, 1984; to allow reduction of sentences as prescribed; to harmonize provisions; and to repeal the original section.

Be it enacted by the people of the State of Nebraska,

Section 1. Any court which imposes a sentence for a criminal offense may reduce such sentence within one hundred twenty days after (1) the sentence is imposed or probation is revoked or (2) receipt by the court of a mandate issued upon affirmance of the judgment or dismissal of the appeal. No hearing shall be required concerning any request for reduction denied under this section.

Sec. 2. That section 25-1912, Revised Statutes Supplement, 1984, be amended to read as follows:

25-1912. (1) Except as provided in section 1 of this act, the The proceedings to obtain a reversal, vacation, or modification of judgments and decrees rendered or final orders made by the district court, including judgments and sentences upon convictions for felonies and misdemeanors under the criminal code, shall be by filing in the office of the clerk of the district court in which such judgment, decree, or final order was rendered, within one month after the rendition of such judgment or decree; or the making of such final order; or within one month from the overruling of a motion for a new trial in said the cause, a notice of intention to prosecute such appeal signed by the appellant or appellants or his, her, or their attorney of record; and, except as otherwise provided in sections 29-2306 and 48-641, by depositing with the clerk of the district court the docket fee required by law in appeals to the Supreme Court.

(2) Except as otherwise provided in sections 29-2306 and 48-641, an appeal shall be deemed perfected;

and the Supreme Court shall have jurisdiction of the cause when such notice of appeal shall have been filed; and such docket fee deposited in the office of the clerk of the district court, and after being so perfected no appeal shall be dismissed without notice, and no step other than the filing of such notice of appeal and the depositing of such docket fee shall be deemed jurisdictional.

(3) The clerk of the district court shall forthwith forward such docket fee, and a certified copy of such notice of appeal, to the Clerk of the Supreme Court, whereupon the Clerk of the Supreme Court shall forthwith docket such appeal.

(4) Within one month from the date of filing of notice of appeal, the clerk of the district court shall prepare and file with the Clerk of the Supreme Court a transcript certified as a true copy of the proceedings contained therein. The Supreme Court shall, by rule, specify the method of ordering the transcript and the form and content of the transcript. Neither the form nor substance of such transcript shall affect the jurisdiction of the Supreme Court.

(5) Nothing contained in this section shall prevent any person from giving supersedeas bond in the district court in the time and manner provided in section 25-1916, nor affect the right of a defendant in a criminal case to be admitted to bail pending the review of such case in the Supreme Court.

Sec. 3. That original section 25-1912, Revised Statutes Supplement, 1984, is repealed.