



BEFORE THE STATE BOARD OF EDUCATION  
STATE OF NEBRASKA

Melissa Haver )  
900 Farnam Street, #615 )  
Omaha, NE 68102 )  
 )  
Petitioner, )  
 )  
v. )  
 )  
Roger D. Breed, Ed.D. )  
Commissioner of Education )  
P.O. Box 94933 )  
Lincoln, NE 68509 )  
 )  
Respondent. )

Case No. 12-04

HEARING OFFICER'S PROPOSED  
FINDINGS OF FACT, RECOMMENDED  
CONCLUSIONS OF LAW AND  
RECOMMENDED DECISION

INTRODUCTION

On February 23, 2012, the Commissioner of Education denied Petitioner's request for approval to participate in pre-student teaching field, laboratory and classroom experiences or student teach for the following stated reasons:

1. "On June 18, 2004, you were charged in the Nemaha County Court with Possession of a Controlled Substance, a Class IV Felony;
2. On September 9, 2004, you were sentenced to 12 months of probation and a deferred jail term;
3. You were 19 years old at the time of the incident, and some of the facts surrounding the incident you stated in your request for approval do not coincide with the Affidavit of Probable Cause; and
4. On February 1, 2010, an arrest warrant was issued for the offense of Intentionally Violate Narcotic Drug Law, a Class IV Felony, and you were subsequently charged with Acquiring Controlled Substance by Fraud in the Douglas County District Court."

Petitioner filed an appeal of this denial to the State Board of Education on or about March 14, 2012. An answer was filed by the Respondent, the Commissioner of Education, on March 16, 2012.

A hearing was held on May 3, 2012 before Jim R. Titus, Hearing Officer, appointed by the State Board of Education on April 13, 2012. Notice of the hearing was provided to the parties. The hearing commenced at approximately 10:20 a.m. in a conference room of the Nebraska Department of Education in the Nebraska State Office Building, 301 Centennial Mall South, Lincoln, Nebraska. Petitioner appeared and was represented by counsel, Mr. Barry S. Grossman. The Respondent, the Commissioner of Education, was represented by Brian L. Halstead, general counsel, Nebraska Department of Education. The parties jointly offered Exhibits 1 through 7, which were received without objection. The hearing was recorded by Precision Reporting, Inc. A transcript of the hearing accompanies this recommendation.

Having considered the sworn testimony of the Petitioner, and the exhibits, the hearing officer makes the following proposed findings of fact, recommended conclusions of law and recommended decision.

#### PROPOSED FINDINGS OF FACT

1. Petitioner is 27 years old and is currently enrolled at the University of Nebraska at Omaha, having commenced in the spring of 2009. Petitioner is an education student and is seeking to be an elementary school teacher.
2. Petitioner graduated from Omaha Northwest High School in May, 2003.
3. On April 25, 2004, Petitioner was arrested in Nemaha County, Nebraska for Possession of a Controlled Substance, a Class IV Felony. On June 18, 2004, Petitioner was charged with Possession of a Controlled Substance, a Class IV Felony. On September 9, 2004, the charge

was amended to Attempted Possession of a Controlled Substance, a Class I Misdemeanor. Petitioner was sentenced to 12 months probation and deferred jail time, of which she served one day and was released from probation on September 26, 2005. The order setting aside the conviction, contained in Exhibit 4, provides in part that the order does not preclude use of the conviction as evidence of commission of a misdemeanor or felony for purposes of determining whether an application filed or certificate issued under Sec. 79-806 to Sec. 79-815 should be denied, suspended or revoked.

4. In connection with the 2004 arrest, Petitioner wrote in her initial request for approval, Exhibit 6, that she was on a road trip to Kansas City and the car was pulled over in Nemaha County for a tail light out and some of the people in the car she had only met once. Also that one of the people in the car had an illegal substance on them and the police took them to jail and charged them all with Felony Possession of a Controlled Substance. The Affidavit of Probable Cause in Exhibit 4 indicates that there were only two individuals in the car, contrary to Petitioner's statement that would indicate there were at least three individuals in the car.

5. On February 1, 2010, Petitioner was arrested for Intentionally Violate Narcotic Drug Law, a Class IV Felony, but was later charged with Acquiring Controlled Substance by Fraud. The case was dismissed without prejudice on April 25, 2011, to permit the Defendant to participate in the County Attorney's Diversion Program. On March 6, 2012, Petitioner was discharged from the diversion program for successfully having completed the diversion program on April 25, 2011. In connection with the 2010 charge, Petitioner testified that she went to see Dr. Schalley, who is not her normal doctor, and while the doctor was not originally going to give Petitioner her normal prescription dosage, she understood that the doctor was then going to prescribe for the normal dosage that she had from her regular doctor. She further testified that when she took the

prescription out of her bag to give to the pharmacist, she noticed that it was not the correct dosage and so she changed it, thinking it was a misunderstanding and denied to the Sheriff altering the prescription because she did not think it was altering, but fixing what it was supposed to be. The prescriptions were for blood pressure and for ADHD.

6. The Police Report, including statements from the pharmacist and the doctor, indicate that Petitioner presented prescriptions for Ritalin 15 mg and Klonopin 2 mg, when the original prescriptions were for Ritalin 5 mg and Klonopin 1 mg. As the prescriptions appeared altered, the pharmacist called the doctor's office and found that the original dosages were 5 mg and 1 mg respectively. The doctor's statement indicates that the Petitioner wanted her to increase the dosage of Ritalin to 10 mg, but the doctor informed Petitioner she wanted to start her at 5 mg and that the prescription was 5 mg Ritalin and 1 mg Klonopin. The pharmacist's statement indicates that Petitioner told the pharmacist several times that Petitioner did not alter the prescriptions, that she took the prescriptions from the doctor and put them straight in her purse until she got to the pharmacy. The affidavit of the officer from the State Patrol states Petitioner told the officer that the altering must have been a misunderstanding or mistake on the doctor's part and Petitioner denied altering the prescription. The officer also noted that Petitioner stated the doctor had written down the incorrect dosage amount on the prescription and that the doctor had written 15 mg on the prescription even though that particular medication wasn't available in that particular dosage. She again denied that she had altered the prescription. The affidavit and narrative of the officer, as well as the statement of the pharmacist and doctor, are contained in Exhibit 5.

7. Based on the conflicting statements in the Police reports as Exhibit 5 and Petitioner's testimony, I find Petitioner's testimony to not be credible, namely, her testimony that she was simply fixing or correcting the prescriptions and did not realize she was lying when she spoke to the

pharmacist and the officer that she had not altered the prescriptions. I find that she did lie when she told the pharmacist and officer that she did not alter the prescriptions.

8. Petitioner is currently a full-time student at University of Nebraska at Omaha and a full-time nanny. She has also worked in the federal government building as a pre-school teacher, has worked at Apple Tree Orchard Day Care and has worked as a volunteer for Madonna School, which is a facility serving students with disabilities, both as community service for one of her charges and before and after such community service.

9. She is on the Dean's list at University of Nebraska at Omaha, and as of April 25, 2012, she had a 3.284 GPA.

10. Exhibit 6 contains a recommendation letter from Dr. Bill Goodwin, Ph.D., Principal of the Madonna School stating Petitioner was punctual, pleasant, cooperative and helpful and did a good job in her work with them.

11. Also in Exhibit 6 is a letter from Diane M. Stewart-Ferro, Attorney at Law, recommending Petitioner as dependable, punctual, having a natural affinity toward children, and otherwise recommending Petitioner for approval for the student teaching program. Petitioner is a part-time nanny to Ms. Stewart-Ferro's three children.

12. Exhibit 7 contains her undergraduate transcript from the University of Nebraska at Omaha dated as of April 25, 2012, and reference letters. There is a letter from Nancy A. Edick, Dean of the College of Education informing Petitioner she is on the Dean's list for the fall semester of the 2010-11 academic year. There is a letter from Dr. William P. Austin, associate professor of the teacher education department, stating he has known Petitioner for close to four years and recommending her character as one that is greatly needed, that she is caring, intelligent, culturally aware and solidly competent in her content area. There is also a personal email from Michael

Matthews to Petitioner stating that he enjoyed having her in math 2010, and that she persisted in some challenging material and that her perseverance speaks well of her future as a an elementary teacher. There is also a letter from Elizabeth Carvlin, who states Petitioner had been a babysitter for her since 2011 and that she is trustworthy and dependable, takes directions well and she would recommend her for childcare and to take on broader tasks for teacher as requested.

#### RECOMMENDED CONCLUSIONS OF LAW

13. Title 92 NAC 20, Sec. 005.07B provides that a person with a conviction as defined in Sec. 005.07A shall not be allowed to participate in pre-student teaching field, laboratory and classroom experiences or student teach without approval by the Commissioner or the Board.

14. Under 92 NAC 20, Sec. 005.07A3, convictions include offenses related to felony convictions, including an attempt to commit a crime under Neb. Rev. Stat. § 28-201. The 2004 conviction of the Petitioner is an attempt to commit a crime under Neb. Rev. Stat. § 28-201 and is a conviction under such regulation. Title 92 NAC 20, Sec. 005.07A4 provides that “convictions which have been set aside, nullified, expunged or pardoned shall not be considered convictions for purposes of this chapter, unless the laws of the jurisdiction of the conviction would allow the conviction be used as the basis for denial of permission to teach or participate in pre-student teaching field, laboratory and classroom experiences or student teach, or for denial of a certificate to teach, counsel, supervise, administer, or provide special services in schools.” The order to set aside Petitioner’s 2004 conviction in Nemaha County states in subparagraph (g) that the order does not preclude use of the conviction as evidence of commission of the misdemeanor or felony for purposes of determining whether an application filed or certificate issued under Sec. 79-806 to 79-815 should be denied, suspended or revoked. Such sections of the statute deal with teaching certificates, which would provide under the above regulation that such set aside of this conviction

may be considered since the law allows it to be used as the basis for denial of permission to teach or for the denial of a certificate to teach.

15. Title 92 NAC 20, Sec. 005.07B provides that a person with a conviction as defined above may request approval by the Commissioner or the Board by using the procedures set forth in Title 92 NAC 21, Sec. 009.02 through Sec. 009.04.

16. If the Board finds that the Applicant has good moral character and possesses the moral fitness for teaching, then the Board may direct the Commissioner to approve the request to participate in pre-student teaching field, laboratory and classroom experiences or student teach. In determining where the Applicant has good moral character and the moral fitness for teaching, the following factors shall be considered:

- (a) the name of the crime, the facts and circumstances surrounding the Applicant's conviction, including whether the conduct of the Application would constitute a crime in Nebraska, the sentence received and whether the sentence was commuted, set aside or pardoned;
- (b) the Applicant's age at the time of the conduct;
- (c) the Applicant's positive social contributions since the conduct; and
- (d) reliability of the information concerning the conduct.

17. Petitioner is properly before the Board of Education for determination of her request to participate in pre-student teaching field, laboratory and classroom experiences or student teach.

18. The 2004 conviction was a misdemeanor, but is an attempt to commit a crime, with the underlying crime to which it relates being a felony. Therefore, the Petitioner has a conviction disqualifying her from participation in pre-student teaching field, laboratory and classroom experiences or student teach, unless otherwise approved by the Commissioner or the Board. The setting aside of such conviction did not prohibit it from being considered a conviction for purposes

of the regulations, since the order specifically provided that it would not serve to preclude use of the conviction as evidence in determining whether a certificate to teach should be denied, suspended or revoked and the regulations provide that if the law allows a conviction to be used as a basis for denial of a certificate to teach, that such allowance is an exception to the provision that a set-aside conviction shall not be considered a conviction for purposes of the chapter.

19. Petitioner has received good comments from employers and faculty members. Petitioner is receiving good grades. Petitioner's arrest in 2010 did not result in a conviction, however, the circumstances surrounding such arrest showed dishonesty in an attempt to obtain controlled substances, namely, prescriptions, in a dosage she was not prescribed and also dishonesty to the pharmacist and the state patrol investigator. Such actions do not demonstrate that she now possesses the good moral character and moral fitness for teaching necessary to qualify her for the privilege of student teaching.

20. This is not to say that Petitioner cannot reach and demonstrate that level of maturity necessary to satisfy the requirements of good moral character and the possession of moral fitness for teaching. It appears, however, that Petitioner requires the passage of time without any other lapses or law violations in order to demonstrate such standard. Petitioner may certainly reapply for permission to student teach when she believes that sufficient time has elapsed and she can further demonstrate that she has good moral character and possesses the moral fitness for teaching.

21. The Hearing Officer therefore recommends, based upon the evidence in the record, that the Board of Education at this time reaffirm the Commissioner of Education's denial of Petitioner's request to pre-student teaching field, laboratory and classroom experiences or student teach.

Dated this 23<sup>rd</sup> day of May, 2012.



Jim R. Titus, #16064, Hearing Officer  
MORRIS & TITUS LAW FIRM, PC, LLO  
4645 Normal Blvd., Suite 272  
Lincoln, NE 68506  
(402) 434-5200 – phone  
(402) 434-5209 – fax  
[jtitus@morristituslaw.com](mailto:jtitus@morristituslaw.com)

CERTIFICATE OF SERVICE

The undersigned, Jim R. Titus, hereby certifies that the original of the foregoing with attached transcript was hand delivered to Leslie S. Donley, Assistant Attorney General, Nebraska Department of Justice, 2115 State Capitol, Lincoln, Nebraska on May 23, 2012, and a true and correct copy of the foregoing was served by first-class United States mail, postage prepaid on May 23, 2012, to the following parties:

Brian L. Halstead  
Assistant Commissioner/General Counsel  
Nebraska Department of Education  
301 Centennial Mall South, 6<sup>th</sup> Floor  
P.O. Box 94933  
Lincoln, NE 68509-4933

Barry S. Grossman  
Attorney for Petitioner  
319 S. 17<sup>th</sup> St., Ste. 724  
Omaha, NE 68102



Jim R. Titus, #16064  
Hearing Officer

MAY 14 2012

BEFORE THE STATE BOARD OF EDUCATION  
STATE OF NEBRASKA

Morris & Titus Law Firm

1  
2  
3 MELISSA HAVER, )  
900 Farnam Street, #615, )  
Omaha, NE 68102 )

Case No. 12-04

4  
5 Petitioner, )

REQUESTED TRANSCRIPT

6 vs. )

VOLUME I - TESTIMONY  
(Pages 1 - 46, incl.)

7 ROGER D. BREED, Ed.D. )  
8 COMMISSIONER OF )  
EDUCATION, )  
9 P.O. Box 94933, )  
Lincoln, NE 68509, )

VOLUME I - EXHIBITS  
(Exhibits 1 - 7, incl.)

10 Respondent. )

**ORIGINAL**

11 Proceedings had before JIM R. TITUS, HEARING  
12 OFFICER, at Lincoln, Nebraska, on **May 3, 2012.**

13  
14 A P P E A R A N C E S

15 For the Petitioner:

**MR. BARRY S. GROSSMAN**  
Attorney at Law  
319 South 17th Street  
Suite 724  
Omaha, NE 68102

18 For the Respondent:

**MR. BRIAN L. HALSTEAD**  
Assistant Commissioner/  
General Counsel  
NE Department of Education  
301 Centennial Mall South  
Sixth Floor  
P.O. Box 94933  
Lincoln, NE 68509-4933

22 Also Present:

23 Ms. Jane Haver  
24 Mr. Admir Kellezi  
25

## I N D E X

<u>WITNESSES:</u>	<u>Direct</u>	<u>Cross</u>	<u>Redirect</u>	<u>Recross</u>
MELISSA HAVER	7	26	36	

<u>EXHIBITS:</u>	<u>Marked</u>	<u>Offered</u>	<u>Ruled On</u>	<u>Found</u>
1. Pleadings	4	6	6	ATT
2. NE Department of Education Rule 61	4	6	6	ATT
3. NE Department of Education Rule 20	4	6	6	ATT
4. Information Re: CR04-232	4	6	6	ATT
5. Documents Re: Melissa Haver	4	6	6	ATT
6. Request for Approval	4	6	6	ATT
7. UNO Transcript and Letters of Reference	4	6	6	ATT

ATT - Attached

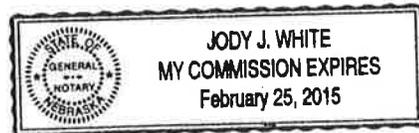
1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

C E R T I F I C A T E

I, Jody J. White, Registered Merit Reporter,  
do hereby certify that the within and following  
transcript contains all the evidence requested to  
be transcribed by me from the proceedings had in  
the foregoing cause; that said transcript is a  
correct and complete transcription of the  
proceedings requested to be transcribed from the  
record made at the time of said proceedings.

Dated this 11th day of May, 2012.

  
General Notary Public



1 (At 10:20 a.m. on May 3, 2012, at 301  
2 Centennial Mall South, Sixth Floor, Lincoln,  
3 Nebraska, before JIM R. TITUS, HEARING OFFICER,  
4 with Mr. Barry S. Grossman appearing as counsel for  
5 the Petitioner and with Mr. Brian L. Halstead  
6 appearing as counsel for the Respondent, the  
7 following proceedings were had:)

8 (Exhibit Nos. 1 through 7 were  
9 marked for identification.)

10 HEARING OFFICER: We'll go ahead and  
11 start. I'm Jim Titus. I'll be the Hearing  
12 Officer, and this is the -- the matter of the  
13 petition of Melissa Haver versus the -- Roger D.  
14 Breed, and -- the Commissioner of Education, and  
15 it's with regard to student -- student teaching, I  
16 believe. Okay. I just had one last week; so I  
17 need to keep -- keep them on track.

18 My -- my job as a hearing officer is to hear  
19 the facts and to make recommendations of Findings  
20 of Fact, Conclusions of Law, and a decision to the  
21 Board of Education; so that's what I'll be doing  
22 after this hearing. If you have a cell phone, I  
23 would appreciate it if you'd turn it to off or to  
24 vibrate and only answer it outside the hearing  
25 room so we don't have any interruptions.

1           And are there any preliminary matters? Do we  
2 want to deal with the -- I understand you --  
3 you're wanting to jointly offer the exhibits.

4           MR. HALSTEAD: Mr. Titus, prior to the  
5 hearing starting, Mr. Grossman and I agreed upon  
6 seven exhibits that we would jointly offer and ask  
7 that you receive. Exhibit No. 1 would be the  
8 pleadings that have been filed in this matter to  
9 date; Exhibit No. 2 being Title 92, Nebraska  
10 Administrative Code, Chapter 61, the rules and  
11 regulations for hearings before the State Board of  
12 Education; Exhibit No. 3 being Title 92, Nebraska  
13 Administrative Code, Chapter 20, the rules and  
14 regulations regarding approval of teacher  
15 education programs in Nebraska; Exhibit No. 4  
16 being a copy of the Nemaha County Court record  
17 regarding the petitioner's possession --  
18 conviction for attempted possession of a  
19 controlled substance.

20           Exhibit No. 5 would be a compilation of  
21 documents from the Douglas County Attorney's  
22 office, the Douglas County District Court, and the  
23 Nebraska State Patrol that relate to the  
24 petitioner. Exhibit No. 6 would be the  
25 petitioner's request for approval that was

1 submitted to the Commissioner of Education, and  
2 Exhibit No. 7 would be a compilation of her  
3 transcript from UNO and numerous letters of  
4 reference written on her behalf.

5 So I think we would jointly at this time  
6 offer Exhibits 1 through 7 and ask that you  
7 receive them.

8 MR. GROSSMAN: That's correct, and I  
9 have no objection to them.

10 HEARING OFFICER: Okay. Exhibits 1  
11 through 7 are received.

12 (Exhibit Nos. 1 through 7 are  
13 made a part of this Requested  
14 Transcript and may be found  
15 attached hereto.)

16 HEARING OFFICER: Are there any  
17 opening statements or are we going right to the  
18 exhibits and testimony?

19 MR. GROSSMAN: I think we're going to  
20 go right to the exhibits and the testimony. I  
21 think they're going to show more than anything  
22 than an opening statement would do.

23 MR. HALSTEAD: I have no opening  
24 statement.

25 HEARING OFFICER: Okay.

*MELISSA HAVER - Direct (Grossman)*

1 MR. GROSSMAN: That's fine. Okay.  
2 I'm going to have Ms. Haver testify with regard to  
3 this situation.

4 HEARING OFFICER: Okay. Ms. Haver,  
5 would you raise your right hand?

6 MS. HAVER: (Complies.)

7 **MELISSA HAVER,**  
8 called as a witness on her own behalf,  
9 having been first duly sworn,  
10 testified as follows:

11 HEARING OFFICER: Okay.

12 DIRECT EXAMINATION

13 BY MR. GROSSMAN:

14 Q. Can you state your name and address?

15 A. My name is Melissa Haver. My address is  
16 900 Farnam Street, Apartment No. 615, Omaha,  
17 Nebraska 68102.

18 Q. And how long have you lived in Omaha,  
19 Melissa?

20 A. All my life.

21 Q. Okay. Why don't you tell us what kind  
22 of -- what -- what prompted you to -- to apply to  
23 UNO to be a teacher.

24 A. I've always wanted to be a teacher ever  
25 since I was little. I've always wanted to help  
people and to make a difference, and I just -- I

*MELISSA HAVER - Direct (Grossman)*

1 feel like I was born to be a teacher. I feel like  
2 when I'm around children, I become more alive.  
3 And I decided to -- to go to UNO because I wanted  
4 to get my degree in teaching so that I could do  
5 that.

6 Q. Had you had -- I'm assuming you have no  
7 children; is that correct?

8 A. That's correct.

9 Q. And -- but did you have -- did you do  
10 volunteer work with kids before you entered UNO?

11 A. I have an older sister, and she has a  
12 seven-year-old, and -- he's my nephew, and he's my  
13 world; so that was kind of my first --

14 Q. Okay.

15 A. -- opening to being around children all  
16 the time from when they were an infant to older.

17 Q. Did you have any jobs before you entered  
18 UNO that you had contact with kids?

19 A. I've worked in different preschools. I  
20 worked at the Federal Government building as a  
21 preschool teacher, as an infant teacher. I've  
22 also worked at Apple Tree Orchard day care and was  
23 a two to three-year-old preschool teacher. And  
24 then I've also been a nanny full-time for the past  
25 two years.

*MELISSA HAVER - Direct (Grossman)*

1 Q. But before you actually entered the UNO  
2 program, you were involved in being in preschool  
3 and day care and all sorts of things involving --

4 A. That's correct.

5 Q. -- children that were not your own kids;  
6 right?

7 A. That's correct.

8 Q. So it was something that you had been  
9 working on for many years?

10 A. Yes, uh-huh.

11 Q. So when you -- where -- where do you go to  
12 school now?

13 A. I go to UNO.

14 Q. What -- do you know what rank you are?

15 A. Last semester -- last semester I was on  
16 the Dean's List --

17 Q. Okay.

18 A. -- but I'm not sure what rank I am.

19 Q. Okay. So to kind of refresh your memory a  
20 little bit and, actually, for exhibits that we've  
21 already entered into the record, I'm going to have  
22 you take a look at Exhibit 7, and this is your --  
23 can you tell me what page 1 and 2 is?

24 A. This is an undergraduate transcript.

25 Q. So that's a listing of all your -- your

MELISSA HAVER - Direct (Grossman)

1 classes; is that correct?

2 A. That's correct.

3 Q. Okay. So in your -- in your program,  
4 you're actually in the teachers' college as well;  
5 right?

6 A. I am. I'm a junior right now.

7 Q. Okay. And when you entered the teachers'  
8 college, how -- how many classes approximately do  
9 you think you had taken?

10 A. I think -- right now I'm around like 90, I  
11 think. I'm not sure.

12 Q. And before -- but actually before you  
13 went -- when did you actually apply for -- to be  
14 in the teachers' college itself? You had already  
15 taken some general classes; right?

16 A. Yes, uh-huh.

17 Q. Okay.

18 A. I was in school for two years --

19 Q. Okay.

20 A. -- before.

21 Q. So when you applied for teachers' college,  
22 did you have to -- did you have to go through an  
23 application process?

24 A. Uh-huh. Yes.

25 Q. And did you have to divulge any -- any

*MELISSA HAVER - Direct (Grossman)*

1 criminal record that you had?

2 A. Yes. They did a -- a background check,  
3 and then you also had to fill out a form that said  
4 if there was any offenses on there --

5 Q. Okay. All right.

6 A. -- which I did.

7 Q. Okay. And what did you list as criminal  
8 offenses?

9 A. I listed the one from Nemaha County --

10 Q. Okay.

11 A. -- and --

12 Q. And that was in 2004; right?

13 A. In 2004, correct.

14 Q. Okay.

15 A. And then the one from 2010, I believe, was  
16 dismissed, and I talked to Dr. Schnabel there and  
17 asked her if I needed to put that on there, and  
18 she said, "No" since it was dismissed.

19 Q. Okay.

20 A. But I had talked to her about it, and she  
21 was the head person there; so she knew. She knew  
22 about it.

23 Q. And that's -- it's Dr. Rebecca Schnabel;  
24 is that right?

25 A. Schnabel, yes.

*MELISSA HAVER - Direct (Grossman)*

1 Q. Okay. And we've got some -- some  
2 correspondence in the record with regard to that,  
3 but she helped you prepare the -- the application?

4 A. Yes.

5 Q. And, just to reiterate, she instructed you  
6 not to put down the second charge because --

7 A. Yes.

8 Q. -- it was dismissed?

9 A. Yes.

10 Q. Okay. All right. So basic question: How  
11 are you doing at UNO?

12 A. I'm doing really good.

13 Q. Okay.

14 A. I have about a year left.

15 Q. Okay.

16 A. Maybe more. And I study really hard --

17 Q. Okay.

18 A. -- and I get really good grades.

19 Q. Okay. And I'm going to give you this --  
20 I'm going to give you page 3 of Exhibit 7. Can  
21 you tell me what that is?

22 A. This is a request from -- from  
23 Dr. Schnabel, and it says that it's verified that  
24 I'm enrolled as a student at UNO and that I've  
25 completed seventy-six hours and have a GPA of

MELISSA HAVER - Direct (Grossman)

1 3.284.

2 Q. And, in fact, you're on -- actually on the  
3 Honor Roll now; right?

4 A. Yes.

5 Q. Okay. Great. I'm going to hand you  
6 what's been marked as -- well, it's a part of  
7 Exhibit 7. It's page 4, and this is for  
8 purposes -- just illustration. How -- how much  
9 does it show that you have left as far as credits?  
10 Or maybe more specifically --

11 A. 82 percent is --

12 Q. And that -- that's how much has been  
13 completed?

14 A. That's correct.

15 Q. Okay. So you've got -- you've got about  
16 18 -- 18 more -- 18 percent more credits to go,  
17 right, and then you'll all be -- you'll be all  
18 done?

19 A. (Witness nods head.)

20 Q. Okay. All right.

21 A. Correct.

22 Q. It -- page 5 of Exhibit No. 7, can you  
23 tell me what that is?

24 A. This is -- it says, "Congratulations!  
25 Your scholastic performance for the Fall Semester

*MELISSA HAVER - Direct (Grossman)*

1 of 2010-2011 has placed you on the Dean's Honor  
2 List of the College of Education," and it says, "a  
3 semester grade point average of at least a 3.5 for  
4 12 or more graded hours of course work is  
5 necessary for recognition on the Dean's List."

6 Q. Okay. Good. What -- do you know what you  
7 want to get into as far as when you graduate?

8 A. I want to be a kindergarten teacher.

9 Q. You want to work with little children?

10 A. Uh-huh.

11 Q. Okay. All right. And that's -- are you  
12 starting to specify with regard to that in your  
13 studies?

14 A. Yes.

15 Q. More --

16 A. Uh-huh.

17 Q. More young children?

18 A. My degree will be in "K" through six --

19 Q. Okay.

20 A. -- but I want to specialize in  
21 kindergarten.

22 Q. I take it you have a lot of patience.

23 A. Yeah.

24 Q. Good. All right. I'm going to hand you  
25 the next page of that Exhibit No. 7. Tell me what

*MELISSA HAVER - Direct (Grossman)*

1 that is.

2 A. This is from Dr. William Austin, and it  
3 says, "The purpose of this letter is to display my  
4 support of Ms. Melissa Haver in her desire to  
5 pursue a career as an educator. I have known  
6 Melissa for close to four years now. She has been  
7 a student in my human relations class and like  
8 many other students, takes advantage of my 'open  
9 door' policy with regards to dropping by just to  
10 chat."

11 "I judge her character to be one that is  
12 greatly needed in today P through 12 classrooms.  
13 She is caring, intelligent; cultural aware and  
14 solidly competent in her content area. It would  
15 be a crime if this individual is not allowed, no,  
16 encouraged, to continue to the pursuit of her  
17 teaching credentials."

18 Q. And -- and we've got some other reference  
19 letters with regard to your instructors, including  
20 a -- a Dr. Matthews; is that correct?

21 A. (Witness nods head.)

22 Q. And I'm assuming that -- that you've got a  
23 pretty good relationship with regard to all your  
24 instructors and they have respect for you.

25 A. Yes.

*MELISSA HAVER - Direct (Grossman)*

1 Q. Okay. Good. Can you hand that back to  
2 me, please?

3 A. (Witness complies.)

4 MR. GROSSMAN: And let the record  
5 reflect that Exhibit No. 6, I believe, has some  
6 reference letters with regard to Ms. Haver's  
7 performance in her program.

8 HEARING OFFICER: Exhibit No. 7, isn't  
9 it?

10 MR. GROSSMAN: Exhibit 7 has some, and  
11 I believe there's a couple in Exhibit 6 as well.  
12 Let's see.

13 HEARING OFFICER: I will be looking at  
14 all the exhibits, though.

15 MR. GROSSMAN: I apologize. That's  
16 actually some references with regard to the next  
17 questions I'm going to be asking.

18 Q. (By Mr. Grossman) So other than school --  
19 outside of school, you said that -- what are you  
20 doing right now outside of school?

21 A. I'm a member of my church at St. Paul's.

22 Q. Okay.

23 A. Two years ago I got married --

24 Q. Okay.

25 A. -- and --

MELISSA HAVER - Direct (Grossman)

1 Q. Do you do some volunteer work at the  
2 church?

3 A. I -- I do volunteer work at the church  
4 with the -- with the children, and I volunteer at  
5 the Madonna School for children with special  
6 needs.

7 Q. Okay.

8 A. And I volunteer at the Lydia House and the  
9 Food Bank and the Siena/Francis House.

10 Q. And you're a full-time student; right?

11 A. Yes.

12 Q. And you just got married?

13 A. Yes.

14 Q. And, in fact, your husband's actually here  
15 as well?

16 A. Yes.

17 Q. And your mother's also here as well --

18 A. Yes.

19 Q. -- correct? And I'm going to -- this is  
20 part of Exhibit No. 6. You mentioned Madonna  
21 School. Can you tell me what that (indicating) is  
22 as part of Exhibit 6?

23 A. This is a -- a recommendation from  
24 Dr. Bill Goodwin. He's the principal at the  
25 Madonna School, and he has said that I "worked as

*MELISSA HAVER - Direct (Grossman)*

1 a volunteer for Madonna School during the summer  
2 program of 2010. Madonna School is a private  
3 Catholic facility serving students with  
4 disabilities."

5 Q. Okay. And, again, you're working with  
6 children?

7 A. Yes.

8 Q. And you mentioned also that you work as a  
9 nanny; correct?

10 A. Yes.

11 Q. And who do you work for now?

12 A. Right now I work for Liz Carvlin.

13 Q. Okay. Can you hand that back to me?

14 A. (Witness complies.)

15 Q. And there is a letter -- I'm sure it's in  
16 here in one of these exhibits.

17 A. And also Diane Ferro also.

18 Q. Diane Ferro -- there's a letter in Diane  
19 Ferro's -- in the Exhibit No. 6 with regard to  
20 your experience with Diane Ferro as an employer,  
21 and that's your past employer; is that correct?

22 A. Yes, correct.

23 Q. And you were a nanny for her children?

24 A. Yes.

25 Q. Okay. And then in Exhibit No. 7 there's a

*MELISSA HAVER - Direct (Grossman)*

1 letter from -- and I think you've seen this  
2 before -- a letter from your current employer,  
3 Elizabeth Carvlin --

4 A. Yes.

5 Q. -- right? And how -- how many hours do  
6 you work -- how many hours do you work as a nanny  
7 a week?

8 A. Maybe twenty to twenty-five hours, but I  
9 also am looking for another position right now --

10 Q. Okay.

11 A. -- so I'm doing some interviewing for  
12 other nanny positions for the summer.

13 Q. Okay. Let's talk about -- because this is  
14 why we're here, let's talk about the charges that  
15 were on your record. Okay?

16 A. (Witness nods head.)

17 Q. And I -- I take it you had some time to  
18 take -- take a look at what -- the paperwork that  
19 we had with regard to this; is that correct?

20 A. Correct.

21 Q. Okay. So the -- the first charge was in  
22 2004?

23 A. Correct.

24 Q. How old were you when you -- when you were  
25 arrested for that charge?

*MELISSA HAVER - Direct (Grossman)*

1 A. I was eighteen.

2 Q. Okay. And, ultimately, you pled to an  
3 attempted possession of a controlled substance; is  
4 that correct?

5 A. Correct.

6 Q. The -- the items that were found on  
7 that -- in that car -- it was a car at the time;  
8 right?

9 A. Correct.

10 Q. And you were pulled over?

11 A. Correct.

12 Q. Okay. Were those items yours?

13 A. No.

14 Q. But you were in constructive possession  
15 of -- of the items in the car?

16 A. I was.

17 Q. And that's why you pled to that charge?

18 A. I was, yes.

19 Q. The -- did you complete your sentence?

20 A. Yes.

21 Q. And, in fact, since then, you made a -- a  
22 motion to have the -- the conviction set aside?

23 A. Correct.

24 Q. And it was, indeed, set aside --

25 A. Correct.

MELISSA HAVER - Direct (Grossman)

1 Q. -- is that correct? And discussing this  
2 in the past with me, I've told you that I've done  
3 set-asides before and that the way that the -- the  
4 Court works is that they -- that they look at  
5 the -- the statute looks at the last charge, but  
6 this judge -- the County Court Judge dismissed  
7 that 2004 charge; correct?

8 A. Correct.

9 Q. Okay. The -- so there wasn't anything  
10 else on your record until 2010 --

11 A. Correct.

12 Q. -- right? So let's -- let's talk about  
13 that. That was a charge for acquiring a  
14 controlled substance by fraud?

15 A. Correct.

16 Q. And let's -- let's get into a little bit  
17 about that since that's the -- that's the most  
18 recent one. That one has since been dismissed;  
19 correct?

20 A. Correct.

21 Q. And you entered a diversion program that  
22 was approved of by the prosecution -- or by the  
23 prosecutor as well as the Judge in the case?

24 A. Correct.

25 Q. Okay. Did they have any problem with you

*MELISSA HAVER - Direct (Grossman)*

1 going in the diversion program?

2 A. No.

3 Q. Did the prosecutor give any -- any -- have  
4 any problem with you going in the diversion  
5 program?

6 A. No.

7 Q. Okay. The -- when you -- during that time  
8 when that happened, can you tell us what happened  
9 when you went to the doctor that day?

10 A. I went to see the doctor, Schalley. She's  
11 not my normal doctor. I've never seen her before.  
12 Me and my husband were actually just coming back  
13 from Albania for a month, and when I had gotten  
14 back, my original doctor, Dr. Wik, was out of  
15 town. And I take medication for anxiety and for  
16 blood pressure; so -- I was in need of my  
17 medication; so I went to see Dr. Schalley.

18 Q. Okay.

19 A. And I told her the medications that --  
20 that I needed, and, at first, she didn't want to  
21 give them to me because that's normally what --  
22 she doesn't prescribe that, but, finally, we had  
23 an understanding that -- that she would prescribe  
24 it. And so I took the prescriptions and --

25 Q. Was it your understanding -- and I don't

*MELISSA HAVER - Direct (Grossman)*

1 mean to interrupt, but was it your understanding  
2 that she was going to prescribe you the normal  
3 dosage that you got from your regular doctor?

4 A. Correct.

5 Q. Okay.

6 A. Correct.

7 Q. And she had said that that was fine and --

8 A. Correct.

9 Q. -- was going to prescribe that to you?

10 A. Correct.

11 Q. So -- go ahead. Then --

12 A. And so I proceeded to go to the  
13 pharmacy --

14 Q. Okay.

15 A. -- and I took them out of my bag to give  
16 them to the pharmacist and noticed that it wasn't  
17 the correct dosage --

18 Q. Okay.

19 A. -- and so I changed it --

20 Q. Okay.

21 A. -- and --

22 Q. And that was because you had thought that  
23 she had made a mistake?

24 A. Correct.

25 Q. Okay.

*MELISSA HAVER - Direct (Grossman)*

1           A.    I thought it was just a misunderstanding,  
2 and so I -- I changed it.

3           Q.    And when -- so you're not denying that you  
4 did this?

5           A.    Correct.

6           Q.    And the -- the report from the -- the  
7 Sheriff's Department showed that you did say that  
8 you didn't do it, but you didn't -- when -- can  
9 you explain that? It said you didn't alter the --

10          A.    I -- I didn't -- I didn't think I altered  
11 the prescription. I just fixed it to what it was  
12 supposed to be. I -- I didn't think that was  
13 altering the prescription, I guess.

14          Q.    So it was because at the time you thought  
15 that because that was a mistake that the doctor  
16 had made --

17          A.    Correct.

18          Q.    -- you were correcting it?

19          A.    Right.

20          Q.    But you know since then that that was  
21 wrong to do --

22          A.    I know --

23          Q.    -- and you shouldn't have done it?

24          A.    Yes.

25          Q.    But -- and let's go back to the -- the

MELISSA HAVER - Direct (Grossman)

1 medication that was prescribed to you was for  
2 what?

3 A. It's for blood pressure and for ADHD.

4 Q. So it's not narcotics?

5 A. No.

6 Q. So you weren't intending to use this to  
7 get high?

8 A. No, no.

9 Q. Okay. And is that -- is that the  
10 understanding that you had when this was  
11 dismissed? Is that -- or that -- when it was --  
12 you were given the diversion program --

13 A. Yes.

14 Q. -- that the Judge thought that this wasn't  
15 what a normal altering of a -- of a prescription  
16 would be?

17 A. Correct.

18 Q. Okay. And that was all completed, and you  
19 did the -- the diversion --

20 A. Correct.

21 Q. -- and that was dismissed?

22 A. Yes.

23 Q. Okay. All right. And I take it there's  
24 been no problem since then.

25 A. No.

*MELISSA HAVER - Cross (Halstead)*

1 Q. Including any car tickets or anything --

2 A. No.

3 Q. -- like parking tickets? Okay. And you  
4 have no intention of -- of participating in any  
5 kind of criminal behavior?

6 A. No.

7 Q. Okay. All right.

8 MR. GROSSMAN: I believe that's all  
9 the questions I have.

10 HEARING OFFICER: Go ahead.

11 MR. HALSTEAD: Thank you.

12 CROSS-EXAMINATION

13 BY MR. HALSTEAD:

14 Q. Melissa, you said you've lived your entire  
15 life in Omaha?

16 A. Correct.

17 Q. Okay. So graduated from high school  
18 where?

19 A. At Northwest --

20 Q. Okay.

21 A. -- High School.

22 Q. And when did you graduate from Northwest  
23 High?

24 A. 2003.

25 Q. Okay. And after you graduated from

*MELISSA HAVER - Cross (Halstead)*

1 Northwest High, what -- what did you do next in  
2 your life?

3 A. I took about a year off just to work and  
4 make some money.

5 Q. Okay.

6 A. And then I decided to go to Metro to do  
7 photography, and I did that, and --

8 Q. How long -- or when did you enroll in  
9 Metro about?

10 A. 2004 --

11 Q. Okay.

12 A. -- 2005. And then I started --

13 Q. Do you remember how many hours you  
14 completed at Metro?

15 A. It was two years.

16 Q. Okay. And then after Metro?

17 A. And then I started working at a  
18 photography studio as a manager at Oak View in the  
19 JCPenney.

20 Q. Okay. And how long did you work in the  
21 photography studio?

22 A. About three years.

23 Q. Okay. So graduated from high school in  
24 2003. Took a year off; so we're into 2004 or some  
25 time frame. Then you decided to take classes at

*MELISSA HAVER - Cross (Halstead)*

1 Metro in 2004, 2005?

2 A. (Witness nods head.)

3 Q. Worked three years in photography; so  
4 we're about to 2008 or 2009? Am I --

5 A. (Witness nods head.) Yes.

6 Q. Okay. When you shake your head --

7 A. Yes.

8 Q. -- the court reporter doesn't have  
9 anything to type. That's why I was --

10 A. Yes.

11 Q. -- hoping you'd say, "Yes." When did you  
12 start attending UNO?

13 A. 2010.

14 MR. KELLEZI: Nine.

15 A. 2009.

16 Q. (By Mr. Halstead) Okay. So was this  
17 after you completed Metro? You just went on to  
18 UNO?

19 A. Yes.

20 Q. Okay. And that's where you've been going  
21 to school ever since?

22 A. Yes.

23 Q. All right. The coursework you still need  
24 to complete at UNO, do you know what that  
25 coursework is?

*MELISSA HAVER - Cross (Halstead)*

1           A.    Most of it has to do with student  
2 teaching.

3           Q.    Okay.  That's almost a full semester,  
4 isn't it?

5           A.    Correct.

6           Q.    You have some other coursework that  
7 requires you to go out into the schools or field  
8 experiences?

9           A.    Correct, field experience.

10          Q.    Okay.  Do you have any idea how long --  
11 how much longer it will take you to complete those  
12 courses?

13          A.    Should be a year.

14          Q.    Okay.  So if everything goes well for you  
15 and according to schedule, maybe next May you  
16 could graduate from UNO --

17          A.    Correct.

18          Q.    -- with a degree?  Okay.  Let's go back to  
19 the 2004 Nemaha County incident.  If I understand  
20 your time line, you were -- that was the year you  
21 took off from school?

22          A.    Correct.

23          Q.    Okay.  What was going on that day in your  
24 life?

25          A.    It was my birthday.

*MELISSA HAVER - Cross (Halstead)*

1 Q. Okay. So it was your eighteenth or  
2 nineteenth birthday?

3 A. It was my eighteenth birthday.

4 MS. JANE HAVER: Nineteenth birthday.

5 MR. KELLEZI: It was the 25th. The  
6 next day would be --

7 A. My nineteenth birthday.

8 Q. (By Mr. Halstead) Okay.

9 A. And I was going to Lawrence, Kansas, for  
10 my birthday with some friends, and --

11 Q. Why Lawrence, Kansas?

12 A. One of my friends goes to school there.

13 Q. Okay.

14 A. And a bunch of my friends went down there,  
15 and then I had to catch a ride with someone else.

16 Q. Who did you catch a ride with?

17 A. His name was Tim Grasmick.

18 Q. And did you know Tim?

19 A. Not very well. An acquaintance. Friends  
20 of other friends.

21 Q. Okay. So are -- you're leaving from Omaha  
22 to go to Lawrence, Kansas, with Tim?

23 A. Correct.

24 Q. Okay. And it's Tim's vehicle?

25 A. Correct.

*MELISSA HAVER - Cross (Halstead)*

1 Q. And Tim's driving?

2 A. Correct.

3 Q. Okay. So you leave Omaha, and what's  
4 going on as you're driving to Lawrence?

5 A. It was a little later at night. I think I  
6 was sleeping.

7 Q. Okay.

8 A. And we got pulled over, and I didn't  
9 really know what was going on until I woke up.  
10 And the police took me out of the car and put me  
11 in the -- the backseat of their car; so I didn't  
12 really know what was going on.

13 Q. Okay. So one of the officers put you in  
14 the backseat of his vehicle?

15 A. Correct.

16 Q. Was he then talking to Tim?

17 A. Correct.

18 Q. Okay. So you weren't involved in any of  
19 that discussion --

20 A. Correct.

21 Q. -- with Tim? All right. According to the  
22 affidavit that's in the court record, there was a  
23 whole bunch of drug paraphernalia in the front  
24 floorboard area of the car. I think Mr. Grossman  
25 mentioned it, but there was a scale and some other

*MELISSA HAVER - Cross (Halstead)*

1 type of stuff that was on the floorboard. Do you  
2 remember that?

3 A. No --

4 Q. Okay.

5 A. -- no. I had -- I didn't see anything at  
6 my feet.

7 Q. Okay.

8 A. It -- if it was underneath my seat --

9 Q. Okay.

10 A. There was a -- a little black fanny pack  
11 bag --

12 Q. Okay.

13 A. -- that was kind of down by my feet, but  
14 that wasn't mine.

15 Q. Okay. It also said when they searched  
16 your purse they found some -- I think it was  
17 marijuana and paraphernalia in your purse.

18 A. That's incorrect. That wasn't my purse.  
19 My purse was in the backseat of the car.

20 Q. Whose purse was --

21 A. It was -- I'm assuming it was Tim's. That  
22 was the -- it was a little black fanny pack bag  
23 that some guys use. It's like a satchel --

24 Q. Okay.

25 A. -- that some guys carry --

*MELISSA HAVER - Cross (Halstead)*

1 Q. Okay.

2 A. -- and that was by my feet, but that  
3 wasn't mine.

4 Q. Okay. I just wanted to make sure we  
5 understand that. And you were subsequently  
6 charged with a felony offense because of what was  
7 in the car?

8 A. Correct.

9 Q. And the prosecutor offered you a plea  
10 agreement to reduce it to a misdemeanor. You  
11 plead to the misdemeanor; correct?

12 A. Correct.

13 Q. Okay. And you completed the probation?

14 A. Correct.

15 Q. Do you remember what your terms of  
16 probation were?

17 A. It was one year of probation to see a -- a  
18 counselor to do drug tests once a month.

19 Q. Okay. And you passed all the drug tests?

20 A. Correct.

21 Q. Okay. Didn't have any problems?

22 A. No.

23 Q. Was there any community service you had to  
24 do?

25 A. No.

*MELISSA HAVER - Cross (Halstead)*

1 Q. Okay. And did you report to a probation  
2 officer in Auburn or was it in Omaha?

3 A. It was in Omaha.

4 Q. Okay. And while you were on probation,  
5 were you going to Metro then?

6 A. I don't think -- not at that time.

7 Q. Okay.

8 A. I think it was a little -- a little later.

9 Q. Okay. Good enough. The -- the offense in  
10 Douglas County, you don't -- right now you don't  
11 deny that you changed what was written on the  
12 prescription by the doctor?

13 A. Correct.

14 Q. Okay. But when the State Patrolman was  
15 talking to you, you said you didn't do that?

16 A. I -- correct.

17 Q. And if I'm understanding your testimony  
18 here today, are you indicating you misunderstood  
19 what the patrolman was asking of you?

20 A. Correct.

21 Q. Okay. You weren't trying to say, "That's  
22 not my handwriting"?

23 A. No.

24 Q. Okay.

25 A. No.

*MELISSA HAVER - Cross (Halstead)*

1 Q. All right. And the diversion program in  
2 Douglas County, what did you have to do for the  
3 diversion program?

4 A. The diversion program -- I had to meet a  
5 counselor --

6 Q. Okay.

7 A. -- a probation officer twice -- twice a  
8 month.

9 Q. And what --

10 A. Sometimes it was once a month; sometimes  
11 it was twice a month depending on . . .

12 Q. And was there anything particular you were  
13 doing with the counselor?

14 A. No. Just -- just drug tests.

15 Q. Okay.

16 A. The monthly drug tests.

17 Q. Okay. And I take it those all came back  
18 with positive results. You weren't doing drugs?

19 A. Correct.

20 Q. Okay. Anything else you had to do for  
21 the -- the diversion program?

22 A. No.

23 Q. There wasn't any community service?

24 A. Oh, community service, yes.

25 Q. What did you do for community service?

*MELISSA HAVER - Redirect (Grossman)*

1 A. I had to work -- I worked for Bill  
2 Goodwin, the -- at the Madonna School.

3 Q. Okay. So is that what his letter is  
4 referencing, your work there, or is --

5 A. I've done previous and after --

6 Q. Okay.

7 A. -- work with him also.

8 Q. So you already knew about the Madonna  
9 School --

10 A. Yes.

11 Q. -- and there was an opportunity to use it  
12 for the community service?

13 A. Yes.

14 Q. Great.

15 MR. HALSTEAD: I don't believe I have  
16 any more questions. Thank you.

17 MR. GROSSMAN: I just have a couple.

18 REDIRECT EXAMINATION

19 BY MR. GROSSMAN:

20 Q. Just to -- to complete what Mr. Halstead  
21 had talked about, what you had done since 2003,  
22 when -- after you worked at Madonna -- at -- as  
23 manager of the photography studio at JCPenney, you  
24 had testified before that you -- you worked at  
25 Apple Tree?

*MELISSA HAVER - Redirect (Grossman)*

1 A. Apple Tree, correct.

2 Q. And that's a -- is that a day care?

3 A. That is a preschool.

4 Q. It's a preschool?

5 A. Uh-huh.

6 Q. And when did you work there?

7 A. Maybe 2006. 2007 maybe.

8 Q. Okay. For a couple years?

9 A. Yes.

10 Q. And then after that is when you worked at  
11 the Zorinsky Building in Omaha?

12 A. Correct.

13 Q. And you worked as a -- as a what for that?

14 A. A preschool teacher.

15 Q. What age of kids did you work with?

16 A. It was infant through two years.

17 Q. Okay. And then from that, as far as  
18 working, then you -- then you did the nanny --

19 A. Correct.

20 Q. -- work; right? Okay.

21 MR. GROSSMAN: All right. I believe  
22 that's all the questions I have.

23 HEARING OFFICER: I have a question.  
24 The change in the prescription, did that increase  
25 the dosage?

1 THE WITNESS: Yes, yes, it increased  
2 the dosage.

3 HEARING OFFICER: And how much did it  
4 increase the dosage?

5 THE WITNESS: I believe it was -- the  
6 original -- what it was supposed to be was  
7 15 milligrams.

8 HEARING OFFICER: And it was before  
9 that --

10 THE WITNESS: I'm not sure what it --  
11 what it --

12 HEARING OFFICER: Okay.

13 THE WITNESS: Maybe it was -- I'm not  
14 sure.

15 MR. HALSTEAD: I believe you'll find  
16 in the -- the exhibit the actual prescription  
17 itself, and the changes are written on that. It  
18 will detail for you what was changed.

19 HEARING OFFICER: Okay. And you say  
20 it's not a narcotic; so what is it?

21 THE WITNESS: It's for blood pressure.  
22 The Klonopin's for blood pressure, and the -- the  
23 other one is for ADHD.

24 HEARING OFFICER: Okay. Thank you.

25 Any further questions from either of you?

1 MR. HALSTEAD: I don't have any.

2 MR. GROSSMAN: No. I just have a  
3 closing.

4 HEARING OFFICER: Is there -- so --

5 MR. GROSSMAN: Oh, I'm sorry.

6 HEARING OFFICER: -- are either of  
7 these (indicating) testifying, these two  
8 individuals?

9 MR. GROSSMAN: No, they're not.

10 HEARING OFFICER: Okay. So you don't  
11 have any other evidence then?

12 MR. GROSSMAN: No.

13 HEARING OFFICER: Okay. Mr. Halstead?

14 MR. HALSTEAD: I don't have any other  
15 evidence, Your Honor.

16 HEARING OFFICER: Okay. Well, closing  
17 arguments then, Mr. Grossman.

18 MR. GROSSMAN: Your Honor, the -- my  
19 client's given you a good indication of what she's  
20 done before the actual 2004 charge as well as  
21 what's gone on up to -- up to date. It -- it  
22 shows that she's -- she's dedicated to taking care  
23 of kids. These offenses that have existed -- that  
24 exist on the record, the first one, the 2004  
25 charge, she was nineteen years old, and we do very

1 stupid things when we're nineteen.

2 She testified that that -- that those items  
3 that were in that car were not hers; however, she  
4 understood under the law, after having counsel  
5 with regard to it, that -- that because she was in  
6 the car with the -- the items that she's -- she's  
7 committed an offense, and that's what she pled to.  
8 She did -- she did her sentence, and she -- she  
9 did it successfully. She moved on.

10 There was that second charge that was indeed  
11 dismissed. There is some discrepancy with regard  
12 to the record as far as what she told the -- the  
13 investigator, but as she -- as she mentioned in  
14 her testimony, she was -- she changed it because  
15 it's not what the doctor had prescribed her. The  
16 doctor that she had was not the doctor -- her  
17 regular doctor. She had never seen that doctor  
18 before, and she put -- and she is admitting that  
19 she did change it, but she changed it to the  
20 dosage that she had because that's what the doctor  
21 actually had prescribed her. And -- and she  
22 realized that you're not supposed to do those kind  
23 of things, whatever her -- her motive was, and --  
24 and you now know what her motive was at the time.

25 The -- with regard to that -- that first 2004

1 charge, it was indeed set aside, and I believe  
2 in -- in Rule 21 of the regulations on page 9,  
3 003.14, there's a -- they talk about convictions  
4 that are set aside, and they -- they said --  
5 there's an exception that they're not considered  
6 unless it's for denial of a teaching certificate,  
7 but that's not why she's here. She wants to  
8 complete her education, and I think that needs to  
9 be taken into consideration, that that set-aside  
10 is -- it's -- it's no longer a conviction and it's  
11 not considered to be an exception.

12 The -- through her testimony -- and I think  
13 I -- I -- I touched on this -- for motions to set  
14 aside, criminal court justices are getting --  
15 judges are getting more and more choosy about what  
16 they're going to do as far as setting aside a  
17 conviction. And the way the statute reads is  
18 they'll set aside the most recent one, and they're  
19 very -- they're very complete about looking at the  
20 record. They, most likely, had seen that 2010  
21 charge, but knowing what it was and that it was  
22 indeed dismissed, they set aside the 2004 charge  
23 knowing what she's done since then.

24 The -- the -- for the second charge -- and I  
25 think you had -- Your Honor had asked questions

1 with regard to what were those prescriptions for.  
2 They're not prescriptions to -- to misuse.  
3 They're not prescriptions to get high. They're  
4 prescriptions -- one's for -- a blood pressure  
5 medicine, and the other's for AD -- ADHD. So the  
6 Judge, I think, saw that, as well as the  
7 prosecutor, that she was a good candidate for  
8 diversion and that this wasn't an appropriate  
9 charge for a conviction based on her record and  
10 based on what -- what had happened, and I think  
11 that's why they agreed to the diversion which she  
12 successfully completed.

13 I -- I just want to add too that these  
14 safeguards are in place -- I understand the -- the  
15 importance of making sure that any candidates for  
16 purposes of teaching are good candidates and that  
17 there -- there won't be any harm to the children,  
18 but, number one, this individual has shown that  
19 she's dedicated to kids and she's made a couple  
20 mistakes. And, number two, this -- this  
21 proceeding is to allow her to complete her  
22 education. It's not for a teaching certificate.

23 Those safeguards are in place when she comes  
24 back later and says, "I want a teaching  
25 certificate 'cause I want to teach kids." To

1 allow her to continue that education and just  
2 complete it would mean that her -- the money that  
3 she's invested with regard to her education hasn't  
4 gone to waste and she hasn't spent thousands and  
5 thousands of dollars to have a dead end.

6 And the Board's -- the State's goal to make  
7 sure that -- that kids are safe will be in place  
8 because she'll still have to come back here for --  
9 to get a certificate to teach; so allowing her to  
10 complete her education would still allow the --  
11 the State to -- to have those safeguards in place,  
12 and I would then -- ask the Court here to -- to  
13 listen to that and to consider it.

14 I -- I just -- I've -- I've worked as -- in  
15 the private college sector for twenty-four years  
16 before I was -- before I retired, and I know that  
17 for purposes of private public education -- for  
18 private education for colleges, they do a -- a  
19 background check, and they do it because they  
20 don't want to be told later "You let those people  
21 come in, get these -- go through their education,  
22 owe thousands of dollars, and you're now saying,  
23 'You're not going to be hired.'"

24 And I think that we have that kind of a  
25 situation here, that -- and my client testified

1 that they did a background check before she came  
2 into the teachers' college, and both of those  
3 charges would have been on the record, and she's  
4 gone through her education and done very, very  
5 well. She comes up to the time where she's doing  
6 student teaching, and now she can't.

7 And I just think that it's fundamentally  
8 unfair to allow her to -- to incur all these  
9 student loans and not be able to show that she's  
10 got a degree; whereas, again, we still have the  
11 stage that she has to go through to get her  
12 teaching certificate. So I would ask that -- that  
13 she be allowed to complete that.

14 HEARING OFFICER: Mr. Halstead.

15 MR. HALSTEAD: Very briefly, I'm not  
16 going to engage you in speculating on what judges  
17 do or don't or why they do what they do or they  
18 don't. The -- it's clear she had her -- her  
19 conviction in Nemaha County set aside in April  
20 after this process had already started down the  
21 road and that she should be credited -- given  
22 credit for that. I'm not here to argue about the  
23 fact that the -- the conviction still be set  
24 aside.

25 I think when you look at the letter that the

1 Commissioner sent denying this, he had some  
2 trouble with the written explanation that the  
3 petitioner had given in her request and also in  
4 what the police reports and the court records  
5 indicated about the incidents.

6 She's testified here today that -- with some  
7 different facts that weren't available to the  
8 Commissioner. It's your job to judge the  
9 credibility of her testimony and all the facts in  
10 that, and I'm certain you will do so. Obviously,  
11 this would be a much simpler case if all there was  
12 was the 2004 incident. The 2009, '10 incident  
13 caught the attention of the Commissioner of  
14 Education as to a second controlled substance  
15 offense which, I think, is what warranted the  
16 hearing before you this morning and what warrants  
17 the State Board's review of the whole thing.

18 So we'd ask you to look at all of the facts  
19 that have been presented -- not only just the  
20 documentation but her -- her sworn testimony --  
21 and make an appropriate recommendation.

22 HEARING OFFICER: Thank you. The  
23 reference -- you -- you said, "Rule 21, page 9"?

24 MR. GROSSMAN: Rule 21 which is --

25 MR. HALSTEAD: I think he's

1 referencing the guidelines used for reviewing  
2 convictions in Rule 21.

3 MR. GROSSMAN: Yeah. Page 9, 003.14.

4 MR. HALSTEAD: Oh, no. You're in the  
5 other part.

6 MR. GROSSMAN: Yeah. Sorry. It's  
7 Rule 21, and it's on page 9 --

8 HEARING OFFICER: Okay.

9 MR. GROSSMAN: -- on the very top.

10 HEARING OFFICER: Okay. Thank you.  
11 That will conclude this hearing. I will review  
12 all the evidence, and I'll make recommendations on  
13 all those matters to the Board of Education.

14 And then you will be receiving a copy of my  
15 recommended Findings of Fact, Conclusions of Law,  
16 and decision, and then that will be submitted to  
17 the Board of Education for their consideration.  
18 Thank you.

19 (The proceedings concluded at 11:00 a.m.)  
20  
21  
22  
23  
24  
25

12-04 HAVER V. COMMISSIONER  
(St. Teach)

Haver 5/3/12  
EXHIBIT NO. 1  
15 pgs.  
JODY WHITE, RMR



REC'D

APR 25 2012

Morris & Titus Law Firm

BEFORE THE STATE BOARD OF EDUCATION  
STATE OF NEBRASKA

Melissa Haver )  
900 Farnam Street, #615 )  
Omaha, NE 68102 )  
Petitioner, )  
)  
)  
vs. )  
)  
Roger D. Breed, Ed.D. )  
Commissioner of Education )  
P O Box 94933 )  
Lincoln, NE 68509 )  
Respondent. )

CASE NO. 12-04

APPEARANCE OF COUNSEL

COMES NOW Barry S. Grossman, counsel for the Petitioner and hereby enters his appearance herein and formally requests that all notices be sent to the following address:

Barry S. Grossman  
319 So. 17<sup>th</sup> St., Ste. 724  
Omaha, Nebraska 68102

MELISSA HAVER, Petitioner

BY:



BARRY S. GROSSMAN #18252  
319 So. 17<sup>th</sup> St., Ste. 724  
Omaha, Nebraska 68102  
(402)345-5922  
Attorney for Petitioner.

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the above and foregoing Appearance of Counsel was served upon Brian L. Halstead, Assistant Commissioner/General Counsel, Nebraska Department of Education, 301 Centennial Mall South, 6<sup>th</sup> Floor, P O Box 94933, Lincoln, NE 68509-4933 and John R. Titus, Hearing Officer, Morris & Titus Law Firm, 4645 Normal Blvd., Ste 272, Lincoln, NE 68506 by regular United States mail, postage prepaid on the 24<sup>th</sup> day of April, 2012.





CERTIFICATE OF SERVICE

I certify that on April 19, 2012, I served a true and correct copy of the foregoing Notice of Hearing by first-class United States mail, postage prepaid, on the following parties:

Brian L. Halstead  
Assistant Commissioner/General Counsel  
Nebraska Department of Education  
301 Centennial Mall South, 6<sup>th</sup> Floor  
P.O. Box 94933  
Lincoln, NE 68509-4933

Melissa Haver  
900 Farnam Street, #615  
Omaha, NE 68102

  
\_\_\_\_\_  
Jim R. Titus, #16064  
Hearing Officer

BEFORE THE STATE BOARD OF EDUCATION  
STATE OF NEBRASKA

Melissa Haver )  
900 Farnam Street, #615 )  
Omaha, NE 68102, )  
 )  
Petitioner, )  
 )  
v. )  
 )  
Roger D. Breed, Ed.D. )  
Commissioner of Education )  
P.O. Box 94933 )  
Lincoln, NE 68509-4933, )  
 )  
Respondent. )

NDE Case No. 12-04

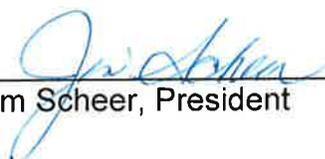
**ASSIGNMENT OF CASE  
TO HEARING OFFICER**

Pursuant to Title 92, *Nebraska Administrative Code*, Chapter 61, the State Board of Education ("State Board") hereby appoints Jim R. Titus as the Board's hearing officer in this case. The hearing officer shall conduct the hearing and submit proposed findings of fact, recommended conclusions of law, and a recommended decision to the State Board.

DATED this 13<sup>th</sup> day of April, 2012.

STATE BOARD OF EDUCATION

BY:

  
Jim Scheer, President

03	FILED	BW
APR 13 2012		
NEBRASKA DEPARTMENT OF EDUCATION		
		7.7-6

## CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing Assignment of Case to Hearing Officer was served upon Melissa Haver, 900 Farnam Street, #615, Omaha, Nebraska, 68102, via United States Mail, first class postage prepaid; and upon Brian L. Halstead, Assistant Commissioner/General Counsel, Nebraska Department of Education, 301 Centennial Mall South, Sixth Floor, Lincoln, Nebraska, via interoffice mail, all on this 13<sup>th</sup> day of April, 2012.

  
Brenda L. Wirt

49-831-30

BEFORE THE STATE BOARD OF EDUCATION  
STATE OF NEBRASKA

Melissa Haver	)	Case No. 12-04
900 Farnam Street #615	)	
Omaha, NE 68102,	)	
Petitioner,	)	ANSWER
	)	
v.	)	
	)	
Roger D. Breed, Ed.D.	)	
Commissioner of Education	)	
P.O. Box 94933	)	
Lincoln, NE 68509,	)	
Respondent.	)	

COMES NOW the Respondent, Roger D. Breed, and for his answer to the Petition of the Petitioner, admits, denies, and alleges as follows:

1. Admits paragraphs 1 through 4 of the Petition.
2. Denies paragraphs 5 and 6 of the Petition.

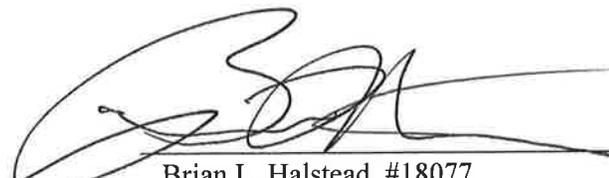
WHEREFORE, the Respondent requests that the State Board of Education appoint a hearing officer to hold a hearing on this matter, make a recommendation to the Board, and the Board take such action as may be warranted by the evidence at such hearing.

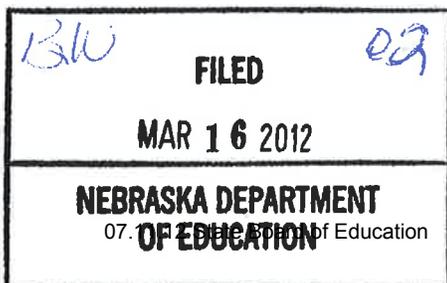
  
\_\_\_\_\_  
Roger D. Breed, Ed.D.  
Commissioner of Education

CERTIFICATE OF SERVICE

I hereby certify that a copy of the above Answer was mailed to the following person, through regular United States mail, postage prepaid, this 10<sup>th</sup> day of March 2012:

Melissa Haver  
900 Farnam Street #615  
Omaha, NE 68102

  
\_\_\_\_\_  
Brian L. Halstead, #18077  
Attorney for Respondent



BEFORE THE STATE BOARD OF EDUCATION  
STATE OF NEBRASKA

MELISSA HAVER )  
(Name) )  
900 FARNAM ST. #615 )  
(Address) )  
OMAHA, NE 68102 )  
(City, State, and Zip Code) )

Case No. 12-04  
(Leave Blank)

Petitioner, )

vs. )

Roger D. Breed, Ed.D.  
Commissioner of Education  
P.O. Box 94933  
Lincoln, NE 68509, )

Respondent. )

PETITION FOR APPROVAL TO  
PARTICIPATE IN PRE-STUDENT  
TEACHING FIELD, LABORATORY,  
AND CLASSROOM EXPERIENCES  
OR STUDENT TEACH

The Petitioner, in accordance with Title 92, Chapter 61, of the *Nebraska Administrative Code*, states and alleges as follows:

1. The Petitioner is MELISSA HAVER 900 FARNAM ST. #615  
(Name) (Address)  
OMAHA, NE, 68102 (402) 218-8665 4/26/85 3726  
(City, State, Zip Code) (Telephone Number) (Date of Birth) (Social Security Number)

2. The Petitioner is currently enrolled at UNIVERSITY OF NEBRASKA AT OMAHA  
(Name & Address of University or College)  
FULL-TIME JUNIOR, NEXT SEMESTER  
(Current status and anticipated date of participation in pre-student teaching activities)

3. The following is a list of all convictions:

- a. Criminal Charge: POSSESSION OF CONTROLLED SUBSTANCE, CLASS III FELLOW
- Disposition: ATTEMPTED POSSESSION OF CONTROLLED SUBSTANCE CLASS I  
1 YEAR PROBATION MISDEMEANOR
- Date: SEPT. 9, 2004
- Name and address of court: NEMAHIA COUNTY COURTHOUSE  
1824 N STREET, AUBURN, NE 68305

BW FILED 01  
MAR 14 2012  
NEBRASKA DEPARTMENT OF EDUCATION  
07. of Education

b. Criminal charge: ACQUIRING CONTROLLED SUBSTANCE BY FRAUD  
Disposition: DISMISSED  
Date: APRIL 26 2011  
Name and address of court: DOUGLAS COUNTY COURT  
1701 FARNAM ST, OMAHA, NE 68193

4. The Petitioner's request for approval to participate in pre-student teaching field, laboratory, and classroom experiences, or student teach was denied by the Respondent on FEB. 23 2012.  
(Date on letter from Commissioner).

5. Other relevant data: I WILL PRESENT AT THE HEARING

6. Title 92, *Nebraska Administrative Code*, Chapter 20, Section 005.07B states: "A person with a conviction as defined in Section 005.07A shall not be allowed to participate in pre-student teaching field, laboratory, and classroom experiences or student teach, without approval by the Commissioner or the Board. A person with a conviction as defined in Section 005.07A may request approval by the Commissioner or the Board by using the procedures set forth in 92 NAC 21 Sections 009.02 through 009.04."

WHEREFORE, Petitioner requests that the State Board of Education approve that the Petitioner be allowed to participate as provided under Title 92, Chapter 20, of the *Nebraska Administrative Code*. Petitioner grants permission for the Nebraska Department of Education to obtain and review all criminal records maintained by any law enforcement agency regarding the Petitioner.

Dated this 12 day of MARCH, 20 12.

  
\_\_\_\_\_  
Signature of Petitioner

VERIFICATION

STATE OF NEBRASKA     )  
  ) SS  
COUNTY OF DOUGLAS    )

I, MELISSA HAVER, being first duly sworn under oath, state that I have read the contents of the petition and that to the best of my knowledge, information, and belief such contents are true and there is reasonable cause for filing said petition.

  
\_\_\_\_\_  
Signature of Petitioner

Subscribed and sworn before me this 13 day of MARCH, 20 12, by

MELISSA HAVER  
(Petitioner)



(Seal)

  
\_\_\_\_\_  
Notary Public



**Roger D. Breed, Ed.D., Commissioner**  
**Scott Swisher, Ed.D., Deputy Commissioner**

301 Centennial Mall South Tel: (402) 471-2295  
PO Box 94987 Fax: (402) 471-0117  
Lincoln, NE 68509-4987 Web: [www.education.ne.gov](http://www.education.ne.gov)

**CERTIFIED MAIL**

February 23, 2012

Ms. Melissa Haver  
900 Farnam Street Apt 615  
Omaha, NE 68102

Re: Request for Approval to Participate

Dear Ms. Haver:

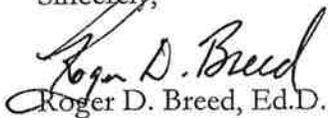
I have received your Request for Approval to Participate in Pre-Student Teaching Field, Laboratory, and Classroom Experiences or Student Teach.

In reviewing the information, I have decided to deny your request based on the following determinations: 1) On June 18, 2004, you were charged in the Nemaha County Court with Possession of a Controlled Substance, a Class IV Felony; 2) On September 9, 2004, you were sentenced to 12 months of probation and a deferred jail term; 3) You were 19 years old at the time of the incident, and some of the facts surrounding the incident you stated in your request for approval do not coincide with the Affidavit of Probable Cause; and 4) On February 1, 2010, an arrest warrant was issued for the offense of Intentionally Violate Narcotic Drug Law, a Class IV Felony, and you were subsequently charged with Acquiring Controlled Substance by Fraud in the Douglas County District Court.

You may appeal my decision within twenty (20) days after receipt of this letter by filing a petition with the State Board of Education using the procedures set forth in 92 Nebraska Administrative Code, Chapter 21, Section 009.03, and Title 92, *Nebraska Administrative Code*, Chapter 61. Copies of these rules are enclosed.

If you have any questions, please feel free to contact Brian Halstead, General Counsel, at 402-471-0732.

Sincerely,

  
Roger D. Breed, Ed.D.  
Commissioner of Education

Enclosures  
xc: UNO



J00002028DD01  
DISTRICT COURT OF DOUGLAS COUNTY, NEBRASKA

MA

THE STATE OF NEBRASKA, )  
 )  
Plaintiff, )  
 )  
vs. )  
 )  
MELISSA M. HAVER, )  
 )  
Defendant. )

DOC. 182 NO. 997  
CR 10 9075180

ORDER TO DISMISS

AT DEFENDANT'S COST

O R D E R

IT IS HEREBY ORDERED that this case is dismissed without prejudice at the defendant's cost to permit the defendant to participate in the County Attorney's Diversion Program.

Dated this 25<sup>th</sup> day of April, 2011

BY THE COURT  
  
JUDGE

This order written and prepared by Melissa B. Kane  
ATTORNEY FOR THE STATE OF NEBRASKA

FILED  
APR 26 2011  
2011 APR 26 AM 10:05  
CLERK DISTRICT COURT

# DONALD W. KLEINE

DOUGLAS COUNTY ATTORNEY  
HALL OF JUSTICE  
17TH & FARNAM STREET  
OMAHA, NEBRASKA 68183

DIVERSION SERVICES  
THE CENTER, SUITE 117  
1941 SOUTH 42 STREET  
OMAHA, NE 68105

March 6, 2012

Melissa Haver  
900 Farnam Street #615  
Omaha, Nebraska 68102

RE: Discharge from the Douglas County Attorney Diversion Program

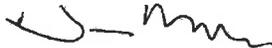
Dear Ms. Haver:

This letter is to confirm that you successfully completed the Douglas County Attorney Diversion Program on April 25, 2011, on the offense of Possession of Controlled Substance Acq by Fraud.

You have been discharged and released from any further obligation to the Diversion Program and this Office. Your criminal history reflects that the case was dismissed on April 26, 2011.

If I can be of further assistance, please do not hesitate to contact our office.

Sincerely,



Harlan Milder  
Program Director

March 12<sup>th</sup>, 2012



Melissa Haver  
900 Farnam St. #615  
Omaha, NE 68102  
(402)218-8665  
[mhaver@unomaha.edu](mailto:mhaver@unomaha.edu)

My name is Melissa Haver, I live at 900 Farnam St. #615, Omaha, Nebraska, and my phone number is (402)218-8665. My social security number is . 3726 and I was born on April 26, 1985 in Omaha, Nebraska.

I am enrolled full-time at the University of Nebraska at Omaha as a junior, and I anticipate my participation in the pre-student teaching field, laboratory, and classroom experiences or student teaching to be next semester.

On June 18<sup>th</sup>, 2004 I was charged with Possession of a Controlled Substance, a Class IV Felony in Nemaha County Courthouse; on September 9<sup>th</sup>, 2004 the charge was amended to Attempted Possession of a Controlled Substance, a Class I Misdemeanor and I was sentenced to 12 months probation and 7 days in jail. Nemaha County Courthouse is located at 1824 N Street, Auburn, Nebraska 68305. On February 1<sup>st</sup>, 2010, an arrest warrant was issued for the offense of Intentionally Violate Narcotic Drug Law, a Class IV Felony and on February 8<sup>th</sup>, 2010 I was charged with Acquiring Controlled Substance by Fraud in the Douglas County District Court; on April 26, 2011 the charge was dismissed after successfully completing the diversion program. Douglas County District Court is located at 1701 Farnam Street, Omaha, Nebraska 68183.

The letter from the Commissioner regarding the denial of my request to participate in pre-student teaching activities is dated February 23<sup>rd</sup>, 2012.

I am a twenty-six year old woman who has come a long way from the conviction and has grown into a fine member of society. I didn't include the Douglas County charge with my request to Dr. Breed because I didn't know I was supposed to include charges that were dismissed, and didn't have any intentions of hiding it. Although these incidents have been extremely unfortunate and have made certain things in my life more difficult, I feel I have learned a lot about life and have grown immensely as a person. I have gotten married 2 years ago and currently work as a nanny for a family and am a full time student. I have done and do much volunteering for my church, Food Bank, Lydia House, Sienna Francis, Maddona School. I feel I was born to be a teacher. I am an enthusiastic, patient, caring, loving person, whom is committed to life-long learning and is passionate of the teaching and learning process. I think I can make a difference in other people's life and would like to do that by becoming a teacher.

I look forward to tell and explain my story at the hearing.

Sincerely,

Melissa Haver

NEBRASKA DEPARTMENT  
OF EDUCATION

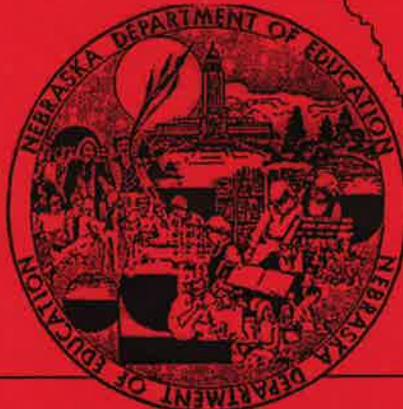
# RULE 61

RULES OF PRACTICE AND PROCEDURE FOR HEARINGS IN  
CONTESTED CASES BEFORE THE DEPARTMENT

TITLE 92, NEBRASKA ADMINISTRATIVE CODE,  
CHAPTER 61

EFFECTIVE DATE  
OCTOBER 1, 1997  
(REVISED)

State of Nebraska  
Department of Education  
301 Centennial Mall South  
Lincoln, Nebraska 68509



**NEBRASKA DEPARTMENT  
OF EDUCATION**

# **RULE 20**

**REGULATIONS FOR THE APPROVAL OF  
TEACHER EDUCATION PROGRAMS**

**TITLE 92, NEBRASKA ADMINISTRATIVE CODE,  
CHAPTER 20**

**EFFECTIVE DATE  
JANUARY 19, 2008  
(REVISED)**

**State of Nebraska  
Department of Education  
301 Centennial Mall South  
Lincoln, Nebraska 68509  
Douglas D. Christensen, Ph.D.  
Commissioner**



*Hower 5/3/12*  
EXHIBIT NO. 3  
JODY WHITE, RMR

STATE OF NEBRASKA )  
 ) ss.  
COUNTY OF NEMAHA )

IN THE COUNTY COURT OF 8 2004  
NEMAHA COUNTY, NEBRASKA

*Nancy Hall*  
CLERK MAGISTRATE

THE STATE OF NEBRASKA, )  
 )  
 PLAINTIFF, )  
 )  
 vs. )  
 )  
 MELISSA M. HAVER, )  
 )  
 DEFENDANT. )

COMPLAINT  
CASE NO. CR04-232  
*Attempted*  
POSSESSION OF A  
CONTROLLED SUBSTANCE  
Section 28-416(3)  
Penalty Section 28-416(3)  
Class ~~IV~~ *Felony I* *Mod.*

LML  
8-5-04

The complaint and information of Louie M. Ligouri, County Attorney of Nemaha County aforesaid, made in the name of the State of Nebraska, before me, the undersigned Clerk Magistrate, within and for said County of Nemaha, State of Nebraska, this 18<sup>th</sup> day of June, 2004, who being duly sworn, on oath says, that Melissa M. Haver, on or about the 25<sup>th</sup> day of April, 2004, in the County of Nemaha and State of Nebraska,

did then and there being, <sup>*attempt to*</sup> knowingly or intentionally unlawfully possess a controlled substance, to-wit, Methamphetamine;

LML  
8-5-04

contrary to the form of the Statutes in such cases made and provided, and against the peace and dignity of the State of Nebraska.

*Louie M. Ligouri*  
Louie M. Ligouri (16708)  
Nemaha County Attorney

Subscribed in my presence and sworn to before me this 18<sup>th</sup> day of June, 2004.



*Nancy Hall*  
Clerk Magistrate

*Haver 6/3/12*  
EXHIBIT NO. *4*  
*43 pgs*  
JODY WHITE, RMR

# Appearance Bond

29-901 R.R.S. 1943

COUNTY COURT OF  
NEMAHIA COUNTY, NE  
FILED

IN THE COUNTY COURT OF NEMAHIA COUNTY, NEBRASKA

APR 27 2004

STATE OF NEBRASKA

Plaintiff

*Nancy Hall*  
CLERK MAGISTRATE

vs.

MELISSA M. HAVER

Defendant

## Appearance Bond

I acknowledge that I've been charged with the offense of \_\_\_\_\_

Charges to be filed

and in consideration of my release from custody agree to appear in the County Court of said County on May 25, 2004, at 9:00 A.M. and thereafter as directed by the Court, to answer the charges against me. In the event that the offense charged is a felony, and I am bound over to the District Court upon prelliminary hearing, I further agree to appear in the District Court of said County forthwith or as so ordered, which court shall then have jurisdiction. I further agree to appear in the District Court thereafter as directed by the Court. Further conditions of this bond are: Defendant to be released to custody of

Tom or Jane Haver

I understand that failure to appear as required by the Court may cause a warrant for my arrest to be issued, and that further penalties may be imposed upon me, including forfeiture of this bond or bail, for willful failure to appear or for violation of any condition of this agreement upon which I am released. To guarantee my appearance, I do hereby acknowledge myself to be indebted to the State of Nebraska in the sum of \$4000.00 which sum is hereby secured as follows:

- PERSONAL RECOGNIZANCE in the sum of \$ \_\_\_\_\_.
- CASH: In lieu of surety or sureties, the defendant deposits cash bond to secure his appearance and conditions made therein in the sum of \$ \_\_\_\_\_.
- 10% BOND: Bond set in the amount of \$4000.00. 10% of said amount or \$400.00 (not less than \$25) deposited herewith in cash. 90% of which shall be returned to the defendant upon appearance as required above and 10% of which shall be retained by the Clerk for bond costs.
- CORPORATE SURETY: In the sum of \$ \_\_\_\_\_. Attached hereto.
- SURETY: The undersigned (surety) (sureties) do hereby acknowledge themselves to be bound as (surety) (sureties) of the defendant on the above appearance bond in the sum of \$ \_\_\_\_\_ with all conditions thereto.

DATE: April 28, 2004

DEFENDANT'S SIGNATURE: *Melissa Haver*

10911 North 76th Plaza  
Omaha, NE 68122

DEFENDANT'S ADDRESS:

DATE:

SURETY:

DATE:

WITNESS:

DATE:

APPROVED  
BY THE COURT: *Nancy Hall*

(Seal)

*B# 857*  
*RE 12/2014*  
*2*

IN THE COUNTY COURT OF NEMAHA COUNTY, NEBRASKA

STATE OF NEBRASKA,

Plaintiff,

vs.

Melissa M. Haver,

Defendant.

Case No.

AFFIDAVIT OF PROBABLE CAUSE

(D.O.B. 04-26-1985)

Comes now the undersigned, a Deputy Sheriff, as defined by the laws of the State of Nebraska, and being first duly sworn upon oath, deposes and states as follows:

The arrest of the above named defendant occurred on the 25<sup>th</sup> day of April, 2004, at 11:23 P.M. in Nemaha County, Nebraska.

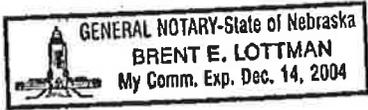
Offense (s) of: Possession of a Controlled Substance, Possession of Drug Paraphernalia, Possession of Marijuana less than 1 Ounce

Facts: On April 25, 2004, at approximately 11:23 p.m., Deputy Caudill was southbound on Highway 75, ½ mile north of Auburn, Nemaha County, when he observed a white southbound vehicle in front of him with a broken left taillight, which was displaying a white light to the rear. Caudill activated his emergency lights to stop the vehicle. Caudill observed that it took the driver approximately 1 block to stop the vehicle. During this time, Caudill observed the driver lean to his right and was either reaching for something or hiding something. After the vehicle had stopped, Caudill approached the vehicle and contacted the driver. Caudill observed that there were two occupants in the vehicle, the male driver and a female in the front passenger seat. Caudill asked the driver for his driver's license. As the driver was looking for his license, Caudill observed smoke in the vehicle, but did not observe any lit tobacco materials in the vehicle. Caudill also observed an odor of burning marijuana coming from the vehicle. Caudill asked the driver why he could smell marijuana coming from the vehicle. The driver stated that he does not smoke marijuana and does not do drugs. Caudill asked the driver to step from the vehicle.

Caudill asked the driver if he had any weapons on his person and the driver stated that he had a knife in his pocket. The driver then pushed the knife from the bottom of his right front pocket to the opening of the pocket. The driver informed Caudill that he could take the knife from his pocket. Caudill then asked the driver if he could pat him down for weapons. The driver stated that Caudill could. During the pat down, Caudill observed a long tube in the driver's front right pocket. Caudill asked the driver what it was and the driver stated that it was his barber's license. Caudill asked the driver if he could take it from his pocket and the driver stated that Caudill could. Caudill pulled the tube from the driver's pocket and observed the tube to be a pipe. Through training and experience, Caudill knew that this pipe is commonly used to smoke crack cocaine. Caudill then handcuffed and detained the driver. The driver stated that he found the pipe in his barbershop while he was cleaning it. Caudill also handcuffed and detained the passenger. Caudill asked the male what his name is. The male informed Caudill that his name is Timothy R. Grasmick. Caudill was able to identify the female of Haver by a Nebraska driver's license. Caudill and Officer Blaser #23 then began to search the vehicle for drugs.

During the search, officers located a large water pipe on the floorboard by the front passenger seat. Through training and experience Caudill knows that this type of pipe is commonly used to smoke crack cocaine. Officers also located a digital scale in the same area. Caudill knows through training and experience that digital scales are used for distribution of drugs. Caudill opened the digital scale and observed a small amount of suspected crack cocaine. Caudill field-tested a small amount of the suspected crack cocaine, which indicated a positive result for crack cocaine. Officers also located a small amount of marijuana and a pipe used to smoke marijuana in Haver's purse, which was located on the front passenger floorboard. Caudill observed that the crack cocaine pipe, digital scale with crack cocaine, the marijuana, and marijuana pipe were all in the immediate reach of Haver. Haver was placed under arrest and transported to the Nemaha County Jail.

[ ] Additional facts attached.  
Said facts are incorporated  
into affidavit.



*[Signature]* #9441  
Signature of Officer / ~~County Attorney~~  
Subscribed and sworn to before me this  
27<sup>th</sup> Day of April 2004  
*[Signature]*  
~~Judge / Clerk Magistrate~~ / Notary Public

ORDER

On April 27, 2004, this matter comes on for consideration of continued detention of the defendant pending further proceedings in this Court. Upon the above sworn affidavit and any attachments thereto, the Court finds that less than 48 hours have passed since the arrest, and that probable cause [ ] does [ ] does not exist to continue detention of the defendant pending further proceedings.

IT IS SO ORDERED.

Time: 12:05 o'clock P.M.

DATE: 4/27/04 BY THE COURT: *[Signature]* (Seal)  
(Judge / Clerk Magistrate)

A

IN THE COUNTY COURT OF NEMAHA COUNTY NEBRASKA

BOND HEARING BENCHSHEET/CHECKLIST

STATE vs Melissa M. Haver CASE NO. \_\_\_\_\_  
Address: 10911 N. 70th Plz, Omaha, NE DOB \_\_\_\_\_  
Prosecutor: Ligouri/Martin Def's Atty: \_\_\_\_\_  
Date: 4/27/04 ( ) Retained ( ) Court Appointed

COUNTY COURT OF NEMAHA COUNTY, NE  
FILED

APR 27 2004

- ( ) Complaint read Complaint For: Offense
- ( ) Reading waived Count(s) 1. \_\_\_\_\_
- ( ) Copy of Complaint given Def. 2. \_\_\_\_\_
- ( ) You have been charged with a 3. \_\_\_\_\_

Penalty Nancy Kase  
CLERK MAGISTRATE

- ( ) Misdemeanor ( ) The Prosecutor has indicated that he will be filing a complaint against you for a ( ) Misd ( ) Felony
- ( ) Felony
- ( ) The Court has determined you are entitled to be released upon Bond
- ( ) Purpose of this hearing is to set Bond

COUNSEL

- ( ) Requested: ( ) To retain Counsel: \_\_\_\_\_
- ( ) Court appointed counsel: \_\_\_\_\_
- ( ) Court appointed counsel denied - Def is financially able to hire private counsel

ACTION TAKEN

- ( ) Defendant moved to Waive Jurisdiction to Juvenile Court
- ( ) Set for Arraignment/First Appearance on: May 5, 2004 @ 9:00 AM
- ( ) Set for Trial/Preliminary Hearing on: \_\_\_\_\_
- ( ) Set for further hearing on: \_\_\_\_\_
- ( ) Upon consideration of the Nature of the Charge(s) and the circumstances thereof, it is

BOND

- ( ) Bond set: Cash Bail \$ 4,000.00 10% Appearance Bond \$ 4,000.00
- ( ) Special Conditions: Def to be released to custody of Tom & Jane Haver.
- ( ) Defendant released on his own recognizance
- ( ) Defendant advised of Right to Bond Review hearing after 24 hours
- ( ) Defendant advised of Right to be represented by an Attorney
- ( ) Right to Court-Appointed Counsel - if financially unable to hire counsel
- ( ) Defendant advised of Penalty for Failure to Appear

PROBABLE CAUSE

- ( ) Probable cause hearing held forthwith for Warrantless Arrest and subsequent incarceration for failure to post bond
- ( ) State adduces testimony and evidence to show probable cause exists
- ( ) State fails to show probable cause exists and Defendant is released
- ( ) Case dismissed upon Motion of Prosecutor

MISCELLANEOUS NOTES: \_\_\_\_\_

BY THE COURT:

  
County Judge/Clerk Magistrate

IN THE COUNTY COURT OF NEMAHA COUNTY NEBRASKA

STATE OF NEBRASKA, }  
Plaintiff, }  
vs }  
MELISSA M HAVER, }  
Defendant. }

CASE NO. NO # assigned

MITTIMUS

To the Sheriff of said County:

You are commanded to receive into the Nemaha County Jail the defendant, Melissa M Haver, and safely keep him/her until discharged by due process of law. The defendant has been brought before this Court on the charge(s) of no charges filed

contrary to the statutes of the State of Nebraska, and has been remanded to the custody of the Nemaha County Sheriff forthwith.

- (X) Allowed to give bail in the sum of \$ 4,000 (X) Cash (X) 10%. Bail has not been posted and defendant is committed to jail.
- ( ) Court approved Financial Statement or Surety required on Appearance Bond. Defendant is scheduled to appear for Felony 1st App on May 25 2004 at 9:00 a. m.
- ( ) Defendant found to be in Contempt for non-payment of Judgment in the amount of \$ \_\_\_\_\_ and sentenced to:
- ( ) Found guilty of said charge(s) and sentenced to:
- ( ) Pay a fine(s) of \$ \_\_\_\_\_ and costs of \$ \_\_\_\_\_.
- ( ) Be imprisoned in the Nemaha County Jail ( ) Nebraska Department of Corrections under the following terms:

Jail terms to run ( ) concurrently ( ) consecutively

- ( ) Defendant to receive credit for \_\_\_\_\_ days served pending disposition of this matter.
- ( ) Defendant to be committed until fine/cost paid or otherwise discharged and defendant released according to law.
- ( ) Defendant to begin serving sentence on \_\_\_\_\_, at \_\_\_\_\_ m.
- ( ) Unless jail sentence waived or reduced prior to
- (X) Special Conditions: defendant be released to custody of Tom or Jane Haver

IT IS SO ORDERED.

DATE: April 27, 2004 BY THE COURT:

  
JUDGE/CLERK MAGISTRATE

THE STATE OF NEBRASKA } CERTIFICATE FOR TRANSFER OF PRISONER  
} ss TO ANOTHER JAIL FACILITY  
NEMAHA COUNTY }

I hereby certify that the foregoing is a true copy of the original Mittimus now in my possession for service. Date: \_\_\_\_\_

RETURN I certify that the Defendant was imprisoned on 4-26-04, and released on 4-28-04. Date: 4-28-04 He Stuhart  
Sheriff/Deputy  
Jailer

COUNTY COURT OF  
NEMAHA COUNTY, NE  
FILED

IN THE COUNTY COURT OF NEMAHA COUNTY, NEBRASKA

THE STATE OF NEBRASKA, )  
 )  
 Plaintiff, )  
 )  
 vs. )  
 MELISSA M. HAVER, )  
 )  
 Defendant. )

CASE NO. CR04- COUNTY COURT OF  
 NEMAHA COUNTY, NE  
 FILED

ORDER FOR HEARING JUN 15 2004

*Nancy Klassen*  
CLERK MAGISTRATE

NOW on this 15 day of June, 2004, the Court hereby sets this matter for first appearance hearing on the 22<sup>nd</sup> day of June, 2004, at 9:00 o'clock a.m. or as soon thereafter as this matter may be heard by the Court. It is further ordered that Melissa M. Haver, the above named defendant personally appear, as aforesaid.

IT IS SO ORDERED.

BY THE COURT:

*Curtis L. Maschman*  
CURTIS L. MASCHMAN, JUDGE



CERTIFICATE OF SERVICE

The undersigned hereby certifies that on the 15<sup>th</sup> day of June, 2004, true, correct and complete copy of the above and foregoing Order for Hearing, was served, respectively, upon the Defendant, Melissa M. Haver and, Steven M. Renteria, Attorney at Law, by United States mail, postage prepaid, ordinary first class, addressed as follows: Ms. Melissa M. Haver, 10911 N 76<sup>th</sup> Place, Omaha, Nebraska 68122, and Mr. Steven M. Renteria, Attorney at Law, 542 South 118<sup>th</sup> Street, Omaha, Nebraska 68154.

*E. Susan A. Williams*  
Records Clerk

IN THE COUNTY COURT OF NEMAHA COUNTY NEBRASKA

THE STATE OF NEBRASKA, Plaintiff )  
vs )  
MELISSA M. HAVER, Defendant )

CASE NO. CR04-232  
FELONY FIRST APPEARANCE  
MINUTES/ORDER

Address: 10911 N 76th Place, Omaha DOB 042685 Bond Posted \$4,000 (10%)  
Date: June 22, 2004 COMPLAINT FOR: Offense Penalty

State's Attorney: Ligouri Martin 1. PCS IV F  
Defendant's Attorney: Steve Peterson 2. \_\_\_\_\_ F  
Defendant ( ) Present ( ) Failed to Appear 3. \_\_\_\_\_ F

( ) Warrant to Issue ( ) Bond Forfeited  
( ) Complaint Read ( ) Reading Waived ( ) You are charged with a Felony  
( ) Possible Penalties ( ) This Court does not have jurisdiction to try a Felony charge - Therefore you will not enter a plea of guilty or not guilty in this Court.

( ) You are entitled to a Preliminary Hearing in this Court which is a trial type proceeding where the State must establish two elements: 1. That it appears that a crime has been committed; and  
2. There is probable cause to believe that you committed that crime.

( ) If the State submits sufficient evidence to establish these elements, then you will be bound over to District Court to stand trial.

( ) If the State fails to submit sufficient evidence to satisfy this Court, then the case against you will be dismissed. COURT OF NEMAHA COUNTY, NE

( ) Defendant understand the nature of the charges, possible penalties, and the procedure of a Preliminary Hearing. FILED

RIGHTS EXPLAINED:

JUN 22 2004

( ) At the Preliminary Hearing you will be entitled to the following Rights:

( ) Right to be represented by an attorney.

( ) Right to Court appointed counsel if you cannot afford an attorney.

( ) Right to confront and cross-examine the State's witnesses.

( ) Right of Compulsory Process to compel the attendance of your own witnesses by a subpoena being issued by this Court.

( ) Right to remain silent and not incriminate yourself. You may testify if you so desire, but anything you say may be used against you by the State. ( ) Right to be released on bail in most cases.

( ) Request waiver of Jurisdiction to Juvenile Court if under 18 years of age.

COUNSEL:

( ) Requested: ( ) To retain private counsel: Steve Peterson

( ) Court appointed counsel: \_\_\_\_\_

( ) Court appointed counsel denied - Defendant financially able to hire attorney

( ) Declined and waived counsel.

PRELIMINARY HEARING:

( ) Defendant to appear for Preliminary Hearing on: July 15, 2004 @ 2:15 PM

( ) Waived by Defendant; Defendant bound over forthwith to stand trial in the District Court on charges pending in the complaint. Defendant to appear in District Court for arraignment on: \_\_\_\_\_

BOND:

( ) Set: Cash Bail \$ \_\_\_\_\_ 10% Appearance Bond \$ \_\_\_\_\_

( ) Special conditions: \_\_\_\_\_

( ) Defendant released on own recognizance.

( ) Defendant advised of right to bond review hearing after 24 hours. Court

( ) Defendant advised of penalty for Failure to Appear.

( ) State adduces testimony and evidence to show probable cause exists.

( ) State fails to show probable cause exists and Defendant released.

NOTES: \_\_\_\_\_

IT IS SO ORDERED.

BY THE COURT:

Judge

**IN THE COUNTY COURT OF PAWNEE COUNTY, NEBRASKA**

THE STATE OF NEBRASKA,  
Plaintiff

CASE NO. CR04-232

vs.

**PRELIMINARY HEARING**

**BENCHSHEET**

COUNTY COURT OF  
NEBRASKA COUNTY, NE

JUL 15 2004

MELISSA M. HAVER

Defendant

Omaha, NE

*Nancy Hall*  
CLERK MAGISTRATE

Address: 10911 N. 76th Place, DOB: 04/26/85, Age: \_\_\_\_\_

County Attorney: Louie Ligouri/Marie Martin

Defendant's Attorney: Steven M. Renteria

DATE: July 15, 2004

COMPLAINT FOR:

Offense

Penalty

- |          |       |   |
|----------|-------|---|
| 1. PCS   | IV    | F |
| 2. _____ | _____ | F |
| 3. _____ | _____ | F |

BOND POSTED: \$ 4000.00-10% Assignment

- Defendant failed to appear
- Bond declared forfeit
- Bench Warrant issued
- Defendant is present       without counsel     Attorney Steven M. Renteria
- County Attorney is present       retained       court-appointed

**WAIVER OF PRELIMINARY HEARING**

- Defendant waives preliminary hearing
- Court ascertains that Defendant understands:
  - Constitutional Rights.
  - Right to have preliminary hearing at which State must establish probable cause that a crime has been committed and there are reasonable grounds to believe the defendant committed that crime.
  - Court finds that defendant voluntarily, knowingly and intelligently waives his/her right to have a preliminary hearing.

**PRELIMINARY HEARING HELD/COURT'S FINDINGS**

- State submits sufficient evidence to establish probable cause to believe a crime has been committed, and that there are reasonable grounds to believe the defendant committed that crime.
- State has failed to submit sufficient evidence to establish probable cause.

**ACTION TAKEN**

- Defendant bound over to District Court to stand trial on charges pending in the complaint; defendant to appear in District Court for arraignment on \_\_\_\_\_, 2004, at \_\_\_\_\_ m.
  - Preliminary Hearing continued to August 5<sup>th</sup>, 2004, at 3:15 p.m. - Renteria to Young
  - Case dismissed and defendant is discharged.
- BOND:  continued as previously established     set/modified at \$ \_\_\_\_\_ Cash Bail or \$ \_\_\_\_\_ 10% appearance with deposit of \$ \_\_\_\_\_
- Special conditions: \_\_\_\_\_

BY THE COURT:  
  
County Judge

6-560PRELIM.wps

**IN THE COUNTY COURT OF NEMAHA COUNTY, NEBRASKA**

THE STATE OF NEBRASKA,  
Plaintiff

vs.

MELISSA M. HAVER  
Defendant

CASE NO. CR 04-232 COUNTY COURT OF NEMAHA COUNTY, NEB.  
FILED

PRELIMINARY HEARING AUG 05 2004

BENCHSHEET *Mary Kline*  
CLERK MAGISTRATE

Address: 10911 N. 76th Place, Omaha, NE, DOB: 04/26/85, Age:       
State's Attorney: Louie Ligouri Defendant's Attorney: Steven M. Renteria

DATE: <u>August 5, 2004</u>	COMPLAINT FOR:	Offense	Penalty
BOND POSTED: \$ <u>4000.00-10%</u> Assignment			
<input type="checkbox"/> Defendant failed to appear	1.	<u>PCS</u>	<u>IV</u> Felony
<input type="checkbox"/> Bond declared forfeit	2.	_____	_____ Felony
<input type="checkbox"/> Bench Warrant issued	3.	_____	_____ Felony
<input checked="" type="checkbox"/> Defendant is present <input type="checkbox"/> without counsel	<input checked="" type="checkbox"/> with counsel <u>Steven M. Renteria</u>		
<input checked="" type="checkbox"/> County Attorney is present	<input checked="" type="checkbox"/> retained <input type="checkbox"/> court-appointed		

**WAIVER OF PRELIMINARY HEARING**

- Defendant waives preliminary hearing
- Court ascertains that Defendant understands:
  - Constitutional Rights.
  - Right to have preliminary hearing at which State must establish probable cause that a crime has been committed and there are reasonable grounds to believe the defendant committed that crime.
  - Court finds that defendant voluntarily, knowingly and intelligently waives his/her right to have a preliminary hearing.

**PRELIMINARY HEARING HELD/COURT'S FINDINGS**

- State submits sufficient evidence to establish probable cause to believe a crime has been committed, and that there are reasonable grounds to believe the defendant committed that crime.
- State has failed to submit sufficient evidence to satisfy the Court.

**ACTION TAKEN**

- Defendant bound over to District Court to stand trial on charges pending in the complaint; defendant to appear in District Court for arraignment on \_\_\_\_\_, 200\_\_, at \_\_\_\_\_ m.
- Preliminary Hearing continued to \_\_\_\_\_, 200\_\_, at \_\_\_\_\_ m.
- Case dismissed and defendant is discharged.
- BOND:  continued as previously established  set/modified at \$ \_\_\_\_\_ Cash Bail or \$ \_\_\_\_\_ 10% appearance with deposit of \$ \_\_\_\_\_.
- Special conditions: \_\_\_\_\_
- Defendant advised of penalties for failure to appear.

BY THE COURT:  
  
County Judge

IN THE COUNTY COURT OF NEMAHA COUNTY, NEBRASKA

THE STATE OF NEBRASKA,  
Plaintiff

vs

Melissa M. Haver  
Defendant

CASE NO. 2004-23

JUDGE'S MINUTES  
TRIAL

AUG 05 2004

CLERK MAGISTRATE

ADDRESS \_\_\_\_\_ DOB: \_\_\_\_\_ Age: \_\_\_\_\_

DATE: 8/5/04 COMPLAINT FOR: Offense Penalty

1. <u>PCS</u>	<u>JV</u>	<u>5-1</u>
2. _____	_____	Misd.
3. _____	_____	Misd.

BOND POSTED: \$ \_\_\_\_\_

- Defendant is present  without  with counsel S. Renteria
- Prosecutor Ligouri/Martin is present  retained  court-appointed
- Defendant failed to appear  Bond declared forfeit  Bench Warrant to issue

Complaint Amended by State as follows:

- Count(s) \_\_\_\_\_ dismissed.
- Count I amended to Attempt IM
- Count \_\_\_\_\_ amended to \_\_\_\_\_
- Reading Waived

Court costs:	\$ 41.50
Sheriff Fees	_____
Lab ( ) NCS ( ) NSP ( ) APD	_____
Brot	_____
Other	_____
TOTAL	\$ _____

- Defendant re-advised by Court of all Constitutional Rights
- Possible Penalties Explained...  Understands
- Waived arraignment  Defendant arraigned on amended complaint
- Defendant understands nature of charges, possible penalties, enhancements, (if any) and the possible pleas that may be entered

DEFENDANT'S ACTION:

- Withdrew Plea of Not Guilty  Waived Right to a Jury Trial
- Tenders Plea of:  Guilty as to Count[s]  #1  #2  #3  of Amended Complaint
- Nolo Contendere as to Count[s]  #1  #2  #3  of Amended Complaint
- Pursuant to Plea Bargain

COURT ADVISED DEFENDANT AS FOLLOWS:

- Plea Bargain is not binding upon the Court in determining Sentence
- Plea of Guilty or No Contest waives Defendant's Rights as follows:
- Trial to Court  Jury Trial
  - Confront and Cross Examine the State's Witnesses
  - Compulsory Process to Subpoena Defendant's own Witnesses
  - Against Self-Incrimination
- Defendant advised that if he/she is later dissatisfied with the Sentence imposed upon him/her by the Court, he/she cannot then attempt to withdraw his/her tendered Plea of Guilty or No Contest
- Guilty or No Contest Plea must be tendered freely and voluntarily and under no threats or promises.

**TRIAL:**

State introduced Evidence:

WITNESSES: \_\_\_\_\_

EXHIBITS:  Marked \_\_\_\_\_  Offered \_\_\_\_\_  Received \_\_\_\_\_

Defense introduced Evidence:

WITNESSES: \_\_\_\_\_

EXHIBITS:  Marked \_\_\_\_\_  Offered \_\_\_\_\_  Received \_\_\_\_\_

**COURT FINDINGS:**

Defendant understands nature of the charges, possible penalties and the rights he/she will be waiving, and still freely and voluntarily desires to tender a plea of  Guilty  No Contest

Factual Basis established by:  Prosecutor  Defendant's Agreement/Statement  Does Not Contest / BAC= \_\_\_\_\_

Factual Basis not established. Case dismissed as to Count[s]  #1  #2  #3

Defendant voluntarily, knowingly and intelligently waived Right to Counsel

Defendant voluntarily, knowingly and intelligently tendered a plea of:

Guilty as to Count[s]  #1  #2  #3 [ ] #4 \_\_\_\_\_ [ ] of amended complaint

No Contest as to Count[s]  #1  #2  #3 [ ] #4 \_\_\_\_\_  of amended complaint

Factual Basis exists to support Defendant's Plea

Court accepts Defendant's Plea[s]

Defendant found Guilty as to Count[s]  #1  #2  #3  of amended complaint

State failed to meet Burden of Proof

Defendant found Not Guilty as to Count[s]  #1  #2  #3

**ACTION TAKEN:**

Sentencing forthwith - see detailed notes below

Defendant ordered to appear for:

Enhancement  Further Hearing on \_\_\_\_\_, at \_\_\_\_\_ .m.

Sentencing hearing on Sept 9th, 2004, at 2:30 p.m.

Pre-Sentence Investigation Report Ordered  Alcohol Assessment Ordered  
*Drus*

**BOND:**

Cash Bail \$ \_\_\_\_\_  10% Appearance bond \$ \_\_\_\_\_, [deposit \$ \_\_\_\_\_]

Continued as previously established

SPECIAL CONDITIONS: \_\_\_\_\_

Defendant released on Own Recognizance  Released to fines/costs/restitution

**SENTENCING OR MISCELLANEOUS NOTES:**

Defendant Sentenced as follows:  Other Notations

Probation for \_\_\_\_\_ months (see separate Order)

[ ] Bond released to [ ] fine [ ] costs [ ] restitution [ ] other

Count #1 fine	\$ _____
Count #2 fine	\$ _____
Count #3 fine	\$ _____
Costs	\$ _____ 7.7-84
Restitution	\$ _____
TOTAL	\$ _____

BY THE COURT

*[Handwritten Signature]*

IN THE COUNTY COURT OF NEMAHA COUNTY, NEBRASKA

THE STATE OF NEBRASKA, )  
Plaintiff )  
vs. )  
MELISSA M. HAVER )  
Defendant. )

CASE NO. CR 04-232

ORDER OF SENTENCE

COUNTY COURT OF NEMAHA COUNTY, NE  
FILED

Date: September 9, 2004

COMPLAINT FOR:

SEP 9 2004  
Penalty

BOND POSTED \$ 4000.00-10%  
Assignment [x]

- 1. ATMP PCS
- 2. \_\_\_\_\_
- 3. \_\_\_\_\_ Misd

Nancy [unclear]  
CLERK MAGISTRATE

APPEARANCES:

- Prosecutor Ligouri/Martin
- Defendant  Without counsel - waived  with Counsel Steven M. Renteria
- Defendant failed to appear for Sentencing  Bond Forfeited  Warrant To Issued

SENTENCING:

- Evidentiary hearing in re: restitution held - See addendum
- Enhancement of penalty hearing held - See addendum
- Presentence Report reviewed  Alcohol Assessment reviewed: AL = \_\_\_\_\_ Dg = \_\_\_\_\_ Dr = \_\_\_\_\_

Allocation was granted the Defendant and Defendant sentenced as follows:

- Committed to County Jail to serve:  
\_\_\_\_\_ Days for Count #1 To be served:  Consecutively  
\_\_\_\_\_ Days for Count #2  Concurrently  
\_\_\_\_\_ Days for Count #3  Commencing \_\_\_\_\_ at \_\_\_\_\_ m.

Defendant is given credit for \_\_\_\_\_ days previously served;

- To pay a fine in the sum of: Count #1 \_\_\_\_\_  
Count #2 \_\_\_\_\_  
Count #3 \_\_\_\_\_

Plus Court Costs of \$ 41.50 + 10 = 51.50 TOTAL: \$ \_\_\_\_\_

- Time Payment Request granted - See separate order re: Time/Payments
- Defendant to receive credit in the amount of \$ \_\_\_\_\_ for successful completion of an approved alcohol education class/course within if written evidence of same is filed with the Court within \_\_\_\_\_ days..

- Remanded to the custody of the sheriff.  
 To serve sentence imposed  
 Until fines and costs are paid or otherwise discharged according to Law.
- To serve and complete \_\_\_\_\_ hours Public Service Work under the direction of:  
 County Sheriff  
 Probation Officer

To a term of Probation to the  Court  State Probation Office for a period of \_\_\_\_\_  
See separate Order of Probation for terms.

**IT IS FURTHER ORDERED:**

Defendant's Driver's privileges are:

Revoked for \_\_\_\_\_ days \_\_\_\_\_ year(s) in the State of Nebraska and defendant shall not drive any motor vehicle in the State of Nebraska for such period.

From this date

From date of release from jail or payment of fine whichever is later

Driver's License:

revoked for a like period.

impounded for \_\_\_\_\_ days from: \_\_\_\_\_ to: \_\_\_\_\_

To pay \$ \_\_\_\_\_ Restitution for the benefit of \_\_\_\_\_  
To be paid within \_\_\_\_\_ at a rate of \$ \_\_\_\_\_ per \_\_\_\_\_.

(Payment of Restitution to be made to the Court)

Upon Stipulation  Upon Hearing (See Addendum)

To pay \$ \_\_\_\_\_ Liquidated Damages to the State of Nebraska by \_\_\_\_\_.

Bond released to  fine  costs  restitution  other

NOTES:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

BY THE COURT:



*[Handwritten Signature]*  
\_\_\_\_\_  
County Judge

**COSTS ENUMERATED**

Court fee \$41.50  
DRI Test *SAG* \_\_\_\_\_  
Sheriff fee \_\_\_\_\_  
Witness fees \_\_\_\_\_  
Lab  NCS  NSP  APD \_\_\_\_\_  
Brot. \_\_\_\_\_  
Other \_\_\_\_\_

TOTAL \$ ~~41.50~~ *57.50*

6-515  
7/02

9-17-04

SEP 19 2004

STACY B. HARRIS  
CLERK, MAJORITARIAN

Dear Judge Moshwaa,

I am asking at this time for reconsideration of #12 of my probation sentence. At this time, I have been by my attorney, Steve Renteis, <sup>unable</sup> to obtain medical records or a letter from the Psychiatrist I saw pertaining to my mental status to since 4 days in jail. I am unstable at this time. My medications are not working, and I have not been able to obtain an appointment with mental health for a medication review. I ask for a time of 3-4 weeks to obtain the necessary information for the court. I ~~could~~ ~~do~~ four days of inpatient drug rehab instead of jail time. ~~\_\_\_\_\_~~

Thank you  




OFFICE OF THE  
NEMAHA COUNTY SHERIFF

1805 N STREET      AUBURN, NE 68305

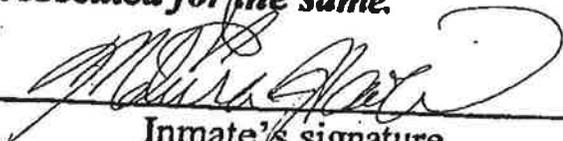
(402) 274-3139

**COURT ORDERED**

**Check-in to the**  
**Nemaha County Jail**  
**on Mittimus**  
**Prior to sentence**  
**Beginning**

*I hereby understand that I have been remanded to the Custody of the Nemaha County Jail by the Court. I further understand that this will be a TEMPORARY release from custody. I further understand that I will have to return to the Nemaha County Jail to begin my sentence on the 17th day of September 2004 ~~19x~~ at 6:00 p.m. unless the sentence is reduced or waived prior to that day by the Court.*

*I further understand that if I do not return to the jail on the prescribed date and time, I can and will be charged with escape from the Nemaha County Jail, and prosecuted for the same.*

  
\_\_\_\_\_  
Inmate's signature

  
\_\_\_\_\_  
Date and time of Temporary Release

1447  
9/19/04

IN THE COUNTY COURT OF Nemaha COUNTY, NEBRASKA

COMMITMENT

State of Nebraska v. Melissa M Haver

Case ID: CR 04 232

TO: Nemaha COUNTY SHERIFF

You are commanded to receive into custody Melissa M Haver (DOB: 04-26-1985), and keep him/her until discharged by due process of law. The defendant has been brought before this court on the charge(s) of:

<u>Ct</u>	<u>Section</u>	<u>Offense Description</u>	<u>Cls</u>	<u>Type</u>
1	28-201(4)(E)	Attempt of a class 3A or class 4 felony	1	MSD

All of which are contrary to the laws of the State of Nebraska. This person shall be imprisoned in the Nemaha County Jail.

Ct	--Term--				Hrs	--Term--				Credit Sent	Start Date	Start Time AM/PM
	Yr	Mo	Day	Hrs		Yr	Mo	Day	Hrs			
1			7							3	9 17 2004	6:00PM

Date: September 9, 2004 BY THE COURT

*[Handwritten Signature]*

Judge/Clerk of Court



Doc. No. 4512  
Case ID: CR 04 232  
Caption: State of Nebraska v. Melissa M Haver

RETURN

I certify that the defendant was imprisoned on \_\_\_\_\_ and:

\_\_\_ was released on \_\_\_\_\_ and served:

\_\_\_ days toward sentence

\_\_\_ days toward amount due

\_\_\_ paid \$\_\_\_\_\_ toward amount due.

\_\_\_ signed a time payment agreement.

\_\_\_ Defendant failed to report as ordered.

Date: \_\_\_\_\_

\_\_\_\_\_  
Jailer

Recalled by Court 09/17/04.



COUNTY CLERK OF  
NEBRASKA COUNTY, NE  
FILED  
SEP 20 2004  
Shelley L. Lee  
CLERK MAGISTRATE

IN THE COUNTY COURT OF NEMAHA COUNTY, NEBRASKA

ORDER FOR HEARING

STATE OF NEBRASKA V. MELISSA M HAVER

Case ID: CR 04 232

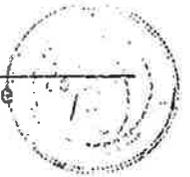
The following matters in this case are set for hearing:

Hearing - Review Para #12 of Probation Order

on October 14, 2004, at 2:15PM in Nemaha County Court Courtroom.

Date: September 20, 2004 BY THE COURT:

*Mary Hall*  
\_\_\_\_\_  
Judge/Clerk Magistrate



Special Instructions:  
Request of Defendant

COUNTY COURT OF  
NEMAHA COUNTY, NE  
4542

SEP 20 2004

*Mary Hall*  
CLERK MAGISTRATE

CERTIFICATE OF SERVICE

STATE OF NEBRASKA V. MELISSA M HAVER

Case ID: CR 04 232

I, the undersigned, certify that on September 20, 2004, I served a copy of the foregoing upon the following persons at the addresses given, by mailing by United States Mail, postage prepaid:

Melissa M Haver /  
10911 N 76th Place  
Omaha, NE 68122

Steven M Renteria /  
1905 Harney Street, Suite 224  
Omaha, NE 68102

Louie M Ligouri /  
1824 N St.  
Auburn, NE 68305

Date: September 20, 2004 Signature: James Haver

IN THE COUNTY COURT OF NEMAHA COUNTY, NEBRASKA

STATE OF NEBRASKA,

Plaintiff

Case No. CR04-232

MELISSA HAVER,

Defendant.

COUNTY COURT OF  
NEMAHA COUNTY, NE  
FILED

OCT 14 2004

Address: 10911 North 76th Plaza Omaha 68122 D.O.B.                     

Prosecutor:  Ligouri  Martin

*Nancy Hall*  
CLERK MAGISTRATE

Defendant's Attorney: ~~Steven M. Renteria~~ *[Signature]* & *[Signature]*

Hearing on: on review of paragraph #12 of probation order

REMARKS:

*M-02 Ex. 1 - ~~LET~~ letter from Dr. Pzda*

*H 12 Modified.*

*I day to be served commencing  
Dec 3, 2004 @ 6:00 p.m. unless  
modified by *[Signature]**

Dated: October 14, 2004

*[Signature]*  
County Judge

IN THE COUNTY COURT OF NEMAHA COUNTY, NEBRASKA

THE STATE OF NEBRASKA	)	CASE NO. CR04-232
Plaintiff,	)	
	)	
vs	)	<b>ORDER</b>
	)	
MELISSA M. HAVER	)	
Defendant.	)	

This matter comes before the Court this 11<sup>th</sup> day of January, 2005, upon the Court's own motion. The Court finds that on September 9<sup>th</sup>, 2004, the defendant was sentenced to a term of probation of 12 months. Such order of probation included terms that the defendant pay a fine of \$350.00 and court costs of \$51.50 (with credit up to \$250.00 for counseling expenses). Defendant was also to serve 7 days in the Nemaha County Jail. The jail term has been deferred at the request of the defendant. A review of the Court file shows that the defendant has failed to make required payments of fines and costs or show counseling expenses by December 14<sup>th</sup> as required by the terms and conditions of her time payment agreement.

**THEREFORE IT IS ORDERED AND ADJUDGED BY THE COURT** that the matter should come on for review of probation terms on January 25<sup>th</sup>, 2005, at 10:30 a.m.

DATED: January 10<sup>th</sup>, 2005.

BY THE COURT:



Curtis L. Maschman  
County Judge

COUNTY COURT OF  
NEMAHA COUNTY, NE  
FILED

JAN 12 2005

*Nancy Wall*  
07-1-#2 State Board of Education  
CLERK MAGISTRATE

IN THE COUNTY COURT OF NEMAHA COUNTY, NEBRASKA

STATE OF NEBRASKA,

Plaintiff

Case No. CRO 04/26785 COUNTY COURT OF NEMAHA COUNTY, NE  
FILED

MELISSA M. HAVER

Defendant.

JAN 25 2005

Nancy Hall  
CLERK MAGISTRATE  
04/26785

Address: 10911 N. 76th Plaza, Omaha, NE 68122

D.O.B. \_\_\_\_\_

Prosecutor:  Louie Ligouri ( ) Marie Martin

Defendant's Attorney:  Steven M. Renteria

Hearing on: Review Terms of Probation

REMARKS: Def. appears via Counsel.

Notes due to be applied to  
 fines/costs. No fee pay for  
 ongoing Prob. starting fines.

Jud. term to comm Feb 15, 2005  
@ 5:00 pm for 2 days. E Feb. 22, 2005  
@ 5:00 pm for 2 days

Dated: January 20<sup>th</sup>, 2005

  
County Judge

CASE FILE COPY

Nemaha County Court  
Journal Entry & Order - Felony

Hearing held 1/25/2005 scheduled at 10:30 in courtroom 44C01  
State v. Melissa M Haver  
CITATION: 0000000

JUDGE: Curtis L Maschman

CASE: CR 4 232

DOB: 4/26/1985

ARREST NO: 0000000

AKA:

CASE FILED: 6/18/2004

REF	CHG	STATUTE	DESC	CL TYP	AMENDED	DESC	CL TYP
01	01	28-416(3)	Possess controlled substance	4	FEL	28-201(4)(E)	Attempt of a class 3A or class 4 felo 1 MSD

- Defendant:  Defense Counsel Steven M Renteria  Parents or Guardians \_\_\_\_\_
- Prosecutor Louie M Ligouri  Interpreter \_\_\_\_\_
- Defendant arraigned on  the above charge(s);  the charge of \_\_\_\_\_
- Defendant advised of the charge(s) against him/her and the penalties for said charge(s).
- Defendant advised  privilege against self-incrimination;  Waived.
- On each charge of:  right to confront accusers;  Waived.
- right to preliminary hearing;  Waived.  bound over to District Court for trial
- right to counsel;  Waived.
- Waiver(s) entered knowingly.  Waiver(s) entered understandingly.  Waiver(s) entered intelligently
- Waiver(s) entered voluntarily.  Factual basis for waiver(s) found.
- Public defender appointed for purposes of bond setting only.
- Indigency inquiry held;  Defendant adjudged indigent, Public Defender appointed.  Defendant adjudged not indigent.
- Defendant will hire own counsel \_\_\_\_\_  Appointed Counsel \_\_\_\_\_
- Employed \_\_\_\_\_
- Case set for preliminary hearing on \_\_\_\_\_ at \_\_\_\_\_ in \_\_\_\_\_
- Probable cause for detention found. Bond set at \_\_\_\_\_  10%  Signature  ROR;
- Pre-Trial Release.  Transfer to Juvenile Court.

- Case continued to \_\_\_\_\_ at \_\_\_\_\_ on motion of:  Prosecutor;  Defense  Court.
- Charge(s) 1( ) 2( ) 3( ) 4( ) 5( ) dismissed on motion of  Prosecutor;  Defense  Court.
- Preliminary hearing held:
- Court finds probable cause to believe Defendant guilty of crime(s) charged. 1( ) 2( ) 3( ) 4( ) 5( ); Case bound over to District Court for trial.
- Court finds insufficient evidence to bind Defendant over on charge(s) 1( ) 2( ) 3( ) 4( ) 5( ); charge(s) is/are dismissed.
- Court costs \$41.50  Witness Fees \_\_\_\_\_
- Sheriff Fees \_\_\_\_\_  Subpoena Fees \_\_\_\_\_  Other \_\_\_\_\_
- Bond set at \_\_\_\_\_  10%  Signature  ROR  Pre-Trial-Release.
- Extradition hearing held;  Defendant waives extradition and is remanded to custody of Sheriff.
- Defendant declines waiver of extradition,
- Case continued to \_\_\_\_\_ at \_\_\_\_\_
- In Courtroom \_\_\_\_\_ for \_\_\_\_\_
- Exhibits introduced: Nos. \_\_\_\_\_ thru \_\_\_\_\_ Received \_\_\_\_\_
- Upon oath of Prosecutor, probable cause is found for the issuance of arrest warrant.
- Defendant fails to appear;  Warrant to issue;  Bond set at \_\_\_\_\_  10%  Signature  ROR
- Commitment to issue  Warrant cancelled.
- Bond in the amount of \_\_\_\_\_  forfeited;  reinstated;  released.
- Jail dates rescheduled. Fines and costs are current.

Hon. Curtis L Maschman 2/5/05 Date  
 Bailiff  Tape Nos. \_\_\_\_\_

COUNTY COURT OF  
NEMAHA COUNTY, NE  
FILED  
JAN 25 2005  
Mancy Hall  
CLERK MAGISTRATE



5125

# COMMITMENT

Document Number

5125

## IN THE COUNTY COURT OF Nemaha COUNTY, NEBRASKA

State of Nebraska v. Melissa M Haver

Case ID: CR 04 232

TO: Nemaha COUNTY SHERIFF

You are commanded to receive into custody Melissa M Haver (DOB: 04-26-1985), and keep him/her until discharged by due process of law. The defendant has been brought before this court on the charge(s) of:

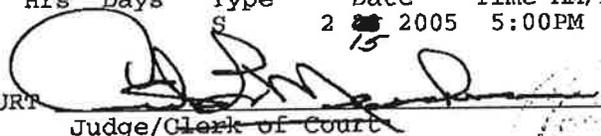
<u>Ct</u>	<u>Section</u>	<u>Offense Description</u>	<u>Cls</u>	<u>Type</u>
1	28-201(4)(E)	Attempt of a class 3A or class 4 felony	1	MSD

All of which are contrary to the laws of the State of Nebraska. This person shall be imprisoned in the Nemaha County Jail.

<u>Ct</u>	<u>--Term--</u>				<u>Hrs</u>	<u>--Term--</u>				<u>Credit</u>	<u>Sent</u>	<u>Start</u>	<u>Start</u>	
	<u>Yr</u>	<u>Mo</u>	<u>Day</u>	<u>Day</u>		<u>Yr</u>	<u>Mo</u>	<u>Day</u>	<u>Day</u>					<u>Hrs</u>
1			2								S	2	15	2005 5:00PM

Date: January 25, 2005

BY THE COURT



Judge/Clerk of Court

# RETURN

Doc. No. 5125

State of Nebraska v. Melissa M Haver

I certify that the defendant was imprisoned on 2.15.05 and:  
\_\_\_\_\_ was released on 2.16.05 and served:  
    1 days toward sentence  
    \_\_\_\_\_ days toward amount due  
\_\_\_\_\_ paid \$ \_\_\_\_\_ toward amount due  
\_\_\_\_\_ signed a time payment agreement  
\_\_\_\_\_ Defendant failed to report as ordered.

COUNTY COURT OF  
NEMAHA COUNTY, NE  
FILED

FEB 17 2005

*Nancy Hale*  
CLERK MAGISTRATE

Date: 2.16.05 Jailer: *Carl J. Gering*

## JUVENILE RETURN

TRANSPORT: I certify the above minor was transported on \_\_\_\_\_ and \_\_\_\_\_.

DETAIN: I certify the above minor was picked-up on \_\_\_\_\_, and is being detained for the court.

COMMITMENT: I certify the above minor was transported to the noted facility for commitment on \_\_\_\_\_.

Date: \_\_\_\_\_ By \_\_\_\_\_  
Sheriff or authorized person/Jailer



IN THE COUNTY COURT OF NEMAHA COUNTY, NEBRASKA

THE STATE OF NEBRASKA  
Plaintiff,  
  
vs.  
MELISSA M. HAVER  
Defendant.

)  
)  
)  
)  
)  
)  
)

CASE NO. CR04-232

ORDER MODIFYING COUNTY COURT OF  
PROBATION NEMAHA COUNTY, NE  
FILED

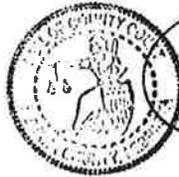
FEB 22 2005

*Nancy Hall*  
CLERK MAGISTRATE

This matter comes before the Court this 16<sup>th</sup> day of February, 2005, upon the Court's own motion. The court finds that Paragraph #12 should be amended to 1 day in county jail beginning February 15, 2005 and to complete 36 hours of Community Service by March 28, 2005 and provide proof to the Probation Officer.

IT IS SO ORDERED.

BY THE COURT:



*[Handwritten Signature]*  
JUDGE



5124

# COMMITMENT

Document Number

5124

## IN THE COUNTY COURT OF Nemaha COUNTY, NEBRASKA

State of Nebraska v. Melissa M Haver

Case ID: CR 04 232

TO: Nemaha COUNTY SHERIFF

You are commanded to receive into custody Melissa M Haver (DOB: 04-26-1985), and keep him/her until discharged by due process of law. The defendant has been brought before this court on the charge(s) of:

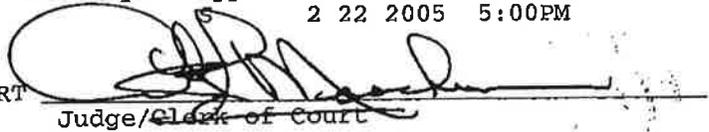
<u>Ct</u>	<u>Section</u>	<u>Offense Description</u>	<u>Cls</u>	<u>Type</u>
1	28-201(4) (E)	Attempt of a class 3A or class 4 felony	1	MSD

All of which are contrary to the laws of the State of Nebraska. This person shall be imprisoned in the Nemaha County Jail.

<u>Ct</u>	<u>--Term--</u>				<u>--Term--</u>				<u>Credit</u>	<u>Sent</u>	<u>Start</u>	<u>Start</u>
	<u>Yr</u>	<u>Mo</u>	<u>Day</u>	<u>Hrs</u>	<u>Yr</u>	<u>Mo</u>	<u>Day</u>	<u>Hrs</u>				
1			2								2 22 2005	5:00PM

Date: January 25, 2005

BY THE COURT



Judge/Clerk of Court

IN THE COUNTY COURT OF Nemaha COUNTY, NEBRASKA

COMMITMENT

State of Nebraska v. Melissa M Haver

Case ID: CR 04 232

TO: Nemaha COUNTY SHERIFF

You are commanded to receive into custody Melissa M Haver (DOB: 04-26-1985), and keep him/her until discharged by due process of law. The defendant has been brought before this court on the charge(s) of:

Ct	Section	Offense Description	Cls	Type
1	28-201(4)(E)	Attempt of a class 3A or class 4 felony	1	MSD

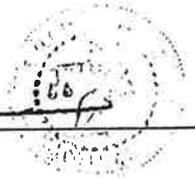
All of which are contrary to the laws of the State of Nebraska. This person shall be imprisoned in the Nemaha County Jail.

Ct	--Term--				Yr	--Term--				Credit Days	Sent Type	Start Date	Start Time AM/PM
	Yr	Mo	Day	Hrs		Yr	Mo	Day	Hrs				
1			7						3	S	12 3 2004	6:00PM	

Further conditions:  
Modified court order dated 10/14/04

Date: October 15, 2004

BY THE COURT

Judge/Clerk of Court

*Handwritten mark*

Doc. No. 4686  
Case ID: CR 04 232  
Caption: State of Nebraska v. Melissa M Haver

RETURN

I certify that the defendant was imprisoned on \_\_\_\_\_ and:

\_\_\_ was released on \_\_\_\_\_ and served:

\_\_\_ days toward sentence

\_\_\_ days toward amount due

\_\_\_ paid \$\_\_\_\_\_ toward amount due.

\_\_\_ signed a time payment agreement.

\_\_\_ Defendant failed to report as ordered.

Date: \_\_\_\_\_

\_\_\_\_\_  
Jailer

COUNTY COURT OF  
NEMAHA COUNTY, NE  
FILED

MAR 30 2005

*Nancy Kline*  
CLERK MAGISTRATE



4877

# COMMITMENT

Document Number

4877

## IN THE COUNTY COURT OF Nemaha COUNTY, NEBRASKA

State of Nebraska v. Melissa M Haver

Case ID: CR 04 232

TO: Nemaha COUNTY SHERIFF

You are commanded to receive into custody Melissa M Haver (DOB: 04-26-1985), and keep him/her until discharged by due process of law. The defendant has been brought before this court on the charge(s) of:

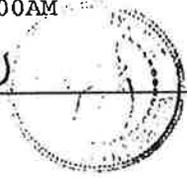
<u>Ct</u>	<u>Section</u>	<u>Offense Description</u>	<u>Cls</u>	<u>Type</u>
1	28-201(4)(E)	Attempt of a class 3A or class 4 felony	1	MSD

All of which are contrary to the laws of the State of Nebraska. This person shall be imprisoned in the Nemaha County Jail.

Ct	--Term--			--Term--			Credit Days	Sent Type	Start Date	Start Time	Start AM/PM
	Yr	Mo	Day	Hrs	Yr	Mo					
1			7				3	S	1 4 2005	9:00AM	

Date: December 7, 2004 BY THE COURT

*[Handwritten Signature]*  
 Judge/~~S~~ Clerk of Court



Commitment dated 101504 modified.

COUNTY COURT OF NEMAHA COUNTY, NE  
FILED

MAR 30 2005

*Nancy Hall*  
CLERK MAGISTRATE

*BL*

**JOHN J. MCCARTY, JR.**  
Chief Probation Officer  
612 Grant Street, Room 19  
Beatrice, NE 68310-0494

Phone: (402) 223-1338  
Fax: (402) 223-1372

**CLIFF WOLF**  
Chief Deputy Probation Officer



**STATE OF NEBRASKA**  
Probation District Number 12

**REPLY TO:**

- 612 Grant Street, Room 19  
Beatrice, NE 68310-0494  
(402) 223-1338
- P.O. Box 482  
Falls City, NE 68355-0482  
(402) 245-3484
- P.O. Box 865  
Wilber, NE 68465-0865  
(402) 821-2042

September 22, 2005

Hon. Curtis L. Maschman  
Nemaha County Court  
Courthouse  
Auburn, Nebraska 68305

Re: Melissa M. Haver  
Case No. CR04-232

Dear Judge Maschman:

The above captioned individual was placed on probation on September 9, 2004, for a period of 12 months for the offense of Attempted Possession of a Controlled Substance.

During the time that Ms. Haver has been on probation she has to the best of my knowledge complied with the terms and conditions of her probation and all costs have been paid in full. For these reasons, I respectfully request that you consider her for release from probation.

If you should determine to release Ms. Haver as requested, I would appreciate receiving two (2) copies of the Release of Probation Order. One (1) copy will be given to the probationer and one (1) copy is for the Probation Office.

Thank you very much for your time and cooperation in this matter.

Respectfully,

A handwritten signature in black ink, appearing to read "Rick C. DeKlotz".

Rick C. DeKlotz  
Senior Probation Officer

RCD:kas  
xc:file  
Enclosure

IN THE COUNTY COURT OF NEMAHA COUNTY, NEBRASKA

THE STATE OF NEBRASKA, )  
 )  
 Plaintiff; )  
 )  
 -vs- )  
 )  
 MELISSA M. HAVER, )  
 )  
 Defendant. )

ORDER OF RELEASE

Case No. CR04-232

COUNTY COURT OF  
NEMAHA COUNTY, NE  
FILED

SEP 26 2005

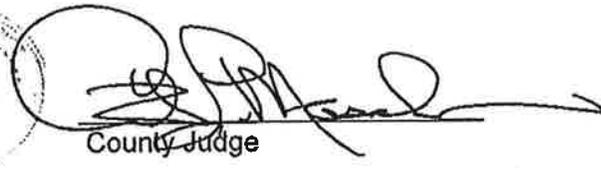
*Nancy Hall*  
CLERK MAGISTRATE

Now on this 26<sup>th</sup> day of September, 2005 there appears before the Court, Rick C. DeKlotz, District 12 Probation Officer of the State of Nebraska, and respectfully represents unto this Court that the defendant, Melissa M. Haver, was, on the 9<sup>th</sup> day of September, 2004 sentenced to probation to the District No. 12 Probation Office for a period of 12 months.

The Probation Officer shows this Court that the said defendant has satisfactorily completed the terms of her probation and that , she, should be fully discharged from the same as provided by law.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED BY THE COURT that the defendant, Melissa M. Haver, is hereby fully discharged from said probation as provided by law.

BY THE COURT:

   
County Judge

**IN THE COUNTY COURT OF NEMAHA COUNTY, NEBRASKA**

THE STATE OF NEBRASKA )  
 Plaintiff, )  
 vs. )  
 MELISSA M. HAVER )  
 Defendant. )

CASE NO. CR00882 )  
 COUNTY COURT OF )  
 NEMAHA COUNTY, NE )  
 FILED )  
JOURNAL ENTRY 9 2004 )  
OF PROBATION )  
*Jancy Wallace* )  
 CLERK MAGISTRATE )

This matter came on for hearing 9<sup>th</sup> day of September, 2004, for sentencing of Defendant herein, the Defendant having been found Guilty of Attempted Possession of a Controlled Substance, a Class I. Misdemeanor.

The Defendant appeared with counsel, Steven M. Renteria, and the State of Nebraska was represented by Marie Martin, County Attorney in and for Nemaha County, Nebraska.

The court was advised that the Defendant and his attorney have read the pre-sentence investigative report, and that it is true and correct to the best of their knowledge.

The Court made inquiry and received comments regarding sentencing from the County Attorney and the Defendant and her counsel. The defendant was asked if there was any reason why sentence should not be imposed at this time. The defendant stated that he/she knew of no reason.

**IT IS THEREFORE ORDERED BY THE COURT:**

That the defendant be sentenced to probation for TWELVE (12) months, under the charge and supervision of the Nebraska Probation System. The Court orders that during the term of probation, the Defendant shall:

1. Refrain from all unlawful conduct.
2. Report to the probation officer as directed; allow the probation officer to visit you at your residence; and truthfully answer all inquiries from the probation officer concerning your conduct or probation conditions.
3. Shall avoid social contact with persons having criminal records or persons on parole or probation except by special permission of the Probation Officer.
4. Maintain a permanent residence and make no change in that residence without permission of the probation officer/court. Shall appear at all court ordered hearings regarding this probation order. Notice shall be sent to the Defendant's most recent address provided, in writing, to the probation officer/court. Failure to appear at any such hearing shall result in a warrant being issued for the

Defendant's arrest for failure to comply with this court's order.

5. Not leave the State of Nebraska for more than 48 hours without written permission of the probation office/court.
6. Maintain gainful employment, or provide documentation to the probation officer that employment is being diligently sought; or attend school as a full-time student. No change of employment shall be made without first notifying the probation office.
7. Pay a fine in the amount of \$350.00, court costs \$51.50. May receive credit up to \$250.00 for counseling.

**IN ADDITION**, you will be required to pay the following:

- Pay Probation Administrative Enrollment fee of \$30.00 this date.
- Pay a monthly Probation Programming Fee of ~~\$25.00~~ per month for regular probation offenders for 12 months for a total of \$300. This payment is to be paid by the 10th of each month.

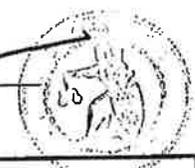
8. Not consume nor have in possession any alcoholic beverages or illegal controlled substance nor be in any establishment holding a liquor license, (except for dining purposes during meal times, or employment), nor be in any vehicle that contains alcoholic beverages or controlled substances, nor attend any social functions at which alcoholic beverages are being served, without permission of the probation officer.
9. Submit to any blood, breath or urine test when requested to do so by the probation officer or law enforcement officer. You shall pay \$5.00/month for 12 months for such testing.
10. Attend and successfully complete an outpatient partial care/individual alcohol counseling program, including aftercare, which is to be approved by this Court or Probation Officer and pay the costs thereof.
11. Submit to a search of your person or any real estate or personal property including motor vehicles owned by you or under your possession or control, at any time, by the probation officer or law enforcement.
12. Serve 7 days in the Nemaha County Jail commencing September 17, 2004, at 6:00 p.m.
13. Serve 30 days in the Nemaha County Jail if and when directed to do so by this Court.

**IT IS FURTHER ORDERED THAT**, during the term of probation, the Court upon application of the probation officer, the Defendant, upon its own motion, may, after hearing and

notice, modify or eliminate any above conditions or add further conditions.

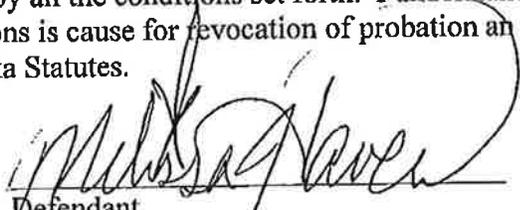
**IT IS SO ORDERED BY THE COURT:**

BY THE COURT:

  
JUDGE 

**RECEIPT AND UNDERSTANDING**

I acknowledge that I have received a copy of the above Order on September 9, 2004. I hereby accept probation and agree to abide by all the conditions set forth. I understand that violation by me of any of the above conditions is cause for revocation of probation and sentencing under the appropriate section of the Nebraska Statutes.

  
Defendant

6-620(5/98)

IN THE COUNTY COURT OF NEMAHA COUNTY, NEBRASKA

STATE OF NEBRASKA )  
 Plaintiff )  
 vs )  
MELISSA M. HAVER )  
 Defendant )

CASE # CR04-232  
 ASSIGNMENT OF BOND FOR  
 PAYMENT OF FINES & COSTS  
 COUNTY COURT OF NEMAHA COUNTY, NE  
 FILED

SEP 9 2004

I request the bond posted by me in this case be used in payment of the fines and costs assessed by the Court. The balance is to be made payable to:

Jane Haver - Assignee Jane Haver Clerk Magistrate  
 Date: \_\_\_\_\_ Defendant: \_\_\_\_\_  
 Date: \_\_\_\_\_ Surety: \_\_\_\_\_

Bail Bond (Face value)	\$	<u>4000.00</u>
Amount Received	\$	<u>400.00</u>
10% Bond Fee	\$	<u>40.00</u>
Balance of Bond	\$	<u>360.00</u>

Fines \$ 350.00

Court Costs \$ 41.50 - Bond

Service Fees \$ \_\_\_\_\_ ( ) Sheriff ( ) Certified Mail

Test Fees \$ \_\_\_\_\_ ( ) Blood ( ) Breath ( ) Urine  
 ( ) NCS ( ) NSP ( ) APD

Screen Test \$ no - Bond ( ) DRI ( ) SAQ ( ) ACDI ( ) SAI ( ) DVI

Witness/mileage \$ \_\_\_\_\_

Restitution \$ \_\_\_\_\_

PAEF \$ 130.00 - Bond

PFEE \$ 300.00 - 25.00. Bond ( ) \$25 Monthly Fee ( ) \$35 Monthly Fee

DRUG \$ 60.00 - 5 Bond

OTHER \$ \_\_\_\_\_

TOTAL FINES & COSTS \$ 791.50  
 Balance: ( ) To Defendant \$ \_\_\_\_\_  
 Balance: ( ) Due from Defendant \$ \_\_\_\_\_  
 ( ) Assignment of cost only - time payment on balance

30



**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a true and correct copy of the above and foregoing document was forwarded to the following named individual by placing same in the U.S. Mail, postage prepaid, on March 15, 2012:

Louie Ligouri  
Nemaha County Attorney's Office  
1824 N Street, Ste. 303  
Auburn, NE 68305



---

IN THE COUNTY COURT OF NEMAHA COUNTY, NEBRASKA

ST V. MELISSA M HAVER  
DOB: 4/26/1985  
Case ID: CR 04 232  
Citation:

Printed on 4/17/2012 at 11:24  
Room 44C01  
Page 1  
Date of Hearing 4/17/2012

CHARGES (AMENDMENTS/PLEAS/FINDINGS/FINES/PRESENTENCE/JAIL/DISMISSALS)

<u>CHARGE</u>	<u>STATUTE</u>	<u>DESCRIPTION</u>	<u>CLASS</u>	<u>TYPE</u>
01	28-201	Attempt of a class 3A or class 4 felo	1	MSD

A P P E A R A N C E S A N D A D V I S E M E N T

Judge	Curtis L Maschman
Defendant	MELISSA M HAVER
Defense Counsel	Fitzpatrick,Michael,J
Prosecutor	Louie M Ligouri

B O N D I N F O R M A T I O N

Bond	857 for	\$4,000.00 TEN filed on	4/28/2004
ASSIGNED		Balance Held	

T R I A L / M O T I O N H E A R I N G

Hearing held on: Hearing  
Motion to Set Aside  
Motion Granted Order Attached

Hon.

Curtis L Maschman



4/17/2012

Date

Bailiff

Tape Nos. digital



IN THE COUNTY COURT OF NEMAHA COUNTY, NEBRASKA

STATE OF NEBRASKA,

CASE ID: CR04-232

Plaintiff,

vs.

ORDER TO SET ASIDE  
CONVICTION

MELISSA M. HAVER,

Defendant.

COUNTY COURT OF  
NEMAHA COUNTY, NE.  
FILED

APR 17 2012

*Mary Hall*  
CLERK MAGISTRATE

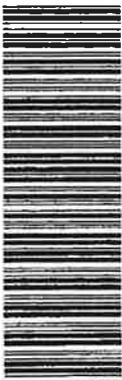
NOW ON this 17<sup>th</sup> day of April, 2012, the above-captioned matter came on before the Court on the Motion to Set Aside Conviction filed herein by the Defendant. The Defendant appeared with her attorney, Michael J. Fitzpatrick. The Court, after reviewing the evidence from the Defendant and having considered the factors as set forth in Nebraska Revised Statute §29-2264(3), the Court finds that said Motion should be granted.

IT IS THEREFORE ORDERED that the conviction of the Defendant on the 9<sup>th</sup> day of September, 2004, be and is hereby set aside. This Order setting aside said conviction shall:

- (A) Nullify the conviction; and
- (B) Remove all civil disabilities and qualifications imposed as a result of the conviction.

IT IS FURTHER ORDERED that the setting aside of the conviction, in accordance with the Nebraska Probation Administration Act shall not:

- (a) Require the reinstatement of any office, employment, or position which was previously held or lost or forfeited as a result of the conviction;
- (b) Preclude proof of a plea of guilty whenever such plea is relevant to the determination of an issue involving the rights or liberties or someone other than the offender;
- (c) Preclude proof of the conviction as evidence of the commission of the misdemeanor or felony whenever the fact of its commission is relevant for the purpose of impeaching the offender as a witness; except that the order setting aside the conviction may be introduced in evidence;



- (d) Preclude use of the conviction for the purpose of determining sentence on any subsequent conviction of a criminal offense;
- (e) Preclude the proof of the conviction as evidence of the commission of the misdemeanor or felony in the event as offender is charged with a subsequent offense and the penalty provided by law is increased if the prior conviction is proved;
- (f) Preclude the proof of conviction to determine whether an offender is eligible to have a subsequent conviction set aside in accordance with the Nebraska Probation Administration Act;
- (g) Preclude use of the conviction as evidence of commission of the misdemeanor or felony for purposes of determining whether an application filed or a license issued under sections 71-1901 to 71-1906.01 or the Child Care Licensing Act or a certificate issued under sections 79-806 to 79-815 should be denied, suspended, or revoked.

IT IS SO ORDERED.

Dated this 17<sup>th</sup> day of April, 2012.



BY THE COURT:

A handwritten signature in black ink, written over a horizontal line. The signature is stylized and appears to be "J. M. [unclear]".

**PREPARED & SUBMITTED BY:**

Michael J. Fitzpatrick #22056  
FITZPATRICK LAW OFFICE  
319 South 17<sup>th</sup> Street, Suite 232  
Omaha, NE 68102  
(402) 346.9140  
Attorney for Defendant

**DONALD W. KLEINE**

DOUGLAS COUNTY ATTORNEY  
HALL OF JUSTICE  
17TH & FARNAM STREET  
OMAHA, NEBRASKA 68183

DIVERSION SERVICES  
THE CENTER, SUITE 117  
1941 SOUTH 42 STREET  
OMAHA, NE 68105

March 6, 2012

Melissa Haver  
900 Farnam Street #615  
Omaha, Nebraska 68102

RE: Discharge from the Douglas County Attorney Diversion Program

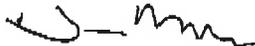
Dear Ms. Haver:

This letter is to confirm that you successfully completed the Douglas County Attorney Diversion Program on April 25, 2011, on the offense of Possession of Controlled Substance Acq by Fraud.

You have been discharged and released from any further obligation to the Diversion Program and this Office. Your criminal history reflects that the case was dismissed on April 26, 2011.

If I can be of further assistance, please do not hesitate to contact our office.

Sincerely,



Harlan Milder  
Program Director

Haver 5/3/12  
EXHIBIT NO. 5  
14 PGS  
JODY WHITE, RMR



11CT COURT OF DOUGLAS COUNTY, NEBRASKA

THE STATE OF NEBRASKA, ) DOC. 182 NO. 997

Plaintiff, ) CR 10 9075180

vs. ) ORDER TO DISMISS

MELISSA M. HAVER, ) AT DEFENDANT'S COST

Defendant. )

O R D E R

IT IS HEREBY ORDERED that this case is dismissed without prejudice at the defendant's cost to permit the defendant to participate in the County Attorney's Diversion Program.

Dated this 25<sup>th</sup> day of April, 2011

BY THE COURT  
*[Signature]*  
JUDGE

This order written and prepared by *Melissa B. Haver*  
ATTORNEY FOR THE STATE OF NEBRASKA

FILED  
DOUGLAS COUNTY CLERK  
2011 APR 26 AM 10:05  
-CLERK'S OFFICE- DOUGLAS

*MD*



**NEBRASKA STATE  
PATROL  
DIVISION OF INVESTIGATIVE  
SERVICES**

IR# A09-24037

Subject Information											
INVL	NAME (Last, First, MI)			ADDRESS				CITY	STATE	ZIP CODE	
SUS	HAVER, MELISSA M			900 FARNAM ST APT 616				OMAHA	NB	68102	
ID NUMBER	TYPE	LIC ST	DOB	SEX	HT	WT	EYES	HAIR	RACE	AGE	
			04/26/1985	F	5-02	100	Brown	Brown	White	24	

3



**NEBRASKA STATE PATROL**  
**DIVISION OF INVESTIGATIVE SERVICES**  
IR# A09-24037



**NAME:HAVER,MELISSA M**

**FORGERY, COUNTY**

**Report Author: SATTLEFIELD,ANTHONY #279**

Synopsis: Supplement #: ORIG

**SYNOPSIS**

On Monday, August 31, 2009 at approximately 1620 hrs, AMY DOUGLAS of Hy-Vee Pharmacy 7910 Cass St contacted the Nebraska State Patrol to report a suspected altered prescription presented to her by MELISSA HAVER dob: 04-26-1985. Inv. SATTLEFIELD was assigned to investigate. Investigation is on-going.

Case Officer

SATTLEFIELD,ANTHONY

IR#

A09-24037

Page 2 of 6

7.7-120

4



NEBRASKA STATE PATROL  
DIVISION OF INVESTIGATIVE SERVICES  
IR# A09-24037



Report Author: SATTLEFIELD, ANTHONY #279

Narrative: Supplement #: ORIG

NARRATIVE

On Monday, August 31, 2009 at approximately 1620 hrs, AMY DOUGLAS of Hy-Vee Pharmacy 7910 Cass St contacted the Nebraska State Patrol to report a suspected altered prescription presented to her by MELISSA HAVER dob: 04-26-1985.

DOUGLAS advised at approximately 1550 hrs HAVER came into the pharmacy and presented two handwritten prescriptions from Alegent Health Clinic. DOUGLAS indicated one prescription was for Ritalin 15mg. and one prescription for Klonopin 2mg. DOUGLAS indicated the prescriptions appeared to have been altered so she called Dr. LISA SCHALLEY'S office to verify. DOUGLAS advised Dr. SCHALLEY indicated she wrote the prescriptions for Ritalin 5mg. and Klonopin 1mg. DOUGLAS indicated Dr. SCHALLEY advised her to cancel the prescriptions due to them being altered. DOUGLAS advised when she informed HAVER the prescriptions were cancelled due to them being altered HAVER denied having altered the prescriptions. DOUGLAS indicated that HAVER advised her that when she received the prescriptions from the doctor office she placed them in her purse and came straight to the pharmacy.

On Monday, August 31 2009 the Nebraska State Patrol Also received via fax a written statement from Dr. LISA SCHALLEY MD of Alegent Health Clinic. Dr. SCHALLEY'S statement indicated that she had written HAVER a prescription for Ritalin 5mg. and Klonopin 1mg when she was seen earlier that day.

On Wednesday, September 2, 2009 Nebraska State Patrol Investigator ANTHONY SATTLEFIELD went to Hy-Vee Pharmacy located at 7919 Cass St. Omaha, NE. Inv. SATTLEFIELD presented an un-labeled photograph of MELISSA HAVER to Pharmacist AMY DOUGLAS. DOUGLAS was able to positively identify the person in the photograph as MELISSA HAVER, the person who presented the altered prescriptions for Ritalin 15mg. and Klonopin 2mg. on August 31, 2009. DOUGLAS also provided Inv. SATTLEFIELD with a written statement describing the incident along with the original copies of the two prescriptions HAVER presented.

On Thursday, January 14, 2010 Inv. SATTLEFIELD contacted HAVER via telephone to inform her about the status of the investigation and possibly arrange a time and place for an interview. Upon being advised on the basic facts regarding the case, HAVER denied altering the prescription. HAVER indicated to Inv. SATTLEFIELD that " it was just a misunderstanding". HAVER indicated that she did specifically recall the incident. HAVER advised that the doctor had wrote down the incorrect dosage amount on the prescription. Inv. SATTLEFIELD specifically noted that HAVER stated the doctor had written 15mg on the prescription eventhough that particular medication wasn't available in that particular dosage. Inv. SATTLEFIELD advised HAVER that based upon statements from both the doctor and pharmacist along with the actual prescription which had obvious signs of altering he had probable cause to believe she had altered it. HAVER insisted she did not alter the prescription. Inv. SATTLEFIELD advised HAVER he intended to submit an affidavit for an arrest warrant for two counts of Intentional Violation. Inv. SATTLEFIELD further advised that he was calling her as a courtesy to allow her the opportunity to come in for an interview and tell her account of the story. HAVER advised Inv. SATTLEFIELD that she would be willing to come to the Nebraska State Patrol Traffic Office to speak with Inv. SATTLEFIELD. HAVER also asked if it be okay to have an attorney present for the interview. Inv. SATTLEFIELD advised HAVER that he didn't have any objections to her having an attorney present. HAVER and Inv. SATTLEFIELD then



NEBRASKA STATE PATROL  
DIVISION OF INVESTIGATIVE SERVICES  
IR# A09-24037



Report Author: SATTLEFIELD, ANTHONY #279

Narrative: Supplement #: ORIG

NARRATIVE

agree to meet at 10:00 am on Tuesday, January 19, 2010 at the Nebraska State Patrol Omaha Traffic office for the interview.

On Monday, January 18, 2010 Nebraska State Patrol Inv. ANTHONY SATTLEFIELD received a telephone call from HAVER. HAVER advised Inv. SATTLEFIELD that on the advise of her attorney she had decided against coming in and being interviewed. HAVER advised Inv. SATTLEFIELD that she would however cooperate by making arrangements to turn herself in.

Inv. Anthony Sattlefield #279



NEBRASKA STATE PATROL  
DIVISION OF INVESTIGATIVE SERVICES  
IR# A09-24037



Report Author: SATTLEFIELD, ANTHONY # 279

Evidence, Page 1 of 1

EVIDENCE LIST

Tag #: 09002950

Item #

1 Two (2) prescriptions in the name of Melissa Haver



NEBRASKA STATE PATROL  
 DIVISION OF INVESTIGATIVE SERVICES  
 IR# A09-24037



Report Author: SATTLEFIELD, ANTHONY, #279

CASE ASSOCIATIONS

Witness DOUGLAS, AMY S (402)384-8767  
 HYVEE PHARMACY 7910 CASS ST OMAHA. NB 68114

Witness SCHALLEY, LISA A (402)572-3900  
 ALEGENT HEALTH CLINIC 6829 N 72 ST OMAHA. NB 68122

IN THE COUNTY COURT OF DOUGLAS COUNTY, NEBRASKA

THE STATE OF NEBRASKA,

DOC.

NO.

-vs-

AFFIDAVIT OF COMPLAINING WITNESS

MELISSA M. HAVER

DEFENDANT

STATE OF NEBRASKA

SS.

COUNTY OF DOUGLAS

Investigator ANTHONY SATTLEFIELD #279, being first duly sworn on oath, deposes and states that this affiant is a resident of the State of Nebraska, and an officer of the Nebraska State Patrol. This affiant further states:

That on August 31, 2009 MELISSA HAVER dob; 04-26-1985 did present two altered prescriptions for two schedule II controlled substances to the Hy-Vee Pharmacy located at 7910 Cass St. Omaha, NE.

On Monday, August 31, 2009 Hy-Vee Pharmacy personnel contacted the Nebraska State Patrol to report two suspected altered prescriptions that were presented by MELISSA HAVER. Pharmacist AMY DOUGLAS reported that HAVER presented prescriptions for Ritalin 15mg and Klonopin 2mg. DOUGLAS indicated the prescriptions appeared to have been altered so she called Dr. LISA SCHALLEY'S office (Alegent Health Clinic), to verify. DOUGLAS indicated Dr. SCHALLEY advised she had written the prescriptions as Ritalin 5mg and Klonopin 1mg. DOUGLAS indicated that Dr. SCHALLEY advised her to cancel the prescription because it had been altered. Subsequent to being advised that the prescriptions were canceled due to them being altered HAVER denied altering the prescriptions. DOUGLAS stated HAVER told her that when she received the prescriptions from her doctor's office she placed them in her purse and came directly to the pharmacy.

On Monday, August 31, 2009 the Nebraska State Patrol also received a written statement via fax from Dr. LISA SCHALLEY. The statement indicated that on 08-31-2009 Dr. SCHALLEY wrote MELISSA HAVER, one (1) prescription for Ritalin 5mg. and, one (1) prescription for Klonopin 1mg.

On Wednesday, September 2, 2009 Inv. SATTLEFIELD went to Hy-Vee Pharmacy and presented an un-labeled photograph of MELISSA HAVER to Pharmacist AMY DOUGLAS. DOUGLAS was able to positively identify the person in the photograph as MELISSA HAVER, the person presenting the altered prescription on 08-31-2009. DOUGLAS also provided Inv. SATTLEFIELD the original prescriptions HAVER presented on 08-31-2009. Inv. SATTLEFIELD noted that both prescriptions displayed obvious indicators of being altered. DOUGLAS also provided Inv. SATTLEFIELD a written statement describing the actions she had taken as a result of her 08-31-2009 encounter with MELISSA HAVER.

On Thursday January 14, 2010 Inv. SATTLEFIELD contacted MELISSA HAVER via telephone to advise her about the status of the investigation, and to offer her an opportunity to make arrangements for an interview.

Upon hearing the basic facts of the case HAYER denied altering the prescriptions. HAYER indicated it must have been a misunderstanding or mistake on the doctor's behalf. When asked about arranging a time for an interview, HAYER initially agreed to meet with Inv. SATTLEFIELD at the Nebraska State Patrol Traffic Office on Tuesday, January 19, 2010. On Monday, January 18, 2010 HAYER called Inv. SATTLEFIELD and advised that on the advise of her attorney she had decided not to come in for an interview. HAYER advised she and her attorney would cooperate by making arrangements to turn herself in when the arrest warrant was issued.

HAYER'S actions violated Nebraska State Statute 28-416 and she committed a class IV felony. An arrest warrant is being requested for HAYER in the County of DOUGLAS, State of Nebraska.

The affiant further states that he has probable cause to believe and does believe these crimes were committed as charged in said complaint filed; that he believes that the said defendant committed said crimes; and that the prosecution has sufficient evidence as outlined herein to warrant the conviction of said defendant for the crime charged.

DATED this \_\_\_\_ day of \_\_\_\_, 20 \_\_\_\_.

\_\_\_\_\_  
SUBSCRIBED AND SWORN to before me this \_\_\_\_ day of \_\_\_\_, 20 \_\_\_\_.

\_\_\_\_\_  
CLERK OF THE COUNTY COURT OF  
DOUGLAS COUNTY, NEBRASKA

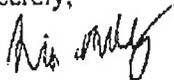
August 31, 2009

To whom it may concern,

Melissa Haver, DOB 4/26/85, was seen by myself in clinic on 8/31/09. At that time I wrote a prescription for Ritalin 5 mg with a tapering schedule of one tablet twice a day for a week then two tablets in the morning and one in the evening for a week then two tablets twice a day with total number of 91 tablets. I also wrote for Klonopin 1 mg at bedtime for a total of 30 tablets. Melissa requested an increase in her Ritalin to 10 mg but I informed her I wanted to start at 5 mg. I was then contacted by the pharmacy (HyVee at 79<sup>th</sup> and Cass) at about 4 PM with questions on the scripts. The pharmacy was questioning that Ritalin did not come in 15 mg tablets and the Klonopin prescription appeared that the 1 mg had been changed to 2mg. I informed the pharmacist that I had not written for 15 mg tablets, only 5 mg tablets and the Klonopin had been written for 1 mg. I then told the pharmacy to not fill the scripts and fax over the scripts to our office. After looking at the fax, I verified they were altered and instructed the pharmacy to contact the state patrol.

If you need any further information, please do not hesitate to contact me.

Sincerely,



Lisa Schalley, MD

Monday, August 31, 2009

To Whom it May Concern:

On Monday, August 31, 2009, I was presented with 2 prescriptions from Melissa Haver (DOB 04/26/1985) around 3:50pm that appeared to be altered. I called Dr. Lisa Schalley's office to verify the scripts and spoke with Dr. Schalley herself. Dr. Schalley said she wrote the scripts for Ritalin 5mg and Klonopin 1mg. I told her that they now said 15mg and 2mg and asked her how she wanted me to proceed. She said to cancel the prescriptions and fax them over to the office. Dr. Schalley also told me to tell Melissa that the prescriptions were cancelled due to their alterations and to call the office if she had any further questions. When I told Melissa this she claimed several times she did not alter the prescriptions. She stated that she got them (the prescriptions) from the Doctor and put them straight in her purse until she got to the pharmacy. Dr. Schalley's nurse did call back about 10 minutes later to tell me that Dr. Schalley wanted us to turn this into the State Patrol.



Amy Douglas PharmD



I recognize her as Melissa Hawn  
who came into the pharmacy on 8/31/09

Amy Ann Pham D.

**Alegent Health Clinic**  
This is your healthcare

ALEAGENT HEALTH CLINIC  
6829 N 72nd Street, Suite 3100  
Omaha, NE 68122  
P 402-572-3900



NAME *Melissa Thomas* 4/26/85  
ADDRESS \_\_\_\_\_  
DATE *7/3/09*

*Metabolin 15mg*  
*dep 91 (michy 200)*  
*for M.D. x 100 (then)*  
*for M.D. x 100 (then)*  
*for M.D. x 100 (then)*

M.D. \_\_\_\_\_  
DEA *25662457*

James M. Steier, M.D. • James D. Crew, M.D. • M. Olubunmi Dada, M.D., Ph.D.  
Bodo W. Trep, M.D. • Robert C. Drvol, M.D. • Lisa A. Schalley, M.D.  
Wendy M. Clifton, PA-C • Rebecca L. White, PA-C • Tammy L. Hunke, PA-C  
Susie L. Ryan, PA-C

28067 05046 0609

572 2868

**Alegent Health Clinic**  
This is your healthcare

ALEAGENT HEALTH CLINIC  
6829 N 72nd Street, Suite 3100  
Omaha, NE 68122  
P 402-572-3900



NAME *Melissa Thomas* 4/26/1985  
ADDRESS \_\_\_\_\_  
DATE *7/3/09*

*Klonopin 2mg*  
*dep 30 (kling)*  
*for M.D. x 100 (then)*

M.D. \_\_\_\_\_  
DEA \_\_\_\_\_

James M. Steier, M.D. • James D. Crew, M.D. • M. Olubunmi Dada, M.D., Ph.D.  
Bodo W. Trep, M.D. • Robert C. Drvol, M.D. • Lisa A. Schalley, M.D.  
Wendy M. Clifton, PA-C • Rebecca L. White, PA-C • Tammy L. Hunke, PA-C  
Susie L. Ryan, PA-C

28067 05040 0609

BEFORE THE COMMISSIONER OF EDUCATION  
STATE OF NEBRASKA



IN THE MATTER OF:

Melissa Haver )  
(Name) )  
900 Farnam St. Apt #615 )  
(Address) )  
Omaha NE 68102 )  
(City, State, and Zip Code) )  
Applicant. )

Case No. \_\_\_\_\_  
(Leave Blank)

REQUEST FOR APPROVAL TO  
PARTICIPATE IN PRE-STUDENT  
TEACHING FIELD, LABORATORY,  
AND CLASSROOM EXPERIENCES  
OR STUDENT TEACH

The Applicant, in accordance with Title 92, Chapter 21, Section 009.02 of the *Nebraska Administrative Code*, states and alleges as follows:

1. The Applicant Melissa Haver 900 Farnam St. Apt #615  
(Name) (Address)  
Omaha, NE 68102 402-218-8665 04-26-85 -3726  
(City, State, Zip Code) (Telephone Number) (Date of Birth) (Social Security Number)

2. The Applicant is currently enrolled at University of Nebraska Omaha  
(Name & Address of University or College)  
Junior in College of Education / Spring 2012  
(Current status and anticipated date of participation in pre-student teaching activities)

3. The following is a list of all prior convictions:

a. Criminal offense: Class 1 Misdemeanor  
Disposition: 350.00 Fine, 12 months Probation Date: 9-9-04  
Name and address of court: Nemaha County District Court Ne,

b. Criminal offense: license Vehicle without liability Insurance  
Disposition: 100.00 Fine Date: 7-7-08  
Name and address of court: Douglas County, Ne





Melissa Haver  
900 Farnam St. Apt #615, Omaha, NE 68102  
(402) 218-8665  
SSN: -3726  
DOB: 04/26/1985

01 / 19 / 12

Roger Breed  
Commissioner of Education  
301 Centennial Mall South  
P.O. Box 94987  
Lincoln, NE 68509-4987

Dear Dr. Breed:

As a student in the College of Education at the University of Nebraska at Omaha, I am seeking approval to participate in pre-student teaching field, laboratory, and classroom experiences or student teaching. My major is Elementary Education with a concentration/endorsement in Interdisciplinary Studies. I am a full-time junior and my field experiences are planned for this semester, Spring 2012.

On September 9<sup>th</sup>, 2004 I was convicted in the County Court of Nemaha County, Nebraska of Attempted Possession of a Controlled Substance, a Class I. Misdemeanor. I was sentenced to probation for 12 months, which I successfully completed. I have also enclosed some of the court documents showing conviction and completion of probation program.

I am a twenty-six year old woman who has come a long way from this conviction and has grown into a fine member of society. This unfortunate incidence happened on April 24, 1985, my eighteenth birthday when I was on a road trip to Kansas City. The car was pulled over in Nemaha County for a tail light out, and some of the people in the car I had only met once. One of the people in the car had an illegal substance on them and the police took us to jail. We were all charged with felony possession of a controlled substance and spent the weekend in jail. I immediately got a lawyer to look over my case and got the charge lessened to a misdemeanor for attempted possession with one year of probation. Although this incidence has been extremely unfortunate and has made certain things in my life more difficult, I feel I have learned a lot about life and have grown immensely as a person. I have recently gotten married and currently work as a nanny for a family and am a full time student. My current overall G.P.A is a 3.3. I have included (Exhibit A) a recommendation from Mrs. Diane Ferro, whom I work for as a nanny. I also have done much volunteering for my church, The Food Bank, The Lydia House, The Sienna Frances House, and more recently last summer at The Madonna School. I have also included (Exhibit B) a recommendation from Dr. Bill Goodwin, the principal of The Madonna School. I feel I was born to be a teacher. I am an enthusiastic, patient, caring, loving person, whom is committed to life-long learning and is passionate of the teaching and learning process. I think I can make a difference in other people's lives and would like to do that by becoming a teacher.

Please consider this appeal. Let me know if you need any other information from me. Thank you for your time and help in this matter.

Sincerely,

Melissa Haver

**KUTAK ROCK LLP**  
THE OMAHA BUILDING  
1650 FARNAM STREET  
OMAHA, NEBRASKA 68102-2188

Exhibit A

MELISSA HAVER

ROGER BREED EDD  
NEBRASKA DEPARTMENT OF EDUCATION  
301 CENTENNIAL MALL SOUTH  
PO BOX 94987  
LINCOLN NE 68059-4987

---

  
**MadonnaSchool**  
GROWING THE TRADITION CAPITAL CAMPAIGN

6402 North 71st Plaza  
Omaha, NE 68104

Exhibit B

Melissa Haver



January 17, 2012

To Whom It May Concern

RE: Melissa Haver

Melissa Haver has asked me to write a recommendation for her. Melissa worked as a volunteer for Madonna School during the summer program of 2010. Madonna School is a private Catholic facility serving students with disabilities. In her volunteer work, she would assist our secretary with office duties.

Melissa was punctual on her scheduled volunteer days. She was pleasant, cooperative, and helpful to our secretary and our staff. I am not familiar with her academic or work history, but I can state she did a good job in her work with us, and she presented herself well. I wish her success in her future endeavors.

Sincerely,

A handwritten signature in black ink that reads 'Bill Goodwin'. The signature is written in a cursive style.

Dr. Bill Goodwin, Ph.D.  
Principal

**KUTAK ROCK LLP**

**THE OMAHA BUILDING  
1650 FARNAM STREET  
OMAHA, NEBRASKA 68102-2186**

**402-346-6000  
FACSIMILE 402-346-1148**

**www.kutakrock.com**

ATLANTA  
CHICAGO  
DENVER  
DES MOINES  
FAYETTEVILLE  
IRVINE  
KANSAS CITY  
LITTLE ROCK  
LOS ANGELES  
OKLAHOMA CITY  
PHILADELPHIA  
RICHMOND  
SCOTTSDALE  
WASHINGTON  
WICHITA

DIANE M. STEWART-FERRO  
diane.stewart-ferro@kutakrock.com

January 17, 2012

Roger Breed, Ed.D  
Nebraska Department of Education  
301 Centennial Mall South  
P.O. Box 94987  
Lincoln, NE 68059-4987

Re: Ms. Melissa Haver

Dear Dr. Breed:

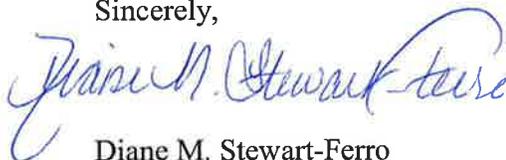
I am writing to recommend Ms. Melissa Haver for application to participate in a program of study which includes, but is not limited to, a student teaching program. Although I have known Melissa for only a short time, I believe that she would be an excellent candidate for such program of study.

Melissa began working as a part-time nanny for our three boys, ages 7, 5, and 3 in September 2011. One of her primary duties as our nanny is to develop engaging learning activities for our children. This generally includes assisting our oldest son with his homework (e.g. basic math facts, spelling, and reading comprehension) as well as incorporating preschool activities for our two youngest sons (e.g. counting, sight words, and handwriting skills) on a daily basis.

Melissa is not only dependable and punctual, she has a natural affinity towards children. I highly recommend Melissa for application to participate in a program of study which furthers her commitment to becoming a teacher.

If you have any further questions regarding Melissa's abilities or this recommendation, please do not hesitate to contact me.

Sincerely,



Diane M. Stewart-Ferro

**IN THE COUNTY COURT OF NEMAHA COUNTY, NEBRASKA**

THE STATE OF NEBRASKA  
Plaintiff,

vs.

MELISSA M. HAVER  
Defendant.

CASE NO. CR04232Y COURT OF  
NEMAHA COUNTY, NE  
FILED

JOURNAL ENTRY 9 2004

OF PROBATION  
*Wendy K. Hall*  
CLERK MAGISTRATE

This matter came on for hearing 9<sup>th</sup> day of September, 2004, for sentencing of Defendant herein, the Defendant having been found Guilty of Attempted Possession of a Controlled Substance, a Class I. Misdemeanor.

The Defendant appeared with counsel, Steven M. Renteria, and the State of Nebraska was represented by Marie Martin, County Attorney in and for Nemaha County, Nebraska.

The court was advised that the Defendant and his attorney have read the pre-sentence investigative report, and that it is true and correct to the best of their knowledge.

The Court made inquiry and received comments regarding sentencing from the County Attorney and the Defendant and her counsel. The defendant was asked if there was any reason why sentence should not be imposed at this time. The defendant stated that he/she knew of no reason.

**IT IS THEREFORE ORDERED BY THE COURT:**

That the defendant be sentenced to probation for TWELVE (12) months, under the charge and supervision of the Nebraska Probation System. The Court orders that during the term of probation, the Defendant shall:

1. Refrain from all unlawful conduct.
2. Report to the probation officer as directed; allow the probation officer to visit you at your residence; and truthfully answer all inquiries from the probation officer concerning your conduct or probation conditions.
3. Shall avoid social contact with persons having criminal records or persons on parole or probation except by special permission of the Probation Officer.
4. Maintain a permanent residence and make no change in that residence without permission of the probation officer/court. Shall appear at all court ordered hearings regarding this probation order. Notice shall be sent to the Defendant's most recent address provided, in writing, to the probation officer/court. Failure to appear at any such hearing shall result in a warrant being issued for the

Defendant's arrest for failure to comply with this court's order.

5. Not leave the State of Nebraska for more than 48 hours without written permission of the probation office/court.
6. Maintain gainful employment, or provide documentation to the probation officer that employment is being diligently sought; or attend school as a full-time student. No change of employment shall be made without first notifying the probation office.
7. Pay a fine in the amount of \$350.00, court costs \$51.50. May receive credit up to \$250.00 for counseling.

**IN ADDITION**, you will be required to pay the following:

- Pay Probation Administrative Enrollment fee of ~~\$30.00~~ this date.
  - Pay a monthly Probation Programming Fee of ~~\$25.00~~ per month for regular probation offenders for 12 months for a total of \$300. This payment is to be paid by the 10th of each month.
8. Not consume nor have in possession any alcoholic beverages or illegal controlled substance nor be in any establishment holding a liquor license, (except for dining purposes during meal times, or employment), nor be in any vehicle that contains alcoholic beverages or controlled substances, nor attend any social functions at which alcoholic beverages are being served, without permission of the probation officer.
  9. Submit to any blood, breath or urine test when requested to do so by the probation officer or law enforcement officer. You shall pay \$5.00/month for 12 months for such testing.
  10. Attend and successfully complete an outpatient partial care/individual alcohol counseling program, including aftercare, which is to be approved by this Court or Probation Officer and pay the costs thereof.
  11. Submit to a search of your person or any real estate or personal property including motor vehicles owned by you or under your possession or control, at any time, by the probation officer or law enforcement.
  12. Serve 7 days in the Nemaha County Jail commencing September 17, 2004, at 6:00 p.m.
  13. Serve 30 days in the Nemaha County Jail if and when directed to do so by this Court.

**IT IS FURTHER ORDERED THAT**, during the term of probation, the Court upon application of the probation officer, the Defendant, upon its own motion, may, after hearing and

notice, modify or eliminate any above conditions or add further conditions.

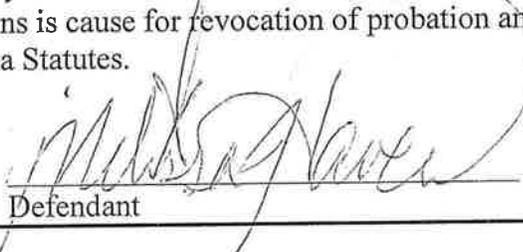
**IT IS SO ORDERED BY THE COURT:**

BY THE COURT:

  
JUDGE

**RECEIPT AND UNDERSTANDING**

I acknowledge that I have received a copy of the above Order on September 9, 2004. I hereby accept probation and agree to abide by all the conditions set forth. I understand that violation by me of any of the above conditions is cause for revocation of probation and sentencing under the appropriate section of the Nebraska Statutes.

  
Defendant

6-620(5/98)



IN THE COUNTY COURT OF NEMAHA COUNTY, NEBRASKA

STATE OF NEBRASKA     }  
  }ss  
COUNTY OF NEMAHA     }

**CERTIFICATE**

I, Nancy Hall, Clerk Magistrate in and for said County of Nemaha, do hereby certify that I have compared the foregoing copy of the **Complaint, Journal Entry & Order, Sentencing Order, Probation Order and Release from Probation from the File of Conviction in Criminal Case CR04-232, The State of Nebraska vs. Melissa M. Haver**, with the original record thereof now remaining in said Court, that the same is a true and correct transcript thereof, and of the whole of said original record; that said Court has a Clerk authorized to sign certificates in her own name; and that I have the legal custody and control of said original record; that said Court is a Court of record, has a seal, and that said seal is hereby affixed; that the foregoing attestation is in due form, according to the laws of the State of Nebraska.

**IN WITNESS WHEREOF** I have hereunto set my hand and affixed the seal of said Court at Auburn, in said county this 30th day of December, 2011.

December 30, 2011



**BY THE COURT:**

*Nancy Hall*  
\_\_\_\_\_  
Nancy Hall, Clerk Magistrate

UNO Unofficial Undergraduate Transcript

Name: **Melissa M. Haver**  
 Student ID: **15964212**

Print Date: 4/25/2012

Requestor: Melissa Haver

**Academic Program History**

Program: College of Education  
 12/19/2008: Active in Program  
 Pre-Elementary Education Major

Program: College of Education  
 11/2/2011: Active in Program  
 Elementary Education Major  
 Eled./Interdisciplinary, K-6 Endorsement

**Other Institutions Attended:**  
 Omaha Northwest HS

**External Degrees**  
 Omaha Northwest HS  
 High School Diploma  
 Confer Date: 5/1/2003

**Test Scores**

Test ID	Component	Test Date	Test Score	Data Source
OEPPE	English	11/08/2008	1150.00	SCH
OFLNG	Spanish	11/08/2008	1120.00	SCH
	Placement			
OMPE	Math	11/08/2008	1.00	SCH
OPPST	Math	07/14/2010	171.00	MAN
OPPST	Reading	07/14/2010	177.00	MAN
OPPST	Writing	06/09/2011	172.00	MAN

**Beginning of Undergraduate Record**

Spr 2009					
GEOG	1000	FUNDAMENTALS WORLD REGNAL GEOG	B+	3.00	9.99
HED	3080	HEALTH CONCEPTS SEXUAL DVLPMT	A	3.00	12.00
HIST	1120	AMERICAN HISTORY SINCE 1865	C-	3.00	5.01
SPCH	1110	PUBLIC SPEAKING FUNDS	B+	3.00	9.99
		<u>AHRS</u> <u>EHRS</u> <u>QHRS</u> <u>QPTS</u> <u>GPA</u>			
Term		12.00 12.00 12.00		36.99	3.082
Cumulative		12.00 12.00 12.00		36.99	3.082

Fall 2009					
BLST	1000	INTRODUCTION TO BLACK STUDIES	A-	3.00	11.01
GEOG	1070	PHYSICAL GEOG: SOILS/LANDFORMS	B+	4.00	13.32
MATH	1310	INTERMEDIATE ALGEBRA	A	3.00	12.00
PSCI	1100	INTRODUCTN AMERICAN NATL GOVT	C+	3.00	6.99

	<u>AHRS</u>	<u>EHRS</u>	<u>QHRS</u>	<u>QPTS</u>	<u>GPA</u>
Term	13.00	13.00	13.00	43.32	3.332
Cumulative	25.00	25.00	25.00	80.31	3.212

Spr 2010					
ENGL	1150	ENGLISH COMPOSITION I	B	3.00	9.00
GEOG	1060	PHYSICAL GEOG: CLIMATE/WATERS	B+	4.00	13.32
SPAN	1110	ELEMENTARY SPANISH	B	5.00	15.00

	<u>AHRS</u>	<u>EHRS</u>	<u>QHRS</u>	<u>QPTS</u>	<u>GPA</u>
Term	12.00	12.00	12.00	37.32	3.110
Cumulative	37.00	37.00	37.00	117.63	3.179

Sum 2010					
EDUC	2030	HUMAN RELATNS-BIAS FREE CLSRMS	W	(3.00)	
ENGL	1160	ENGLISH COMPOSITION II	A-	3.00	11.01

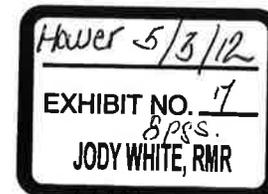
	<u>AHRS</u>	<u>EHRS</u>	<u>QHRS</u>	<u>QPTS</u>	<u>GPA</u>
Term	6.00	3.00	3.00	11.01	3.670
Cumulative	43.00	40.00	40.00	128.64	3.216

Fall 2010					
CYAF	2800	FAMILY SCIENCE	A	3.00	12.00
EDUC	2020	EDUCATIONAL FOUNDATIONS	B+	3.00	9.99
EDUC	2030	HUMAN RELATNS-BIAS FREE CLSRMS	A-	3.00	11.01
FSCI	1310	THE SCIENCE OF FOOD	A	3.00	12.00
HED	3030	FIRST AID	A	3.00	12.00

	<u>AHRS</u>	<u>EHRS</u>	<u>QHRS</u>	<u>QPTS</u>	<u>GPA</u>
Term	15.00	15.00	15.00	57.00	3.800
Cumulative	58.00	55.00	55.00	185.64	3.375

Term Honor: Dean's List

Spr 2011					
ECON	1200	INTRO TO U.S. ECONOMY	B	3.00	9.00
ENGL	2300	INTRODUCTION TO LITERATURE	B	3.00	9.00
MATH	1320	COLLEGE ALGEBRA	C+	3.00	6.99
MUS	3050	MUS FUND/MTHDS FOR ELEM TCHRS	B+	3.00	9.99



UNO Unofficial Undergraduate Transcript

Name: Melissa M. Haver  
 Student ID: 15964212

	<u>AHRS</u>	<u>EHRS</u>	<u>QHRS</u>	<u>QPTS</u>	<u>GPA</u>
Term	12.00	12.00	12.00	34.98	2.915
Cumulative	70.00	67.00	67.00	220.62	3.292

**Fall 2011**

ART 3050	ART IN THE ELEMENTARY SCHOOL		A	3.00	12.00
HED 2070	DRUG AWARENESS		W	(3.00)	
MATH 2000	MATH FOR ELEM TEACHERS I		C-	3.00	5.01
WRWS 1500	INTRODUCTION CREATIVE WRITING		A+	3.00	12.00

	<u>AHRS</u>	<u>EHRS</u>	<u>QHRS</u>	<u>QPTS</u>	<u>GPA</u>
Term	12.00	9.00	9.00	29.01	3.223
Cumulative	82.00	76.00	76.00	249.63	3.284

**Spr 2012**

EDUC 2010	HUMAN GROWTH & LEARNING		W	(3.00)	
MATH 2010	MATH FOR ELEM TEACHERS II			(3.00)	0.00
SPED 4010	CHILD ABUSE/NEGLECT			(3.00)	0.00
TED 2360	CHILDREN'S LITERATURE			(3.00)	0.00

	<u>AHRS</u>	<u>EHRS</u>	<u>QHRS</u>	<u>QPTS</u>	<u>GPA</u>
Term	12.00	0.00	0.00	0.00	0.000
Cumulative	94.00	76.00	76.00	249.63	3.284

**Sum 2012**

HED 2850	STRESS MANAGEMENT			(3.00)	0.00
HPER 2400	HED & PE-ELEM SCHOOL TCHR			(3.00)	0.00

	<u>AHRS</u>	<u>EHRS</u>	<u>QHRS</u>	<u>QPTS</u>	<u>GPA</u>
Term	6.00	0.00	0.00	0.00	0.000
Cumulative	100.00	76.00	76.00	249.63	3.284

**Fall 2012**

EDUC 2510	APPLIED SPECIAL EDUCATION			(3.00)	0.00
EDUC 2520	INSTRUCTIONAL SYSTEMS			(3.00)	0.00
EDUC 2524	INTRM FIELD EXPERIENCE PRACT			0.00	

Grading Basis: No Grade Associated

TED 3350	TCHG/ASSESS RDNG IN ELEM SCHLS			(6.00)	0.00
----------	--------------------------------	--	--	--------	------

	<u>AHRS</u>	<u>EHRS</u>	<u>QHRS</u>	<u>QPTS</u>	<u>GPA</u>
Term	12.00	0.00	0.00	0.00	0.000
Cumulative	112.00	76.00	76.00	249.63	3.284

**Undergraduate Career Totals**

	<u>AHRS</u>	<u>EHRS</u>	<u>QHRS</u>	<u>QPTS</u>	<u>GPA</u>
Cumulative	112.00	76.00	76.00	249.63	3.284
Enrollment	112.00	76.00	76.00	249.63	3.284
Transfer	0.00	0.00	0.00	0.00	
Combined	112.00	76.00	76.00	249.63	3.284

End of UNO Unofficial Undergraduate Transcript

April 24, 2012

Nebraska Department of Education  
Attn: Hearing Officer  
301 Centennial Mall South  
PO Box 94987  
Lincoln, NE 68509-4987

Re: Melissa Haver

At the request of Melissa Haver, this will verify that she is enrolled as a student at UNO. Melissa has completed 76.0 hours and has a GPA of 3.284.

Kind regards,



Dr. Rebecca Schnabel  
Coordinator of Student Services

RS/mdn

## University of Nebraska at Omaha - DegreeWorks

**Student View** AE291377 as of 04/27/2012 at 06:00

Student	Haver, Melissa M.	Degree	BS in Education
ID	15964212	College/Program	Education
Career	Undergraduate	Major	Elementary Education-BSED
Advisor		Concentration	
Overall GPA	3.284	Minor	

### Degree Progress

<b>Requirements</b>	<b>85%</b>
<b>Credits</b>	<b>82%</b>

**[-] Bachelor of Science in Education**

Catalog Year: 2008-2009    Credit  
GPA: 3.284    Cred

Unmet conditions for this set of requirements: 125 credits are required. You currently have 103, which includes in progress credits from past, present, & future terms. You still need

**[+] GENERAL EDUCATION REQUIREMENTS - ELEMENTARY ED**

- [+] Fundamental Academic Skills**
- [+] Distribution Requirements**

**[-] Education Major Requirements Still Needed: See Major In Elementary Education, BSED section**

**[+] Fundamental Academic Skills - ELED**

Catalog Year: 2008-2009

<b>[+] English Composition I</b>	ENGL 1150	ENGLISH COMPOSITION I	B	3	Spring 2010
<b>[+] English Composition II</b>	ENGL 1160	ENGLISH COMPOSITION II	A-	3	Summer 2010
<b>[+] Oral Communication</b>	SPCH 1110	PUBLIC SPEAKING FUNDS	B+	3	Spring 2009
<b>[+] Intermediate Algebra</b>	MATH 1310	INTERMEDIATE ALGEBRA	A	3	Fall 2009
<b>[+] Mathematics</b>					
<b>[+] Math for Elementary Teachers</b>	MATH 2000	MATH FOR ELEM TEACHERS I	C-	3	Fall 2011
<b>[+] Geometry for Elementary Teachers</b>	MATH 2010	MATH FOR ELEM TEACHERS II		(3)	Spring 2012

**[+] Distribution Requirements - ELED**

Catalog Year: 2008-2009    Credits Required: 30  
Credits Applied: 40

**[+] NATURAL SCIENCE REQUIREMENT**

Complete one Biological Science course and one Physical Science course - one must contain a lab.

<b>[+] Biological Science Course</b>	FSCI 1310	THE SCIENCE OF FOOD	A	3	Fall 2010
<b>[+] Physical Science Course</b>	GEOG 1080 GEOG 1070	PHYSICAL GEOG: CLIMATE/WATERS PHYSICAL GEOG: SOILS/LANDFORMS	B+ B+	4 4	Spring 2010 Fall 2009
<b>[+] Lab Science</b>	GEOG 1070	PHYSICAL GEOG: SOILS/LANDFORMS	B+	4	Fall 2009
<b>[+] Humanities Requirement</b>					
<b>[+] Introduction to Literature</b>	ENGL 2300	INTRODUCTION TO LITERATURE	B	3	Spring 2011
<b>[+] Additional Humanities Requirement</b>	WRWS 1500 SPAN 1110	INTRODUCTION CREATIVE WRITING ELEMENTARY SPANISH	A+ B	3 5	Fall 2011 Spring 2010
<b>[+] Social Sciences Requirement</b>					
<b>[+] American History I or II</b>	HIST 1120	AMERICAN HISTORY SINCE 1865	C-	3	Spring 2009

4

February 4, 2011

Melissa Haver  
900 FARNAM ST. #615  
OMAHA, NE 68102

Dear Melissa:

Congratulations! Your scholastic performance for the Fall Semester of the 2010-2011 academic year has placed you on the Dean's Honor List of the College of Education.

As you may know, a semester grade point average of at least 3.5 for 12 or more graded hours of course work is necessary for recognition on the Dean's List.

Again, my sincere congratulations for having earned this academic distinction. You are a credit to the College of Education and to the University of Nebraska at Omaha.

Sincerely,



Nancy A. Edick  
Dean

sk



**College of Education/Department of Teacher Education**

**Dear Dr. Breed,**

**The purpose of this letter is to display my support of Ms. Melissa Haver in her desire to pursue a career as an educator. I have known Melissa for close to four years now. She has been a student in my Human Relations class and like many other students, takes advantage of my “open door” policy with regards to dropping by just to chat.**

**I judge her character to be one that is greatly needed in today P – 12 classrooms. She is caring, intelligent; cultural aware and solidly competent in her content area. It would be a crime if this individual is not allowed, no, encouraged, to continue to the pursuit of her teaching credentials. If you require any further information from me with regards to Ms. Haver’s character, teaching abilities or her motivation please feel free to contact me.**

**Sincerely,**

A handwritten signature in blue ink that reads "Dr. William P. Austin".

**Dr. William P. Austin  
Associate Professor  
Teacher Education Department  
College of Education  
The University of Nebraska at Omaha**



To Department of Education:

Melissa has been our babysitter since 2011. She has been trustworthy and dependable. She has taken on more responsibility as asked and as she has been with us longer. She has taken our directions well and made adjustments with our family as we have gone along. My son has come to enjoy her time with him.

I would recommend Melissa for childcare and for taking on broader tasks for teaching as requested.

Sincerely,

A handwritten signature in black ink, appearing to read 'EAC - RL', written in a cursive style.

Elizabeth Carvlin

Cell: (773) 387-3685