

BEFORE THE NEBRASKA PROFESSIONAL PRACTICES COMMISSION
STATE OF NEBRASKA

Roger D. Breed, Ed.D.)
 Commissioner of Education)
 301 Centennial Mall South - 6th Floor)
 P.O. Box 94933)
 Lincoln, NE 68509-4933,)

) Petitioner,)

vs.)

James Jay, Inmate #75707)
 Diagnostic & Evaluation Center)
 P.O. Box 22800)
 Lincoln, NE 68542,)

) Respondent.)

N.P.P.C. Case No. 12-02
 Case No. 12011

Findings Of Fact, Conclusions
 Of Law, And Recommendation
 Of the Commission

12-11

<i>BW</i>	FILED	01
AUG 3 2012		
NEBRASKA DEPARTMENT OF EDUCATION		

I. STATEMENT OF THE CASE

This case commenced with the filing of a Petition on May 23, 2012, by Roger D. Breed, Commissioner of Education, Department of Education, State of Nebraska, hereinafter referred to as "Petitioner." The Petition was filed against James Jay, hereinafter referred to as "Respondent." The Petition alleges certain acts of conduct by the Respondent in violation of Neb. Rev. Stat. Section 79-866(2) (Reissue 2008); and Title 92, Nebraska Administrative Code, Chapter 27, Section 004.04E (effective date: November 12, 2003).

On June 8, 2012, the Petition, Notice of Right to Submit an Answer, and a copy of Title 95, Nebraska Administrative Code, Chapter 1 (effective date: October 30, 1993), was served upon Respondent by the Lancaster County Sheriff's office. The Respondent has failed to file an Answer to the Petition. On July 2, 2012, the Petitioner filed a Motion for Default Judgment. On or about July 2, 2012, Kathi Vontz, Clerk of the Commission filed a Request for Support Information. Also on July 2, 2012, Kathi Vontz, Clerk of the Commission, filed a Notice of Hearing which was sent to the Respondent, postage prepaid, and delivered by hand to the Petitioner's general counsel. The Notice of Hearing advised that a public hearing on the Petition would be held on July 18, 2012 commencing at approximately 9:30 a.m., in the State Board Hearing Room, 6th Floor, Nebraska State Office Building, 301 Centennial Mall South, Lincoln, Nebraska. The Notice further advised that the hearing would be held before a designated hearing committee of the Commission, with Jeffery R. Kirkpatrick serving as legal counsel to advise the Chair in the performance of her duties. On or about July 3, 2012, Petitioner, through his General Counsel filed the requested Support Information with the Commission.

The Petition and Default Motion came on for hearing at the above time and place before a Hearing Panel of the Commission consisting of Commission Members: Sarah Brown, Susan Johnson, Raymond Keller, Jodi Kupper, Brian Maher, Damon McDonald, Cindy Serfass, Karen Shelton, Jane Stavem, and Lynn Strack. Commissioner Kupper served as Chairperson. The proceedings were reported by Wendy Cutting of General Reporting Services, Lincoln, Nebraska. The Petitioner appeared by Brian L. Halstead, General Counsel. Neither the Respondent nor anyone representing the Respondent appeared. Exhibits were received in evidence and the Petitioner's General Counsel made his closing argument.

Thereupon, the Commission adjourned and deliberated based on the record before it, and makes the following Findings of Fact, Conclusions of Law, and Recommendation to the State Board of Education.

II. FINDINGS OF FACT

1. The Petitioner, Roger D. Breed, is the Commissioner of Education for the State of Nebraska; Respondent holds three Nebraska certificates: Two local substitute teaching certificates numbers 2009002105 and 2009002106, with an expiration date of August 31, 2012; and a standard special services certificate number 2006009628, endorsed in coaching 9-12 with an expiration date of August 31, 2013.

2. The Respondent was employed as a substitute teacher by the Gering Public Schools for the 2010-2011 school year.

3. On May 3, 2012, the Respondent was sentenced by the Scotts Bluff District Court to five to eight years of incarceration and to comply with the Nebraska Sex Offender Registration Act after being found guilty of the amended charge of Attempted Child Enticement, a Class II Felony.

III. CONCLUSIONS OF LAW

1. The Commission has jurisdiction in this case and all proceedings have been in accordance with applicable Constitutional, Statutory, and Regulatory Requirements.

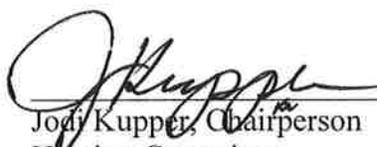
2. The Petitioner has proven by a preponderance of the evidence that the Respondent committed an immoral act and an act of moral turpitude in violation of Neb. Rev. Stat. Section 79-866(2) (Reissue 2003) which, in part, states, "The board may, for just cause, revoke or suspend any teacher's or administrator's certificate. Violation of the standards established pursuant to this section, commission of an immoral act, or conviction of a felony under the laws of this state shall constitute just cause for the revocation or suspension of a teacher's or administrator's certificate by the board."; and has violated Title 92, Nebraska Administrative Code, Chapter 27, Section 004.04E (effective date: November 12, 2003) which states, "the educator: Shall not commit any act of moral turpitude or any felony under the laws of the United

States or any state or territory, and shall not have a misdemeanor conviction involving abuse, neglect, or sexual misconduct as defined in Sections 003.12 through 003.14 of 92 NAC 21.”

IV. RECOMMENDATION

Therefore, the Commission respectfully recommends to the State Board of Education that the three Nebraska certificates: Two local substitute teaching certificates numbers 2009002105 and 2009002106, with an expiration date of August 31, 2012; and a standard special services certificate number 2006009628, endorsed in coaching 9-12 with an expiration date of August 31, 2013, held by James Jay, be permanently revoked.

Dated this 3rd day of August 2012.



Jody Kupper, Chairperson

Hearing Committee

Nebraska Professional Practices Commission

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing Findings of Fact, Conclusions of Law, and Recommendation for Case No. 12-02, was served upon Respondent, James Jay, by certified U.S. Mail, postage prepaid, and hand delivered to Brian Halstead, attorney for the Petitioner, on this 3rd day of August, 2012, at the following addresses.

James Jay, Inmate #75707
Respondent
Diagnostic & Evaluation Center
P.O. Box 22800
Lincoln, NE 68542

Brian L. Halstead
Attorney for Petitioner
301 Centennial Mall South
Lincoln, NE 68509


Kathi Vontz
Clerk of the Commission

BEFORE THE NEBRASKA PROFESSIONAL PRACTICES COMMISSION
STATE OF NEBRASKA

Roger D. Breed, Ed.D.)
 Commissioner of Education)
 301 Centennial Mall South)
 P.O. Box 94933)
 Lincoln, NE 68509-4933)
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) Petitioner,)
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 vs.)
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 James Jay, Inmate #75707)
 Diagnostic & Evaluation Center)
 P.O. Box 22800)
 Lincoln, NE 68542)
)
) Respondent.)
)

Case No. 12011
PPC Case No. 12-02

TRANSCRIPT

VOLUME I of I
(Pages 1 through 10)
EXHIBITS 1-3

Nebraska State Office Building
301 Centennial Mall South
Department of Education Board Room
Sixth Floor
Lincoln, NE

Convened, pursuant to notice, at 9:30 a.m., on
July 18, 2012,

BEFORE:

JEFFREY R. KIRKPATRICK, Hearing Officer.

COMMISSION MEMBERS PRESENT:

JANE STAVEM, Chairperson; JODI KUPPER, Presiding;
SARAH BROWN; SUSAN JOHNSON; RAYMOND KELLER; BRIAN MAHER;
DAMON McDONALD; CINDY SERFASS; KAREN SHELTON; and LYNN
STRACK.

OTHERS PRESENT:

KATHI VONTZ, Clerk of the Commission

GENERAL REPORTING SERVICE (402) 477-8425

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A P P E A R A N C E S

For the Commissioner: Brian L. Halstead, #18077
 Assistant Commissioner/
 General Counsel
 Department of Education
 301 Centennial Mall South
 Sixth Floor
 Lincoln, NE 68509

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I N D E X

EXHIBITS:

	<u>Marked</u>	<u>Offered</u>	<u>Ruled On</u>	<u>Found</u>
1 Pleadings (91 pages)	5	6	6	Appendix
2 Title 92, Nebraska Administrative Code, Chapter 27 (16 pages)	5	6	6	Appendix
3 Title 95, Nebraska Administrative Code, Chapter 1 (20 pages)	5	6	6	Appendix

- - -

Appearances				2
Reporter's Certificate				4
Closing Argument by Mr. Halstead				7
Motion				8
Decision				10

- - -

1 PROCEEDINGS:

2 (Exhibits 1 through 3 were marked for
3 identification.)

4 CHAIRPERSON KUPPER: Ladies and gentlemen, I am
5 Jodi Kupper, chairperson of this hearing panel of the
6 Nebraska Professional Practices Commission. I convene this
7 hearing at 9:30 a.m. for the purpose of receiving evidence
8 on a petition filed by Roger D. Breed, Commissioner of
9 Education, Petitioner, against James Jay, Respondent, Case
10 No. 12-02.

11 The other members of the hearing committee are
12 Sarah Brown, Susan Johnson, Raymond Keller, Brian Maher,
13 Damon McDonald, Cindy Serfass, Karen Shelton, Jane Stavem,
14 and Lynn Strack.

15 The Commission's attorney is Jeffrey R.
16 Kirkpatrick. His purpose is to advise the hearing panel,
17 chairperson, and the Commission on the performance of our
18 duties under the Commission's rule and regulations.

19 The court reporter is Wendy Cutting. Her purpose
20 is to record the testimony of the witnesses and mark the
21 exhibits.

22 The Clerk of the Commission is Kathi Vontz. Her
23 purpose is administrative.

24 This case arises from a request by the State Board
25 of Education that the Commission hear the matter pursuant to

1 Sections 79-859 through 79-871 of the Nebraska statutes and
2 the rules and regulations thereunder.

3 At this time I ask the attorneys to enter their
4 appearance.

5 MR. HALSTEAD: Brian Halstead, 301 Centennial Mall
6 South, Sixth Floor, Lincoln, Nebraska 68509, on behalf of
7 the Commissioner of Education.

8 CHAIRPERSON KUPPER: Let the record show that the
9 respondent is not present, nor is there anyone else present
10 on behalf of the respondent.

11 At this time, if there are no objections, I will
12 enter into the record the pleadings which are marked as
13 Exhibit 1; the standards of ethics and competency, which is
14 92 Nebraska Administrative Code, Chapter 27, and is marked
15 as Exhibit 2; and the Regulations Concerning Teacher and
16 Administrator Professional Practices Hearings, which is 95
17 Nebraska Administrative Code, Chapter 1, and is marked as
18 Exhibit 3. Are there any objections?

19 MR. HALSTEAD: I have no objections to the
20 exhibits, 1, 2, and 3.

21 CHAIRPERSON KUPPER: Exhibits 1, 2, 3 are
22 received.

23 (Exhibits 1 through 3 were received in evidence.
24 See Index.)

25 At this time the hearing committee's attorney will

1 conduct the hearing.

2 THE HEARING OFFICER: Thank you.

3 Mr. Halstead, do you have any further evidence in
4 addition to 1, 2, and 3 that have been offered and
5 received?

6 MR. HALSTEAD: I have no further evidence than
7 that and would just make a closing statement if that's
8 possible.

9 THE HEARING OFFICER: You may. Please proceed.

10 MR. HALSTEAD: Thank you. Ladies and gentlemen of
11 the Commission, I think as you have before you the
12 information that shows that the respondent who held local
13 substitute teaching certificates and a special services
14 certificate for coaching has a felony conviction for
15 attempted child enticement. As the report of investigation
16 indicates, he was engaged in clearly inappropriate behavior
17 with a 14-year-old child in attempting to solicit sexual
18 behavior from that child. We would certainly suggest that
19 you recommend to the State Board that the respondent's
20 certificates be permanently revoked because his conduct is
21 not something that can ever be remediated.

22 I'd be more than happy to take any questions any
23 of you may have about the facts in the case.

24 THE HEARING OFFICER: Any questions on my right?

25 (No response.)

1 Any questions on my left?

2 (No response.)

3 THE HEARING OFFICER: Thank you, Mr. Halstead.

4 This hearing is now closed.

5 CHAIRPERSON KUPPER: The hearing committee will
6 now adjourn and will consider the evidence. The hearing
7 committee's decision will be reduced to writing. A copy of
8 the hearing committee's findings, conclusions, and decision
9 will be furnished to the parties. If the decision includes
10 a recommendation to suspend or revoke the respondent's
11 certificate, the findings, conclusions, and recommendation
12 will be presented to the State Board of Education.

13 I now declare this hearing adjourned at 9:33 a.m.

14 (Whereupon, the hearing was adjourned at 9:33 a.m.
15 to be reconvened after executive session and deliberation of
16 the evidence.)

17 (Back on the record 10:32 a.m.)

18 CHAIRPERSON STAVEM: Is there a motion regarding
19 the Commission's recommendation on Case No. 12-02?

20 COMMISSIONER SERFASS: I move that the Nebraska
21 Professional Practices Commission adopts the findings of
22 fact and conclusions of law and recommend to the State Board
23 of Education that the certificate of James Jay be
24 permanently revoked.

25 CHAIRPERSON STAVEM: Is there a second?

1 COMMISSIONER SHELTON: Yes.

2 CHAIRPERSON STAVEM: Any discussion?

3 (No response.)

4 It has been moved and seconded to accept the
5 findings of fact and conclusions of law and recommend that
6 James Jay -- the certificate of James Jay be revoked for a
7 period of permanence. Is there discussion?

8 (No response.)

9 CHAIRPERSON STAVEM: Will the clerk please call
10 the roll?

11 THE CLERK: Anglemeyer. Brown.

12 COMMISSIONER BROWN: Yes.

13 THE CLERK: Johnson.

14 COMMISSIONER JOHNSON: Yes.

15 THE CLERK: Keller.

16 COMMISSIONER KELLER: Yes.

17 THE CLERK: Kupper.

18 COMMISSIONER KUPPER: Yes.

19 THE CLERK: Maher.

20 COMMISSIONER MAHER: Yes.

21 THE CLERK: McDonald.

22 COMMISSIONER McDONALD: YES.

23 THE CLERK: Schott. Serfass.

24 COMMISSIONER SERFASS: Yes.

25 THE CLERK: Shelton.

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COMMISSIONER SHELTON: Yes.

THE CLERK: Stavem.

CHAIRPERSON STAVEM: Yes.

THE CLERK: Strack.

COMMISSIONER STRACK: Yes.

CHAIRPERSON STAVEM: Motion passed.

(Whereupon, at 10:33 a.m. on July 18, 2012, the
proceedings were concluded.)

- - -

BEFORE THE NEBRASKA PROFESSIONAL PRACTICES COMMISSION
STATE OF NEBRASKA

Roger D. Breed, Ed.D.)
Commissioner of Education)
301 Centennial Mall South - 6th Floor)
P. O. Box 94933)
Lincoln, NE 68509-4933,)

Petitioner,)

vs.)

James Jay, Inmate #75707)
Diagnostic & Evaluation Center)
P.O. Box 22800)
Lincoln, NE 68542,)

Respondent.)

Case No. 12011
PPC Case No. 12-02

SUPPORT INFORMATION



COMES NOW the Petitioner, by and through the undersigned attorney of record, and pursuant to the Commission's Request for Support Information, submits the following information requested as provided in Title 95, *Nebraska Administrative Code*, Chapter 1, Section 003.05:

1. Title 92, *Nebraska Administrative Code*, Chapter 28, a copy of which is attached and marked as Exhibit "A", and by this reference is incorporated herein;
2. Title 92, *Nebraska Administrative Code*, Chapter 29, a copy of which is attached and marked as Exhibit "B", and by this reference is incorporated herein;
3. An Affidavit of Kevin Peters, Director for the Teacher Education/Certification Division of the Nebraska Department of Education, a copy of which is attached and marked as Exhibit "C", and by this reference is incorporated herein; and
4. The Report of Investigation in Case No. 12011, a copy of which is attached and marked as Exhibit "D", and by this reference is incorporated herein.

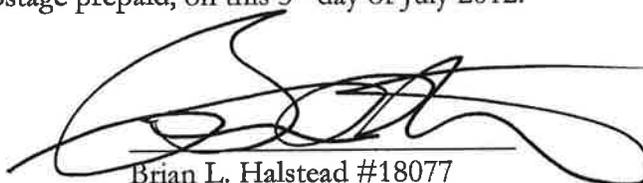
WHEREFORE, the Petitioner prays that the Commission make a recommendation to the State Board of Education that is in accordance with the law.

Brian L. Halstead #18077
Attorney for Petitioner



CERTIFICATE OF SERVICE

The undersigned certifies that a copy of the above motion and exhibits was mailed to the parties of record, by U. S. mail, sufficient postage prepaid, on this 3rd day of July 2012.



Brian L. Halstead #18077
General Counsel
P. O. Box 94933
Lincoln, NE 68509



NEBRASKA DEPARTMENT
OF EDUCATION

RULE 28

REGULATIONS AND STANDARDS FOR
INVESTIGATIONS AND NONPUBLIC
PROFESSIONAL PRACTICES HEARINGS

TITLE 92, NEBRASKA ADMINISTRATIVE CODE,
CHAPTER 28

EFFECTIVE DATE:
December 25, 1989

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



NEBRASKA DEPARTMENT
OF EDUCATION

RULE 29

REGULATIONS AND STANDARDS FOR
PROFESSIONAL PRACTICES CASE
DETERMINATIONS BY THE STATE BOARD

TITLE 92, NEBRASKA ADMINISTRATIVE CODE,
CHAPTER 29

EFFECTIVE DATE:
December 25, 1989

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

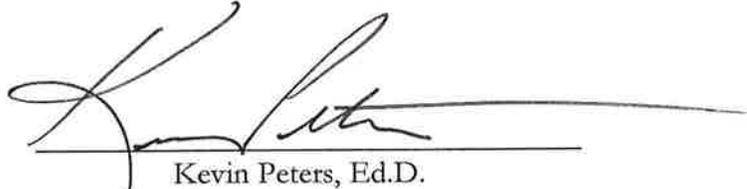


09.07.12 State Board of Education
&
09.07.12 State Board of Education

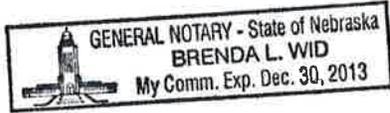


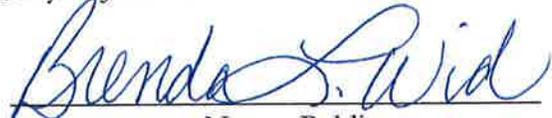
FURTHER AFFIANT SAITH NOT.

Dated this 22 day of June 2012.


Kevin Peters, Ed.D.

Subscribed and sworn to before me this 22nd day of June 2012.




Notary Public

BEFORE THE COMMISSIONER OF EDUCATION
STATE OF NEBRASKA

Nikole Sander)
301 Centennial Mall South)
Lincoln, NE 68509-4987)

Case No. 12011

Complainant,)

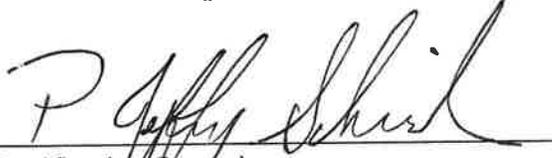
vs.)

REPORT OF INVESTIGATION

James Jay, Inmate #75707)
Diagnostic & Evaluation Center)
P.O. Box 22800)
Lincoln, NE 68542)

Respondent.)

In accordance with Title 92, *Nebraska Administrative Code*, Chapter 28, the attached Report of Investigation into case number 12011 is submitted to the Commissioner of Education on this 23rd day of May 2012. The Report was submitted to the Respondent on the 10th day of May 2012, and no exceptions were filed.



Certification Investigator

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RECOMMENDATION 4

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BEFORE THE COMMISSIONER OF EDUCATION
STATE OF NEBRASKA

Nikole Sander
301 Centennial Mall South
Lincoln, NE 68509-4987

Complainant,

vs.

James Jay, Inmate #75707
Diagnostic & Evaluation Center
P.O. Box 22800
Lincoln, NE 68542

Respondent.

Case No. 12011

REPORT OF INVESTIGATION

In accordance with Title 92, *Nebraska Administrative Code*, Chapter 28, the attached Report of Investigation into case number 12011 is submitted to the Respondent on the 10th day of May 2012.

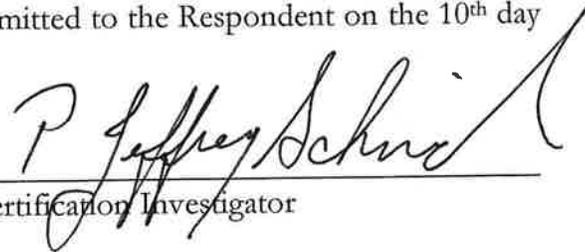

Certification Investigator

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RECOMMENDATION 4

EXHIBITS 4

JURISDICTION

On March 5, 2012, Nikole Sander filed a Complaint with the Commissioner of Education against James Jay, the Respondent. A copy of the Complaint was served upon the Respondent on March 8, 2012. Copies of the Complaint and return receipt are collectively attached and marked as exhibit "E-1".

The Teacher Certification Office Records revealed that the Respondent holds three public Nebraska certificates: Two local substitute teaching certificates numbers 2009002105 and 2009002106, with an expiration date of August 31, 2012; and one standard special services number 2006009628, endorsed in coaching 9-12, with an expiration date of August 31, 2013.

SUMMARY OF COMPLAINT

The Complainant alleged that on February 22, 2012, pursuant to a plea agreement, the Respondent pled no contest and was found guilty by the Scotts Bluff District Court of the amended charge of Attempted Child Enticement, a Class II Felony.

POSITION OF RESPONDENT

The Respondent did not respond to the complaint in this matter.

FINDINGS

The investigator obtained Scotts Bluff County District Court documentation relating to the Respondent's arrest and subsequent felony conviction of Attempted Child Enticement. Copies of court documents are included in exhibit "E-1". On August 1, 2011, a Complaint was filed in the Scotts Bluff County Court charging the Respondent with an offense of Enticement by Electronic Communication Device, and an offense of Child Enticement, Electronic Communication Device, both felonies. On August 18, 2011, an Information was filed in the Scotts Bluff County District Court charging the Respondent with the above-mentioned offenses. On February 22, 2012, an Amended Information was filed charging the Respondent with an offense of Attempted Child Enticement, a Class II Felony. On February 22, 2012, the Respondent entered into a Plea Agreement acknowledging the Amended Information and that the Respondent would enter a plea of guilty or no contest to the felony charge in the Amended Information. On February 22, 2012, the Respondent pled no contest and the court found him guilty. On May 3, 2012, the Respondent was sentenced to five-eight years of incarceration and to comply with the Nebraska Sex Offender Registration Act. Copies of the Justice Case Search Summary and Journal Entry on Sentencing are collectively attached and marked as exhibit "E-2".

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According to the Affidavit of Probable Cause for Arrest of the Respondent by Sgt. Monty Lovelace of the Nebraska State Patrol (NSP), on July 15, 2011, Sgt. Lovelace was contacted by a 14-year-old female "child". The child advised Sgt. Lovelace that she felt she was being targeted by a "pedophile". The child stated that on March 26, 2011, after her father passed away, she was contacted by the Respondent who told the child and her mother he was a close friend to her dad. The Respondent asked the child's mother if it was okay for him to contact and mentor the child due to the father's passing. The mother agreed and the child went to a movie and dinner with the Respondent on two occasions; the first being June 10, 2011, and the second was later in June. The child stated while they were eating supper on June 10, the Respondent brought up the subject of masturbation and asked her how she masturbated and then told her how he did. The child also stated she and the Respondent have chatted numerous times on Facebook, in which some of the conversations were sexual in nature. The child also stated the Respondent showed her three graphic depictions over Skype, some sexual in nature.

Sgt. Lovelace obtained permission from the child and her mother to access the child's Facebook page and pose as the child, as well as being granted permission to access the child's phone as well. The child identified the Respondent from a Department of Motor Vehicles photo.

On July 26 the child's mother provided Sgt. Lovelace with the child's phone and gave permission to use it to communicate with the Respondent while posing as the child. Sgt. Lovelace proceeded to send text messages to the Respondent's phone as well as communicate via Facebook. On July 27 Sgt. Lovelace spent approximately three hours communicating with the Respondent via Facebook as he posed as the child. From approximately 2235 to 0115 hours Sgt. Lovelace again communicated with the Respondent on Facebook while posing as the child. The conversation turned sexual in nature with the Respondent using "indecent, lewd, lascivious and sexually explicit written language to communicate." On July 29 Sgt. Lovelace engaged communicated with the Respondent while posing as the child and advised the Respondent he would be at a residence in Scottsbluff and arrangements were made for the Respondent to travel there for the purpose of having sexual intercourse with the child. Upon the Respondent's arrival, he was arrested and found to have a condom in his pocket. The Respondent was detained in the Scotts Bluff County Jail.

The records of the Department indicate that Respondent was last employed during the 2010-2011 school year as a substitute teacher by the Gering Public Schools.

STANDARDS OF PROFESSIONAL CONDUCT AND ETHICS

The following statute and standards would appear applicable: Neb. Rev. Stat. § 79-866(2) (Reissue 2008) which in part states, "The board may, for just cause, revoke or suspend any teacher's or administrator's certificate. Violation of the standards established pursuant to this section, commission of an immoral act, or conviction of a felony under the laws of this state shall constitute just cause for the revocation or suspension of a teacher's or administrator's certificate by the board"; and Title 92, *Nebraska Administrative Code*, Chapter 27, Section 004.04E (effective date: November 12, 2003) which states, "the educator: Shall not commit any act of moral turpitude, or any felony under the laws of the United States or any state or territory, and shall not have a misdemeanor conviction involving abuse, neglect, or sexual misconduct as defined in Sections 003.12 through 003.14 of 92 NAC 21".

DETERMINATION OF LEGAL SUFFICIENCY

There is legally sufficient evidence to indicate a violation of the statute and standards with regard to this allegation.

RECOMMENDATION

The Certification Investigator would recommend the Commissioner of Education file a Petition in this matter unless the Respondent wishes to voluntarily surrender his Nebraska certificates.

EXHIBITS

- E-1. Copies of the Complaint and return receipt.
- E-2. Copies of the Justice Case Search printout and Journal Entry on Sentencing Order.

BEFORE THE COMMISSIONER OF EDUCATION
STATE OF NEBRASKA

Nikole Sander
301 Centennial Mall South
Lincoln, NE 68509-4987

Complainant,

vs.

James Jay
501 K Street
Bridgeport, NE 69336

Respondent.

Case No. 12011

COMPLAINT



In accordance with Title 92, Chapter 28, of the *Nebraska Administrative Code*, the

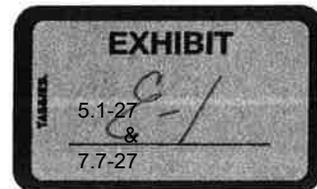
Complainant states as follows:

1. The Complainant is Nikole Sander. Her address is 301 Centennial Mall South, Lincoln, NE 68509-4987;
2. The Respondent is James Jay. His address is 501 K Street, Bridgeport, NE 69336;
3. On February 22, 2012, pursuant to a plea agreement, the Respondent pled no contest and was found guilty by the Scotts Bluff District Court to the amended charge of Attempted Child Enticement, a Class II Felony. In addition, the Respondent is scheduled to be sentenced on April 18, 2012. Copies of court documents are attached; and
4. Witness(es): Douglas Warner, Scotts Bluff County Attorney, 1715 10th Street, Gering, NE 69341; (308) 436-6674.

WHEREFORE, Complainant requests that the Commissioner of Education investigate this Complaint and take such action as is warranted, including the filing of a petition.

Dated this 5th day of March 2012.

Nikole Sander



VERIFICATION

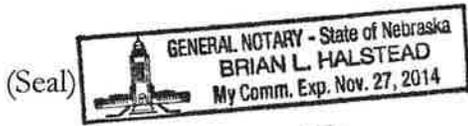
State of Nebraska)
) ss
County of Lancaster)

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



Nikole Sander

Subscribed and sworn before me this 5th day of March 2012 by Nikole Sander.





Notary Public

61

IN THE DISTRICT COURT OF SCOTTSBLUFF COUNTY, NEBRASKA

THE STATE OF NEBRASKA,

CASE NO. CR11-177

Plaintiff,

INFORMATION

ENTICEMENT BY ELECTRONIC
COMMUNICATION DEVICE

VS

§ 28-833
CLASS IV FELONY

James Jay,
501 K St.,
Bridgeport NE
3-14-1972

Defendant.

CHILD ENTICEMENT, ELECTRONIC
COMMUNICATION DEVICE

§ 28-320.02-F1D
CLASS ID FELONY

STATE OF NEBRASKA

ss.

COUNTY OF SCOTTS BLUFF

IN THE January 1st, 2011 Term of the District Court of Scotts Bluff County, Nebraska, the undersigned, County Attorney of Scotts Bluff County, Nebraska, for and in the name of the State of Nebraska, informs before the District Judge in and for Scotts Bluff County, Nebraska, that the above named defendant,

COUNT I

On or about May 26, 2011, through July 29, 2011, then in Scotts Bluff County, Nebraska being a person nineteen years of age or over did knowingly and intentionally utilize an electronic communication device to contact a child under sixteen years of age or a peace officer who is believed by such person to be a child under sixteen years of age and in so doing did use or transmit any indecent, lewd, lascivious, or obscene language, writing, or sound; transmitted or otherwise disseminated any visual depiction of sexually explicit conduct as defined in section 28-1463.02; and offered or solicited any indecent, lewd, or lascivious act,

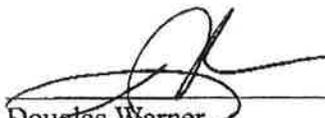
COUNT II

the undersigned, being further duly sworn on oath, says that the above-named defendant, on or about May 26, 2011, through July 29, 2011, then in Scotts Bluff County, Nebraska did unlawfully, feloniously, and knowingly solicit, coax, entice or lure a child sixteen years of age or younger or a peace officer who is believed by such person to be a child sixteen years of age or younger, by means of an electronic communication device to engage in an act which would be in violation of section 28-319 or 28-320.01, contrary to the statutes of the State of Nebraska.

FILED Aug 18 20 11
Ann Rosenberry
CLERK OF THE DIST COURT
5.1-29
BY *Scotts Bluff County* DEPUTY
7.7-29



43



Douglas Warner NSBA#15783
County Attorney
Scotts Bluff County Attorney's Office
1725 10th Street
Gering, Ne 69341
(308)436-6674

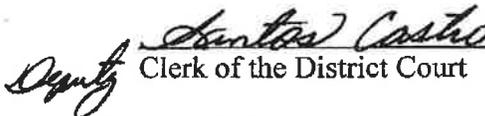
STATE OF NEBRASKA)
) SS
COUNTY OF SCOTTS BLUFF)

The above-named, being first duly sworn, upon oath says that the statements of fact in the above Information are true as he/she verily believes.



Douglas Warner NSBA#15783
County Attorney
Scotts Bluff County Attorney's Office
1725 10th Street
Gering, Ne 69341

SUBSCRIBED in my presence and sworn to before me on this 18th day of
August, 20 11.



Deputy Santos Castro
Clerk of the District Court

WITNESSES

Monty Lovelace
Eric Jones
Ed Sexton
Stacey Lundgren
Dana Korell
Forensic computer analyst



IN THE COUNTY COURT OF SCOTTS BLUFF COUNTY, NEBRASKA

James Jay
(Accused Person's Name)

TEMPORARY DETENTION ORDER

On the 31 day of July, 2011, the matter of the temporary detention of the accused person was considered by the Court, including a review of an arresting officer's affidavit. The Court finds probable cause to believe a crime required detention has been committed by the accused person.

IT IS HEREBY ORDERED that the accused person may be temporarily detained in an appropriate detention facility until meeting any bond requirements the Court may impose.

BY THE COURT:

[Handwritten Signature]

Judge Worden/Judge Maskey/Magistrate ~~_____~~
(Circle Name of Judge or Magistrate Signing Bond)

200,000 10%
(Bond Amount)

no contact with child or mother

[Handwritten Signature]
(Name of Corrections Officer)



FILED AUG 01 2011

FILED AUG 01 2011

Maivehana
CLERK OF THE COUNTY COURT

Maivehana
CLERK OF THE COUNTY COURT

09



000075444C217-31

44

IN THE COUNTY COURT OF SCOTTS BLUFF COUNTY, NEBRASKA

James Jay
(Accused Person's Name)

TEMPORARY DETENTION ORDER

On the 31 day of July, 2011, the matter of the temporary detention of the accused person was considered by the Court, including a review of an arresting officer's affidavit. The Court finds probable cause to believe a crime required detention has been committed by the accused person.

IT IS HEREBY ORDERED that the accused person may be temporarily detained in an appropriate detention facility until meeting any bond requirements the Court may impose.

BY THE COURT:

Mavis Kana
Judge Worden/Judge Miskey/Magistrate Kana
(Circle Name of Judge or Magistrate Signing Order)

200,000 10%
(Bond Amount) no contact with child or mother

[Signature]
(Name of Corrections Officer)



FILED AUG 01 2011

FILED AUG 01 2011

Mavis Kana
CLERK OF THE COUNTY COURT

Mavis Kana
CLERK OF THE COUNTY COURT

09



000075444C21 & 7-7-32

46

IN THE COUNTY COURT OF SCOTTS BLUFF COUNTY, NEBRASKA

Printed on 8/16/2011 at 10:56

Room 21C02

Page 1

Date of Hearing 8/16/2011

ST V. JAMES JAY

DOB: 3/14/1972

Case ID: CR 11 1422

Citation:

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

CHARGE	STATUTE	DESCRIPTION	CLASS	TYPE
01 Waived-Bound Over	28-833	Enticement by electronic comm. device	4	FEL
02 Waived-Bound Over	28-320.02	Child enticement-elect comm device	1D	FEL

APPEARANCES AND ADVISEMENT

Judge Kristen D Mickey
 Defendant JAMES JAY in custody
 Defense Counsel DeForge, Richard, L.
 Prosecutor Scott Blaha
 Defendant previously advised of the nature of the above charges, all possible penalties and rights.

ARRAIGNMENT

Defendant knowingly, intelligently and voluntarily waived the right to a preliminary hearing on the count(s) shown above. The defendant is bound over to the District Court on such count(s).

ADDITIONAL ENTRIES OF RECORD

Defendant waives Preliminary Hearing.

Bind Over to District Court on August 19, 2011 at 1:00 p.m.

Bond will continue.

Hon.

Kristen D Mickey 8/16/2011
 Kristen D Mickey Date



JoAnne Garcia
 Bailiff

Tape Nos. CD 08/16/2011

IN THE COUNTY COURT OF SCOTTS BLUFF COUNTY, NEBRASKA

STATE OF NEBRASKA)
)SS.
COUNTY OF SCOTTS BLUFF)

**AFFIDAVIT OF PROBABLE
CAUSE FOR ARREST OF
JAMES L. JAY**

1. COMES NOW, Sergeant Monty Lovelace, of the Nebraska State Patrol, on this 30th Day of July, brings to the Court the following facts to support the probable cause arrest of James L. Jay (DOB 3-14-1972) 501 K St. Bridgeport, Nebraska.
2. Offenses: Enticement by Electronic Device Neb. Rev. Stat. 28-833. Enticement by an Electronic Device to solicit or coax a child under the age of sixteen (16) to engage in sexual intercourse Neb. Rev. Stat. 28-320.02.
3. Location of Offenses: Nebraska State Patrol Investigative Services Office, 4500 Ave I, Scottsbluff, Scotts Bluff County, Nebraska. Valle Verde Apartments, 602 East 11th Street Scottsbluff, Scotts Bluff County, Nebraska.
4. The following facts support the probable cause arrest of James L. Jay.

a. On 7-15-11, Sgt Lovelace was contacted by a fourteen (14) year old child hereinafter referred to as the child. The child reported that she felt she was being targeted by a "pedophile." She indicated that on May 26, 2011, after her dad died, she was contacted by a man by the name of James L. Jay. Jay told the child and her mother that he was a close friend to her father and offered her condolences. Jay asked her mother if it would be alright to contact the child and mentor her since her father was gone. The mother agreed and allowed the child to go to a movie and dinner with Jay on two different occasions. The first occasion was on June 10, 2011 and the second occasion was later in June (DUK). The child stated that while they were eating dinner on the first occasion, Jay brought up the topic of masturbation. The child indicated that Jay asked her how she masturbated and then told her how he masturbated. The child stated that he has also chatted with her numerous times on Facebook, a social networking site that allows users to electronically communicate with one another. The child stated that some of the conversations did turn sexual in nature. The child stated that Jay showed her three graphic depictions over Skype, a software application that allows users to make video calls and chats over the internet. The first video was titled "three men and one hammer" which depicts two Ukraine serial killers beating a man to death with a hammer. The second was "two girls one cup" which depicts two women engaging in sexual acts with one another to include defecating into a cup, drinking it and vomiting it into each others' mouths. The third was "two girls one finger" which depicts two women involved in sexual acts with one another. When these transmissions were made Jay utilized his webcam to

FILED AUG 01 2011

Maive Kana
CLERK OF THE COUNTY COURT

06

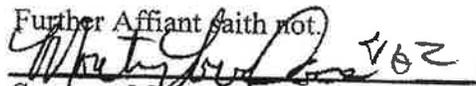


show the child his computer screen where the abovementioned videos were playing.

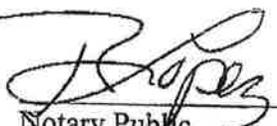
- b. After the interview of the child Sgt Lovelace gained permission from the child and her mother to access the child's Facebook page and pose as the child. Sgt Lovelace also was given permission to access the child's phone as well. Before the child left she identified Jay by a Department of Motor Vehicles (DMV) picture.
- c. On 7-26-2011, the mother provided your affiant with the phone and permission to use it to communicate with Jay while posing as the child. Your affiant has used the child's phone to send text messages to Jay's phone and also has been communicating with Jay over his Facebook account.
- d. On 7-27-2011, from approximately 1600 to 1900 hours, your affiant engaged in a chat with Jay on Facebook. This started by sending Jay a text from the child's phone at 1600 hours by stating "hey." Your affiant engaged in this conversation at the Nebraska State Patrol Investigative Services Office in Scottsbluff, Scotts Bluff County, Nebraska by posing as the child. A relationship was established with Jay during this time.
- e. On 7-27-2011, from approximately 2235 to 0115 hours, your affiant engaged in a chat with Jay on Facebook while posing as the child. This started by sending Jay a text from the child's phone at 2236 hours with "hey." It should be noted that the texts turned sexual in nature in which Jay used indecent, lewd, lascivious and sexually explicit written language to communicate with the child. Your affiant engaged in this conversation while at the Nebraska State Patrol Investigative Services Office in Scottsbluff, Scotts Bluff County, Nebraska.
- f. On July 29, 2011, your affiant was engaging in chatting through Facebook and texting on the phone with Jay while posing as the child. Jay was driving back from Grand Island during part of the conversation. During this chat your affiant, while posing as the child, told him he would be at a residence in Scottsbluff on East 11th Street. The arrangements were made for Jay to travel to the Valle Verde Apts on East 11th Street in Scottsbluff for the purpose of having sexual intercourse with the child.
- g. On July 29, 2011, Jay went to the Valle Verde Apartments at 602 East 11th Street, Scottsbluff, Scotts Bluff County, Nebraska, to meet your affiant, posing as the child, for the purpose of engaging in sexual intercourse with the child. Upon the arrest of Jay a condom was found in his pocket.

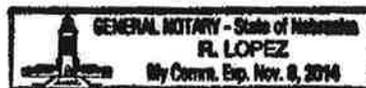
5. Jay was arrested for Enticement by Electronic Device Neb. Rev. Stat. 28-833.
Enticement by and Electronic Device to solicit or coax a child under the age of
sixteen (16) to engage in sexual intercourse Neb. Rev. Stat. 28-320.02.
6. Jay was detained at the Scotts Bluff County Jail.
7. All of the events described herein took place in Scotts Bluff County Nebraska.

Further Affiant saith not.


Sergeant Monty Loveface
Nebraska State Patrol

Subscribed and sworn to me this 30th day of July, 2011.


Notary Public



08

CRIMINAL COVER SHEET FOR SCOTTS BLUFF COUNTY

Court: (Check appropriate blank)

Juvenile Court

Original Case No. (if transferred): _____

County Court

District Court

Original Case No. (if bound over): _____

Current Case No. CR 11-1422

(entered by clerks when case is filed)

Defendant's Name: James Jay

Date of Birth: 3-14-1972

Sex: M
F

Race/Ethnicity: (check only one)

American Indian or Alaska Native

Asian

Black or African American

Hispanic or Latino

Native Hawaiian or other Pacific Islander

White/Caucasian

Other

Complaint

Information

Indictment

Petition

05

50

IN THE COUNTY COURT OF SCOTTSBLUFF COUNTY, NEBRASKA

CASE NO. CR 11-1422

THE STATE OF NEBRASKA,)
)
Plaintiff,)

COMPLAINT

) ENTICEMENT BY ELECTRONIC
) COMMUNICATION DEVICE

VS)
) § 28-833
) CLASS IV FELONY

James Jay,)
501 K St.,)
Bridgeport NE)
3-14-1972)
Defendant.)

) CHILD ENTICEMENT, ELECTRONIC
) COMMUNICATION DEVICE
) § 28-320.02-F1D
) CLASS ID FELONY

STATE OF NEBRASKA)
)
COUNTY OF SCOTTS BLUFF)

ss.

The undersigned, Deputy County Attorney of Scotts Bluff County, Nebraska, for and in the name of the State of Nebraska, complains before the County Judge in and for Scotts Bluff County, Nebraska, that the above named defendant,

COUNT I

On or about May 26, 2011 through July 29, 2011, then in Scotts Bluff County, Nebraska being a person nineteen years of age or over did knowingly and intentionally utilize an electronic communication device to contact a child under sixteen years of age or a peace officer who is believed by such person to be a child under sixteen years of age and in so doing did use or transmit any indecent, lewd, lascivious, or obscene language, writing, or sound; transmitted or otherwise disseminated any visual depiction of sexually explicit conduct as defined in section 28-1463.02; and offered or solicited any indecent, lewd, or lascivious act,

COUNT II

On or about May 26, 2011 through July 29, 2011, then in Scotts Bluff County, Nebraska did unlawfully, feloniously, and knowingly solicit, coax, entice or lure a child sixteen years of age or younger or a peace officer who is believed by such person to be a child sixteen years of age or younger, by means of an electronic communication device to engage in an act which would be in violation of section 28-319 or 28-320.01, contrary to the statutes of the State of Nebraska.

Andrea M. Lopez
Deputy County Attorney NSBA# 23659
Scotts Bluff County Attorney's Office
1725 10th Street
Gering, Ne 69341
(308)436-6674

FILED

Melissa Kana
CLERK OF THE COUNTY COURT

03



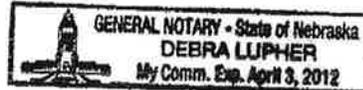
52

STATE OF NEBRASKA)
) SS
COUNTY OF SCOTTS BLUFF)

The above and foregoing document was subscribed and sworn to before me on this
1st day of August, 2011, by Andres M. Koyzis,
known personally to me or having produced satisfactory evidence of identification to me.)

Debra Luper
Notary Public

A.O. Lovelace, NSP



IN THE COUNTY COURT OF SCOTTS BLUFF COUNTY, NEBRASKA

THE STATE OF NEBRASKA,	)	CERTIFICATE OF TRANSCRIPT
)	
Plaintiff,	)	County Court No. CR11-1422
v.	)	District Court No. CR 11-177
)	
JAMES JAY,)	
)	
Defendant.)	

STATE OF NEBRASKA, COUNTY OF SCOTTS BLUFF:

I certify that attached hereto are the original pleadings filed in the above-captioned case in the County Court of Scotts Bluff County, Nebraska.

Costs are taxed as follows:

COURT COSTS:	\$	48.00
WITNESS FEES:	\$	0.00
SHERIFF FEES:	\$	0.00
CERTIFICATE	\$	1.00
TOTAL	\$	<u>49.00</u>

JAMES WORDEN
KRISTEN MICKEY
COUNTY JUDGES

Dianne Lana
Dianne Lana, Clerk Magistrate

Dated: August 17, 2011



IN THE COUNTY COURT OF SCOTTS BLUFF COUNTY, NEBRASKA

THE STATE OF NEBRASKA,	)	TRANSCRIPT INDEX
)	
Plaintiff,	)	County Court No. CR11-1422
v.	)	District Court No. CR 11-177L
JAMES JAY,)	
)	
Defendant.)	
)	

DOCUMENT NO.	DESCRIPTION	PAGE NO.
1.	Transcript Index	1
2.	Certificate of Transcript	2
3.	Complaint	3
4.	Affidavit of Probable Cause	6
5.	Temporary Detention Order	9
6.	Journal Entry & Order filed 8/8/11	10
7.	Journal Entry & Order filed 8/16/11	11



09.07.12 State Board of Education
&
09.07.12 State Board of Education

000134448D21

FILED Aug 16 20 11
Ann Rosenberry
CLERK OF THE DIST COURT

BY Ann Rosenberry DEPUTY
5.1-41
&
7.7-41

54



Courts Homepage Case Search Name Search Have Questions?

Case Summary

In the District Court of Scotts Bluff County
 The Case ID is CR 11 0000177
 Citation No.: 0000000
 State v. James Jay
 The Honorable Randall L Lippstreu, presiding.
 Classification: Felony-Bindover
 Filed on 08/16/2011 by the County Prosecutor
 This case is Open as of 08/16/2011

Parties/Attorneys to the Case

Party Plaintiff State of Nebraska Defendant James Jay 501 K St Bridgeport NE	Attorney Douglas L Warner Scottsbluff County Courthouse 1725 10th Street Gering NE 69341 308-436-6674 David B Eubanks 120 East 16th Street, Suite 20 Scottsbluff NE 69361 308-630-8040
----------------------------------------------------------------------------------------------	-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

Date of Birth is 03/14/1972 Drivers License is

Offense Information

Count	Charge	Offense Class
01	Enticement by electronic comm. device	; Class 4 Felony
	Offense Date is 05/26/2011	
	Plea is No Contest	
	Finding is Guilty	
02	Child enticement-elect comm device	; Class 1D Felony
AMENDED TO...	Attempt of a class 1/1A/1B/1C/1D felony	; Class 2 Felony
	Offense Date is 05/26/2011	
	Plea is No Contest	
	Finding is Guilty	

Arresting Officers

Agency	Officer
-----	-----

Bond Information

Ten Percent bond filed on 11/14/2011 for James Jay
 in the amount of \$100,000.00

Court Costs Information

Incurring By	Account	Date	Amount
Plaintiff	Information	08/18/2011	\$35.00
Plaintiff	Filing Fee - State	08/18/2011	\$5.00

09.07.12 State Board of Education & 09.07.12 State Board of Education 5.1-42 & 7.7-42

Plaintiff	Automation Fee	08/18/2011	\$8.00
Plaintiff	NSC Education Fee	08/18/2011	\$1.00
Plaintiff	Dispute Resolution Fee	08/18/2011	\$0.75
Plaintiff	Indigent Defense Fee	08/18/2011	\$3.00
Plaintiff	Uniform Data Analysis Fee	08/18/2011	\$1.00
Plaintiff	J.R.F.	08/18/2011	\$6.00
Plaintiff	Filing Fee-JRF	08/18/2011	\$2.00
Plaintiff	Crime Victim Fund	08/18/2011	\$1.00
Plaintiff	Civil Legal Services Fund	08/18/2011	\$1.00
Plaintiff	L.E.I.F.	08/18/2011	\$2.00
Plaintiff	Legal Aid/Services Fund	08/18/2011	\$5.25
Plaintiff	County Court Fees	08/16/2011	\$49.00

Financial Activity

Trust held by the court is \$9,000.00
 No fee money is held by the court

Payments Made to the Court

Receipt	Type	Date	For	Amount
177906	Cashier's Check	11/14/2011	Jay, James,	\$10,000.00
			10% Bond Fee	\$1,000.00
			Bond	\$9,000.00
177245	Check	09/12/2011	State of Nebraska	\$35.00
			Filing Fee - State	\$5.00
			Automation Fee	\$8.00
			NSC Education Fee	\$1.00
			Dispute Resolution Fee	\$.75
			Indigent Defense Fee	\$3.00
			Uniform Data Analysis	\$1.00
			J.R.F.	\$6.00
			Filing Fee-JRF	\$2.00
			Civil Legal Services F	\$1.00
			L.E.I.F.	\$2.00
			Legal Aid/Services Fun	\$5.25

Register of Actions

02/24/2012 Journal Entry

This action initiated by Judge Randall L Lippstreu
 2-22-12 Plea of No Contest to Amended Info/Sentencing April 18,2012 @2:00
 pm/Bond cont'd
 Image ID 000144933D21

02/22/2012 Plea Agreement
 Image ID 000144767D21

02/22/2012 Amended Information
 This action initiated by party State of Nebraska

09.07.12 State Board of Education
 &
 09.07.12 State Board of Education
<https://www.nebraska.gov/justice//case.coi>

5.1-43
 &
 7.7-43

AD

Image ID 000144544D21

02/06/2012 Order

This action initiated by Judge Randall L Lippstreu
 Allowing Def to leave the St of NE for Dr's appt
 Image ID 000144040D21

02/06/2012 Motion Filed

This action initiated by party James Jay
 To Amend Bond
 Image ID 000144039D21

12/27/2011 Journal Entry

This action initiated by Judge Randall L Lippstreu
 12-19-11 Good cause shown to continue Trial to March 5, 2012 @8:30am and
 Pretrial February 21, 2012 @8:00am
 Image ID 000141762D21

12/14/2011 Notice-Hearing

This action initiated by party James Jay
 Hearing on Motion for Continuance set for 12/19/2011 at 8:00 am
 Image ID 000141066D21

12/14/2011 Motion-Continuance

This action initiated by party James Jay
 Image ID 000141065D21

11/28/2011 Journal Entry

This action initiated by Judge Randall L Lippstreu
 11-10-11 Motion to withdraw as counsel filed by Richard DeForge-sustained
 Motion-Take depositions sustained by agreement of the parties
 Image ID 000140204D21

11/14/2011 Bond

BOND 1967 FILED \$100,000.00 10%
 Image ID 000139448D21

11/10/2011 Order

This action initiated by Judge Randall L Lippstreu
 Granting permission to withdraw - Public Defender's Office is discharged
 Image ID 000139524D21

11/10/2011 Bond Assignment

This action initiated by party James Jay
 Assigns Bond proceeds in favor of Dave Eubanks
 Image ID 000139504D21

11/08/2011 Notice-Hearing

This action initiated by party James Jay
 Hearing on Motion to Withdraw set for 11/10/2011 at 1:00 PM
 Image ID 000139267D21

09.07.12 State Board of Education
 &
 09.07.12 State Board of Education

5.1-44
 &
 7.7-44

11/08/2011 Motion-Withdraw
This action initiated by party James Jay

Image ID 000139266D21

11/08/2011 Entry of Appearance
This action initiated by party James Jay
Image ID 000139254D21

11/04/2011 Notice-Hearing
This action initiated by party James Jay
Hearing on Motion for Depositions 11/10/11 @ 1:00 pm
Image ID 000139136D21

11/04/2011 Motion-Deposition
This action initiated by party James Jay
Image ID 000139135D21

10/24/2011 Journal Entry

This action initiated by Judge Randall L Lippstreu
10-14-11 DEF's Motion to Continue trial-no objection by State-Trial is
cont to jury term-January 3,2012 w/Pretrial December 19,2011 @8:00am
Image ID 000138375D21

10/13/2011 Notice-Hearing
This action initiated by party James Jay
Hearing on Motion for Continuance set for 10/14/2011 at 8:00 am
Image ID 000137746D21

10/13/2011 Motion-Continuance
This action initiated by party James Jay
Image ID 000137745D21

08/24/2011 Journal Entry
This action initiated by Judge Randall L Lippstreu

8-19-11 Motion for Discovery sustained/Pretrial October 14,2011 @8:00am/
Trial-jury term October 31,2011 @8:30am/Bond reviewed:\$100,000 @10%
Image ID 000134922D21

08/22/2011 Order
This action initiated by Judge Randall L Lippstreu
Requiring preparation and submission of papers preparing for Pretrial
Image ID 000134712D21

08/19/2011 Order
This action initiated by Judge Randall L Lippstreu
Motion for Discovery allowed-Motion to Produce Statement sustained
Image ID 000134694D21

08/19/2011 Order

This action initiated by Judge Randall L Lippstreu

Approves Richard DeForge as counsel for DEF
Image ID 000134693D21

08/18/2011 Notice-Hearing
This action initiated by party James Jay
Hearing on Motion for Bond Review set for 8/19/2011 at 1:00 PM
Image ID 000134584D21

08/18/2011 Motion-Bond Review
This action initiated by party James Jay
Image ID 000134583D21

08/18/2011 Motion-Produce
This action initiated by party James Jay
Image ID 000134582D21

08/18/2011 Motion-Discovery
This action initiated by party James Jay
Image ID 000134581D21

08/18/2011 Information
This action initiated by party State of Nebraska
Image ID 000134574D21

08/16/2011 Transcript-County Court
This action initiated by party State of Nebraska
Scotts Bluff County Court No CR-11-1422
Image ID 000134448D21

Judges Notes

08/19/2011
08-19-2011

In open court with Judge Randall L. Lippstreu presiding, the State appeared by Douglas L. Warner and the defendant appeared with Richard L. DeForge. Indigence was established and Richard L. DeForge appointed counsel. Waiting period and arraignment were waived. A plea of not guilty was accepted. Pretrial motions are to be filed within 4 weeks. Both motions for discovery are allowed by counsel. Case is set for pretrial conference on October 14, 2011, at 8:00 a.m. and to the jury term that starts October 31, 2011, at 8:30 a.m. Bond was reconsidered. Conditions are: Sum of \$100,000.00, 10% deposit. Must have court permission to move residence or to leave the state. Must keep in constant contact with counsel. May not break any laws while free. Sign Waiver of Extradition. No contact with alleged victim. No use of social networking on computer. Pretrial order was signed.

10/14/2011
10-14-2011

In open court with Judge Randall L. Lippstreu presiding, the State appeared by Douglas L. Warner and the defendant appeared with Richard L. DeForge. Defendant's motion to continue sustained. Time not taxed against the State. Case is set for pretrial conference on December 19, 2011, at 8:00 a.m. and to the jury term that starts January 3, 2012.
09.07.12 State Board of Education
&
09.07.12 State Board of Education

5.1-46
&
7.7-46

2012, at 8:30 a.m. Bond was continued as previously set. All pretrial motions to be filed by November 18, 2011.

11/10/2011

11-10-2011

In open court with Judge Randall L. Lippstreu presiding, the State appeared by Douglas L. Warner and the defendant appeared with Richard L. DeForge and Dave Eubanks. Richard DeForge allowed to withdraw. Defendant's motion for deposition sustained.

12/19/2011

12-19-2011

In open court with Judge Randall L. Lippstreu presiding, the State appeared by Douglas L. Warner and the defendant appeared with Dave Eubanks. Defendant's motion to continue sustained. Defendant waived speedy trial rights. Case is set for pretrial conference on February 21, 2012, at 8:00 a.m. and to the jury term that starts March 5, 2011, at 8:30 a.m.

02/22/2012

02-22-2012

In open court with Judge Randall L. Lippstreu presiding, the State appeared by Douglas L. Warner and the defendant appeared with Dave Eubanks. Waiting period was waived and defendant arraigned on the amended information. After being advised of his rights and possible penalties, a plea of no contest was accepted on Count II. Dismissed Count I. Presentence investigation was ordered and sentencing set for April 18, 2012, at 2:00 P.M. Bond was continued as previously set.

IN THE DISTRICT COURT OF SCOTTSBLUFF COUNTY, NEBRASKA

THE STATE OF NEBRASKA,

CASE NO. CR11-177

Plaintiff,

**AMENDED INFORMATION
COUNT I DISMISSED**

VS

**COUNT II
ATTEMPTED CHILD ENTICEMENT
§ 28-201(4)(A); 28-320.02-F1D
CLASS II FELONY**

**James Jay,
501 K St.,
Bridgeport NE
3-14-1972**

Defendant.

STATE OF NEBRASKA

ss.

COUNTY OF SCOTTS BLUFF

IN THE January 1st, 2012 Term of the District Court of Scotts Bluff County, Nebraska, the undersigned, County Attorney of Scotts Bluff County, Nebraska, for and in the name of the State of Nebraska, informs before the District Judge in and for Scotts Bluff County, Nebraska, that the above named defendant,

COUNT II

On or about May 26, 2011 through July 29, 2011, then in Scotts Bluff County, Nebraska did unlawfully, feloniously and intentionally engage in conduct which, under the circumstances as he believed them to be, constituted a substantial step in a course of conduct intended to culminate in his commission of the crime of knowingly soliciting, coaxing, enticing or luring a child sixteen years of age or younger or a peace officer who is believed by such person to be a child sixteen years of age or younger, by means of an electronic communication device to engage in an act which would be in violation of section 28-319 or 28-320.01, contrary to the statutes of the State of Nebraska.



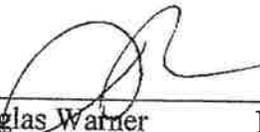
Douglas Warner NSBA#15783
County Attorney
Scotts Bluff County Attorney's Office
1725 10th Street
Gering, NE 69341
(308)436-6674

FILED Feb. 22 2012
Ann Rosenberry
CLERK OF THE DIST COURT



STATE OF NEBRASKA)
) SS
COUNTY OF SCOTTS BLUFF)

The above-named, being first duly sworn, upon oath says that the statements of fact in the above Information are true as he/she verily believes.



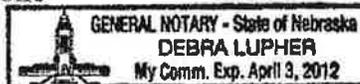
Douglas Warner NSBA#15783
County Attorney
Scotts Bluff County Attorney's Office
1725 10th Street
Gering, NE 69341

STATE OF NEBRASKA)
) SS
COUNTY OF SCOTTS BLUFF)

The above and foregoing document was subscribed and sworn to before me on this
22nd day of February, 2012, by Douglas Warner, known
personally to me or having produced satisfactory evidence of identification to me.



Notary Public



WITNESSES

3
9

IN THE DISTRICT COURT OF SCOTTS BLUFF COUNTY, NEBRASKA

THE STATE OF NEBRASKA,)	
	)	CASE NO. CR11-177L
Plaintiff,)	
	)	PLEA AGREEMENT
vs.)	
)	
JAMES JAY,)	
)	
Defendant.)	

COMES NOW the State of Nebraska, by and through County Attorney Douglas Warner, and James Jay, defendant, and his counsel, and have reached the following plea agreement:

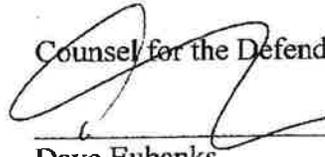
1. The Information charges the defendant in Count I with Enticement by Electronic Device, a Class IV Felony; and in Count II with Child Enticement, a Class ID Felony.
2. The State will file an Amended Information charging the defendant with one count of Attempted Child Enticement, a Class II Felony and dismiss Count I.
3. The defendant will enter a plea of guilty or no contest to the charges contained in the Amended Information.

This written agreement constitutes the entire plea agreement between the State and James Jay. James Jay has read the agreement, has consulted with his attorney and he understands the terms. The agreement is entered into voluntarily by James Jay and he has not been coerced or pressured into entering into it.

THE STATE OF NEBRASKA, Plaintiff,

Counsel for the Defendant,


 Dated 2/22/12
 Douglas Warner NSBA#15783
 Scotts Bluff County Attorney's Office
 1725 10th St.
 Gering, NE 69341
 (308)436-6674

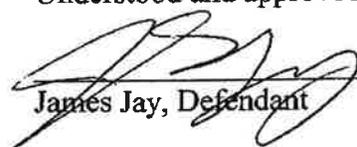

 Dated 2/22/12
 Dave Eubanks NSBA#
 P.O. Box 1206
 Scottsbluff NE 69361
 (308) 630-8040

Feb 22, 12



000144767D21

Understood and approved:


 Dated 2/22/12
 James Jay, Defendant

IN THE DISTRICT COURT OF SCOTTS BLUFF COUNTY, NEBRASKA

THE STATE OF NEBRASKA)	
)	
Plaintiff,	)	CASE NO. CR 11-177L
)	
vs.)	
	)	JOURNAL ENTRY
JAMES JAY,)	
)	
Defendant.)	

NOW ON THIS 22ND day of February, 2012, this matter came on for hearing. The defendant was present and represented by counsel, Dave Eubanks. The State of Nebraska was represented by County Attorney Douglas Warner. The Honorable Randall L. Lippstreu presided.

Terms of a plea agreement are outlined to the Court and the terms are affirmed by defendant. The defendant is arraigned on the Amended Information after waiving the 24 hour waiting period after service of the Amended Information. The defendant enters a plea of no contest to the charge contained in the Amended Information. The Court informed the defendant of his Constitutional rights, and the consequences of a plea of no contest as a waiver of those rights. The Court further advised the defendant that if he was not a United States citizen, he was advised that conviction of the offense for which he has been charged may have the consequences of removal from the United States, or denial of naturalization pursuant to the law of the United States. The Court advised the defendant of the possible penalties that could be imposed upon a finding of guilty to the charge contained in the Amended Information.

The defendant states that no promises, threats or other inducements had been made to influence his decision to plead no contest to the charges contained in the Amended Information. The defendant further informs the Court that he understands his Constitutional rights, consequences of his plea of no contest as a waiver of those rights, and the possible penalties that could be imposed by the Court. A factual basis to support the plea of no contest is provided by the State.

The Court finds beyond a reasonable doubt that the defendant's plea of no contest is made freely, voluntarily and intelligently and there is a factual basis to support the plea of no contest. The defendant is hereby adjudged guilty of the crimes alleged in the Amended Information.



Feb 24 12
[Signature]
CLERK OF THE DISTRICT COURT

Pg. 2

A presentence investigation report is ordered to be completed by the District 12 Probation Office and sentencing is scheduled for April 18, 2012 at 2:00 p.m. The defendant's bond was continued as previously set.

BY THE COURT:



District Judge 2-23-12
Dated _____

cc: D. Eubanks
Dist. 12

First-Class Mail
Postage & Fees Paid
USPS
Permit No. G-10

• Sender: Please print your name, address, and ZIP+4 in this box •

*General Counsel's Office
Nebraska Department of Education
P. O. Box 94933
Lincoln, NE 68509-4933*



SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits. *12011*

1. Article Addressed to:

*James Jay
501 K St
Bridgeport Ne 69336*

09.07.12 State Board of Education
&
09.07.12 State Board of Education

2. Article Number

COMPLETE THIS SECTION ON DELIVERY

A. Signature

[Handwritten Signature] Agent
 Addressee

B. Received by (Printed Name)

JAMES JAY

C. Date of Delivery

3-8-12

D. Is delivery address different from item 1? Yes
If YES, enter delivery address below: No

3. Service Type

- Certified Mail Express Mail
- Registered Return Receipt for Merchandise
- Insured Mail C.O.D.

4. Restricted Delivery? (Extra Fee) Yes

5.1-53
&
7.7-53



Courts Homepage Case Search Name Search Have Questions?

Case Summary

In the District Court of Scotts Bluff County
 The Case ID is CR 11 0000177
 Citation No.: 0000000
 State v. James Jay
 The Honorable Randall L Lippstreu, presiding.
 Classification: Felony-Bindover
 Filed on 08/16/2011 by the County Prosecutor
 This case is Open as of 08/16/2011

Parties/Attorneys to the Case

Party	Attorney
Plaintiff ACTIVE State of Nebraska	Douglas L Warner Scottsbluff County Courthouse 1725 10th Street Gering NE 69341 308-436-6674
Defendant ACTIVE James Jay 501 K St Bridgeport NE	David B Eubanks 120 East 16th Street, Suite 20 Scottsbluff NE 69361 308-630-8040

Date of Birth is 03/14/1972 Drivers License is
 James Jay owes \$120.00

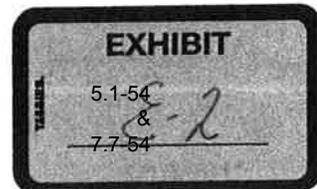
Offense Information

Count	Charge	Offense Class
01	Enticement by electronic comm. device	; Class 4 Felony
AMENDED TO...Count dropped/dismissed		
Offense Date is 05/26/2011		
02	Child enticement-elect comm device	; Class 1D Felony
AMENDED TO...Attempt of a class 1/1A/1B/1C/1D felony ; Class 2 Felony		
Offense Date is 05/26/2011		
Plea is No Contest		
Finding is Guilty		
Sentence includes:		
Jail-Minimum Sentence		
Start Date 05/03/2012		
Term of 05 Years		
Jail-Maximum Sentence		
Start Date 05/03/2012		
Term of 08 Years		
Credit for Days Served		
Term of 104 Days		
Sex Offender		

Arresting Officers

Agency	Officer
-----	-----

09.07.12 State Board of Education
 &
 09.07.12 State Board of Education



Bond Information

Ten Percent bond filed on 11/14/2011 for James Jay
in the amount of \$100,000.00

Court Costs Information

Incurring By	Account	Date	Amount
Plaintiff	Information	08/18/2011	\$35.00
Plaintiff	Filing Fee - State	08/18/2011	\$5.00
Plaintiff	Automation Fee	08/18/2011	\$8.00
Plaintiff	NSC Education Fee	08/18/2011	\$1.00
Plaintiff	Dispute Resolution Fee	08/18/2011	\$0.75
Plaintiff	Indigent Defense Fee	08/18/2011	\$3.00
Plaintiff	Uniform Data Analysis Fee	08/18/2011	\$1.00
Plaintiff	J.R.F.	08/18/2011	\$6.00
Plaintiff	Filing Fee-JRF	08/18/2011	\$2.00
Plaintiff	Crime Victim Fund	08/18/2011	\$1.00
Plaintiff	Civil Legal Services Fund	08/18/2011	\$1.00
Plaintiff	L.E.I.F.	08/18/2011	\$2.00
Plaintiff	Legal Aid/Services Fund	08/18/2011	\$5.25
Plaintiff	County Court Fees	08/16/2011	\$49.00

Financial Activity

Trust held by the court is \$9,000.00
No fee money is held by the court

Costs for Recovery

Incurring By	Account	Date	Amount
Defendant	Information	08/18/2011	\$35.00
Defendant	Filing Fee - State	08/18/2011	\$5.00
Defendant	Automation Fee	08/18/2011	\$8.00
Defendant	NSC Education Fee	08/18/2011	\$1.00
Defendant	Dispute Resolution Fee	08/18/2011	\$0.75
Defendant	Indigent Defense Fee	08/18/2011	\$3.00
Defendant	Uniform Data Analysis Fee	08/18/2011	\$1.00
Defendant	J.R.F.	08/18/2011	\$6.00
Defendant	Filing Fee-JRF	08/18/2011	\$2.00
Defendant	Crime Victim Fund	08/18/2011	\$1.00
Defendant	Civil Legal Services Fund	08/18/2011	\$1.00
Defendant	L.E.I.F.	08/18/2011	\$2.00
Defendant	Legal Aid/Services Fund	08/18/2011	\$5.25
Defendant	County Court Fees	08/16/2011	\$49.00

Payments Made to the Court

Receipt	Type	Date	For	Amount
177906	Cashier's Check	11/14/2011	Jay, James,	\$10,000.00
			10% Bond Fee	\$1,000.00
			Bond	\$9,000.00

177245	Check	09/12/2011	State of Nebraska	\$35.00
			Filing Fee - State	\$5.00
			Automation Fee	\$8.00
			NSC Education Fee	\$1.00
			Dispute Resolution Fee	\$.75
			Indigent Defense Fee	\$3.00
			Uniform Data Analysis	\$1.00
			J.R.F.	\$6.00
			Filing Fee-JRF	\$2.00
			Civil Legal Services F	\$1.00
			L.E.I.F.	\$2.00
			Legal Aid/Services Fun	\$5.25

Register of Actions

05/03/2012 Sex Offenders Registration Notice

This action initiated by Judge Randall L Lippstreu
Address 501 K Street, Bridgeport, NE 69336/Going to NPCC

Copies sent out as required
Image ID 000148251D21

05/03/2012 Journal Entry

This action initiated by Judge Randall L Lippstreu
on Sentencing=5-8 yrs @NPCC w/104 day credit+Comply w/Sex Offender Reg+
\$120 Costs/Remanded

Image ID 000148250D21

02/24/2012 Journal Entry

This action initiated by Judge Randall L Lippstreu
2-22-12 Plea of No Contest to Amended Info/Sentencing April 18, 2012 @2:00
pm/Bond cont'd

Image ID 000144833D21

02/22/2012 Plea Agreement

Image ID 000144767D21

02/22/2012 Amended Information

This action initiated by party State of Nebraska
Image ID 000144544D21

02/06/2012 Order

This action initiated by Judge Randall L Lippstreu
Allowing Def to leave the St of NE for Dr's appt

Image ID 000144040D21

02/06/2012 Motion Filed

This action initiated by party James Jay
To Amend Bond

Image ID 000144039D21

12/27/2011 Journal Entry

This action initiated by Judge Randall L Lippstreu
 12-19-11 Good cause shown to continue Trial to March 5,2012 @8:30am and
 Pretrial February 21,2012 @8:00am
 Image ID 000141762D21

12/14/2011 Notice-Hearing

This action initiated by party James Jay
 Hearing on Motion for Continuance set for 12/19/2011 at 8:00 am
 Image ID 000141066D21

12/14/2011 Motion-Continuance

This action initiated by party James Jay
 Image ID 000141065D21

11/28/2011 Journal Entry

This action initiated by Judge Randall L Lippstreu
 11-10-11 Motion to withdraw as counsel filed by Richard DeForge-sustained
 Motion-Take depositions sustained by agreement of the parties
 Image ID 000140204D21

11/14/2011 Bond

BOND 1967 FILED \$100,000.00 10%
 Image ID 000139448D21

11/10/2011 Order

This action initiated by Judge Randall L Lippstreu
 Granting permission to withdraw - Public Defender's Office is discharged
 Image ID 000139524D21

11/10/2011 Bond Assignment

This action initiated by party James Jay

Assigns Bond proceeds in favor of Dave Eubanks
 Image ID 000139504D21

11/08/2011 Notice-Hearing

This action initiated by party James Jay
 Hearing on Motion to Withdraw set for 11/10/2011 at 1:00 PM
 Image ID 000139267D21

11/08/2011 Motion-Withdraw

This action initiated by party James Jay
 Image ID 000139266D21

11/08/2011 Entry of Appearance

This action initiated by party James Jay
 Image ID 000139254D21

11/04/2011 Notice-Hearing

This action initiated by party James Jay
 Hearing on Motion for Depositions 11/10/11 @ 1:00 pm
 Image ID 000139136D21

11/04/2011 Motion-Deposition
 This action initiated by party James Jay
 Image ID 000139135D21

10/24/2011 Journal Entry
 This action initiated by Judge Randall L Lippstreu
 10-14-11 DEF's Motion to Continue trial-no objection by State-Trial is
 cont to jury term-January 3,2012 w/Pretrial December 19,2011 @8:00am
 Image ID 000138375D21

10/13/2011 Notice-Hearing

 This action initiated by party James Jay
 Hearing on Motion for Continuance set for 10/14/2011 at 8:00 am
 Image ID 000137746D21

10/13/2011 Motion-Continuance
 This action initiated by party James Jay
 Image ID 000137745D21

08/24/2011 Journal Entry
 This action initiated by Judge Randall L Lippstreu
 8-19-11 Motion for Discovery sustained/Pretrial October 14,2011 @8:00am/
 Trial-jury term October 31,2011 @8:30am/Bond reviewed:\$100,000 @10%
 Image ID 000134922D21

08/22/2011 Order
 This action initiated by Judge Randall L Lippstreu

Requiring preparation and submission of papers preparing for Pretrial
 Image ID 000134712D21

08/19/2011 Order
 This action initiated by Judge Randall L Lippstreu
 Motion for Discovery allowed-Motion to Produce Statement sustained
 Image ID 000134694D21

08/19/2011 Order
 This action initiated by Judge Randall L Lippstreu
 Approves Richard DeForge as counsel for DEF
 Image ID 000134693D21

08/18/2011 Notice-Hearing
 This action initiated by party James Jay
 Hearing on Motion for Bond Review set for 8/19/2011 at 1:00 PM

 Image ID 000134584D21

08/18/2011 Motion-Bond Review
 This action initiated by party James Jay

09.07.12 State Board of Education
 &
 09.07.12 State Board of Education

5.1-58
 &

7.7-58

Image ID 000134583D21

08/18/2011 Motion-Produce
This action initiated by party James Jay
Image ID 000134582D21

08/18/2011 Motion-Discovery
This action initiated by party James Jay
Image ID 000134581D21

08/18/2011 Information
This action initiated by party State of Nebraska

Image ID 000134574D21

08/16/2011 Transcript-County Court
This action initiated by party State of Nebraska
Scotts Bluff County Court No CR-11-1422
Image ID 000134448D21

Judges Notes

08/19/2011

08-19-2011

In open court with Judge Randall L. Lippstreu presiding, the State appeared by Douglas L. Warner and the defendant appeared with Richard L. DeForge. Indigence was established and Richard L. DeForge appointed counsel. Waiting period and arraignment were waived. A plea of not guilty was accepted. Pretrial motions are to be filed within 4 weeks. Both motions for discovery are allowed by counsel. Case is set for pretrial conference on October 14, 2011, at 8:00 a.m. and to the jury term that starts October 31, 2011, at 8:30 a.m. Bond was reconsidered. Conditions are: Sum of \$100,000.00, 10% deposit. Must have court permission to move residence or to leave the state. Must keep in constant contact with counsel. May not break any laws while free. Sign Waiver of Extradition. No contact with alleged victim. No use of social networking on computer. Pretrial order was signed.

10/14/2011

10-14-2011

In open court with Judge Randall L. Lippstreu presiding, the State appeared by Douglas L. Warner and the defendant appeared with Richard L. DeForge. Defendant's motion to continue sustained. Time not taxed against the State. Case is set for pretrial conference on December 19, 2011, at 8:00 a.m. and to the jury term that starts January 3, 2012, at 8:30 a.m. Bond was continued as previously set. All pretrial motions to be filed by November 18, 2011.

11/10/2011

11-10-2011

In open court with Judge Randall L. Lippstreu presiding, the State appeared by Douglas L. Warner and the defendant appeared with Richard L. DeForge and Dave Eubanks. Richard DeForge allowed to withdraw. Defendant's motion for deposition sustained.

12/19/2011

12-19-2011

In open court with Judge Randall L. Lippstreu presiding, the State appeared by Douglas L. Warner and the defendant appeared with Dave Eubanks. Defendant's motion to continue sustained. Defendant waived speedy trial rights. Case is set for pretrial conference on February 21, 2012, at 8:00 a.m. and to the jury term that starts March 5, 2011,

09.07.12 State Board of Education

&

09.07.12 State Board of Education

<https://www.nebraska.gov/justice//case.cgi>

5.1-59

&

7.7-59

5110000

at 8:30 a.m.
02/22/2012
02-22-2012

In open court with Judge Randall L. Lippstreu presiding, the State appeared by Douglas L. Warner and the defendant appeared with Dave Eubanks. Waiting period was waived and defendant arraigned on the amended information. After being advised of his rights and possible penalties, a plea of no contest was accepted on Count II. Dismissed Count I. Presentence investigation was ordered and sentencing set for April 18, 2012, at 2:00 P.M. Bond was continued as previously set.

05/03/2012
05-03-2012

In open court with Judge Randall L. Lippstreu presiding, the State appeared by Douglas L. Warner and the defendant appeared with Dave Eubanks. Presentence investigation was done, considered by the court, and made available to both counsel. After allocution, the defendant is sentenced to imprisonment and committed to an institution under the jurisdiction of the Nebraska Department of Correctional Services for a period of not less than 5 years, nor more than 8 years, with 104 days credit for time served before sentencing. Sex Offender Registration Act compliance. Costs taxed to defendant.

CLOSED: GUILTYCT - GUILTY PLEA/ADMISSION IN COURT

IN THE DISTRICT COURT OF SCOTTS BLUFF COUNTY, NEBRASKA

THE STATE OF NEBRASKA,
Plaintiff
vs.
JAMES JAY,
Defendant.

Case No. CR 11-177

JOURNAL ENTRY
ON SENTENCING

HEARING DATE: May 3, 2012
APPEARANCES: For plaintiff: Douglas L. Warner
For defendant: Dave Eubanks

CHARGE SENTENCED ON: 2 28-201(4)(A) Attempt of a class 1/1A/1B/1C/1D 2 FEL
(Attempted Child Enticement)

PROCEEDINGS:

Presentence Report: Presentence report was considered by the court and made available to counsel for both parties.

Restitution Hearing: restitution hearing held.
 defendant waives hearing, stipulates to restitution:

Restitution is ordered on each count indicated:
Count # ___ to ___ of \$ _____;

Evidence: plaintiff has no evidence adduces additional evidence on sentencing
defense has no evidence adduces additional evidence on sentencing

Enhancement: Count ___ is found to have ___ valid and useable prior convictions and so it is a ___ offense.

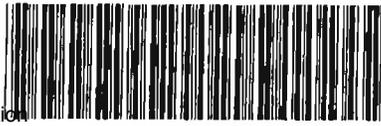
Arguments: argument of plaintiff's counsel is heard waived
argument of defense counsel is heard waived

Allocution: upon inquiry by Court, defendant: makes no statement exercises right of allocution

SENTENCE: IT IS THE JUDGMENT AND SENTENCE OF THE COURT that the defendant is sentenced:

On Count No.: II to probation in accordance with signed Order of Probation;
 to imprisonment and committed to an institution under the jurisdiction of the Nebraska Department of Correctional Services for a period of not less than 5 years, nor more than 8 years, with 104 days credit for time served before sentencing,
 to imprisonment and committed to the county Jail for a period of _____, with _____ days credit for time served before

Sentencing Journal



000148250D21

FILED May 3 2012
Ann Rosenberg
CLERK OF THE DIST COURT

- sentencing,
- to pay, to the clerk of this court, a fine of \$ _____, to be paid:
 - immediately on or before _____
 - in monthly installments of \$ _____ commencing on _____ and on the first day of each month thereafter until paid in full,
 - to suspension of motor vehicle operator's license for _____
 - to pay restitution to the clerk of this court as ordered above,
 - to pay court costs of \$120.00 to the clerk of this court.

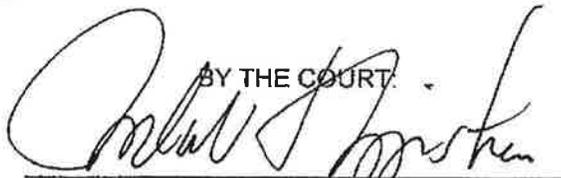
Commitment: It is therefore ordered that the defendant be remanded to the custody of the Sheriff, and taken to the appropriate location for execution of sentence:
 Execution of this sentence is suspended until _____.

Good Time: As required by law, the court advised the defendant on the record of the time required to be served on the sentence, assuming no good time for which the defendant is eligible is lost, upon minimum term before attaining parole eligibility and upon maximum term before attaining mandatory release

DNA: You are hereby notified that the crime(s) for which you have been convicted may require you to comply with the DNA Identification Information Act and pay the costs of compliance.

Other: Defendant ordered to comply with the Nebraska Sex Offender Registration Act.

SIGNED ON: May 3, 2012.

BY THE COURT.


 District Judge

cc: Prosecutor
 Defense Counsel
 Scotts Bluff County Jail
 Probation

STATE OF NEBRASKA FORM NO. CC 6:9 11/09 Rev. Sec. 29-4007	SEX OFFENDER REGISTRATION NOTICE	CASE NUMBER CR 11-177
--------------------------------------------------------------------	-----------------------------------------	--------------------------

IN THE DISTRICT COURT OF SCOTTS BLUFF COUNTY, NEBRASKA

STATE OF NEBRASKA
Plaintiff

vs.

JAMES JAY
Defendant

NOTIFICATION OF REGISTRATION RESPONSIBILITIES UNDER NEBRASKA SEX OFFENDER REGISTRATION ACT

NOTICE TO DEFENDANT:

Your conviction or guilty plea has caused you to be subject to the Nebraska Sex Offender Registration Act, Neb. Rev. Stat. §§ 29-4001 to 29-4014. The date you become subject to the Act is no later than the date of your sentencing. According to the Nebraska Sex Offender Registration Act, you are required to report to a location designated by the Nebraska State Patrol for purposes of registration within three (3) working days after you become subject to the Act. An appeal of your conviction does not relieve you from the registration requirements.

- If you have a new address, temporary domicile or habitual living location within the same county, you are required to register in person at the county sheriff within three (3) working days before the move.
- If you have a new address, temporary domicile or habitual living location in a different county within the state, you are required to report the change in person with the current county sheriff within 3 working days before the change. You must also report in person to the county sheriff in your new county of residence and register within three (3) working days after the change.
- If you are moving out of state, you are required to report the change in person with the current county sheriff within three (3) working days before the change. You must also comply with the registration requirements of that state.
- Any person required to register who no longer has a residence, or temporary domicile, or habitual living location shall register with the county sheriff in which he or she is transient within three (3) working days. Such person shall update his or her registration, in person on a form approved by the sex offender registration and community notification division of the Nebraska State Patrol at least once every thirty calendar days during the time he or she remains without residence, or temporary domicile, or habitual living location.
- Any person required to register who is incarcerated for more than three (3) days is required to give notice of the incarceration and expected release date, if available, to the sheriff of the county in which you would reside or would be temporarily domiciled but for your incarceration. You are to give the sheriff this notice within three (3) working days of your incarceration. Prior to any type of release from incarceration, you are to report your change of address to the sheriff of the county in which you are incarcerated and to the county sheriff of the county in which you reside or are temporarily domiciled.
- If you are employed, carry on a vocation or attend school (with or without compensation), you must register in person with the county sheriff of the county in which you are employed, carry on a vocation or attend school within three (3) working days after becoming employed, carrying on a vocation or attending school. You must provide the location of each work site and education institution. You must also notify the sheriff of any change in such employment, vocation or school attendance within three (3) working days after the change.
- If you reside, move, or are temporarily domiciled out of state, but are employed or carry on a vocation (with or without compensation), or attend school in this state, you must report in person, and register with, the county sheriff of the county in which you are employed, carry on a vocation, or attend school within three (3) working days. You must also notify the sheriff of any change in such employment, vocation, or attendance status at the school or postsecondary educational institution, in person, within three (3) working days of such change. You shall inform the sheriff of any legal change in name, in writing, within three (3) working days after such change, and provide a copy of the legal documentation supporting the change in name.
- If, while residing or being temporarily domiciled in Nebraska, you go to another state to attend school or work, you must comply with the registration requirements of both states.

You must complete a full registration including fingerprints, palm prints, a photograph and DNA which will be obtained by any registering entity in order to comply with the registration requirements. You must register all addresses, employment, school, vehicles, travel and immigration documents, professional licenses and certificates, email addresses, internet identifiers and telephone numbers as required under Neb. Rev. Stat. §§ 29-4006. You are required to report any changes thereafter in three (3) working days in person with the county sheriff.

Throughout the applicable registration period, you are prohibited from accessing or using any Internet social networking web site or any instant messaging or chat room service if you have been convicted of 28-313, 28-314, 28-315, 28-319(1)(c), 28-319.01, 28-320.01, 28-703 (victim is minor), 28-1463.03, 28-1463.05, 28-813.01, 28-311, 28-320.02, or 28-833.

(Continued...)

FILED May 3 20 12

09.07.12 State Board of Education
&
09.07.12 State Board of Education

Ann M. Marbury
CLERK OF THE DIST COURT



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The registration and verification requirements under the Act are continuing ones. You shall be required to register during any period of supervised release, probation, or parole and shall continue to comply with the act for the period of time as prescribed below after the date of discharge from probation, parole, or supervised release or release from incarceration, whichever date is most recent. The duration of time you will be required to register will be between fifteen years and lifetime. Upon receipt of registration and confirmation of the registry requirement, the sex offender registration and community notification division of the Nebraska State Patrol shall notify the person by certified mail of his or her registry duration and verification schedule. The possible full registration periods and verification schedules are as follows:

- Fifteen years, if the sex offender was convicted of a registrable offense under section 29-4003 not punishable by imprisonment for more than one year; Annual verification: The offender shall report annually in the month of his or her birth, in person, to the office of the sheriff of the county in which he or she resides for purposes of accepting verifications, regardless of the original registration month.
- Twenty-five years, if the sex offender was convicted of a registrable offense under section 29-4003 punishable by imprisonment for 1 more than one year; Biannual verifications: The offender shall report, in person, in the month of his or her birth and in the sixth month following the month of his or her birth, regardless of the original registration month.
- Life, if the sex offender was convicted of a registrable offense under section 29-4003 punishable by imprisonment for more than one year and was convicted of an aggravated offense, had a prior sex offense conviction, has been determined to be a Predator, or has been determined to be a lifetime registrant in another state, territory, commonwealth, or other jurisdiction of the United States, by the United States Government, by court-martial or other military tribunal, or by a foreign jurisdiction; Quarterly verifications: The offender shall report, in person, in the month of his or her birth and every three months following the month of his or her birth, regardless of the original registration month.

A sex offender who is required to register for fifteen years may request a reduction in the registration period to ten years upon completion of ten years of the registration period after the date of discharge from probation, parole, supervised release, or incarceration, whichever date is most recent. The sex offender shall make the request to the Nebraska State Patrol. The sex offender shall provide proof as listed under Neb. Rev. Stat. §§ 29-4005(2).

Any time period when any person who is required to register under the act fails to comply with such registration requirement shall not be counted as completed registration time and shall be used to recalculate the registration period.

Any person required to register under the Act who violates the Act has committed a Class IV felony. Any person previously been convicted of a violation of the Act is guilty of a Class III felony and shall be sentenced to a mandatory minimum term of at least one year in prison unless the act which caused the person to be placed on the registry was a misdemeanor, in which case the violation of the Act shall be a Class IV felony.

The above is a summary of your registration and verification responsibilities under the Act. You should familiarize yourself with the Act and be alert to any amendments to it.

Acknowledgment

If you are committed to the Department of Correctional Services for a conviction where the victim was a minor or a vulnerable adult, you shall attend appropriate sex offender treatment and counseling programming offered by the department. Refusal to participate in such programming shall not result in disciplinary action or a loss of good time credit for you, but it shall require you to undergo a civil commitment evaluation prior to the completion of your criminal sentence.

By my signature below, I acknowledge that I have read this Notification which explains my duty to register and I understand my obligations under the act.

Defendant's Signature: [Signature] Today's Date: 5.3.12

Defendant's Name (print): James Jay Date of Birth: 03.14.72

Current Address: 501 K St Bridgport NE 69336
(Street) (City) (State) (Zip Code)

[Signature]
Randall Lippstreu, signature / Print name
JUDGE - CLERK OF COURT
Date: 5.3.12

(Original: Court)
(Copy: Probation)
(Copy: County Attorney)
(Copy: Defendant)
(Copy: Sheriff of Defendant's Residence)
(Copy including the Journal & Sentence, the Information & Amended Information, and the Journal Entry of the court: State Patrol: Sex Offender Registry, PO Box 94907, Lincoln, NE, 68509)

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BEFORE THE NEBRASKA PROFESSIONAL PRACTICES COMMISSION
STATE OF NEBRASKA

Roger D. Breed, Ed.D.)
Commissioner of Education)
301 Centennial Mall South – 6th Floor)
P.O. Box 94933)
Lincoln, NE 68509-4933)

NPPC Case No. 12-2
Case No. 12011

Petitioner,)

vs.)

James Jay, Inmate #75707)
Diagnostic & Evaluation Center)
P.O. Box 22800)
Lincoln, NE 68542)

NOTICE OF HEARING

Respondent.)

Petitioner and Respondent are hereby notified that a hearing on the Petition filed by Roger D. Breed, on May 23, 2012, will be held in the Hearing Room, 6th Floor, Nebraska State Office Building, 301 Centennial Mall South, Lincoln, Nebraska, on Wednesday, the 18th day of July, 2012, commencing at 9:30 a.m.

Commission members of the Nebraska Professional Practices Commission will hear and consider the case.

Jeff Kirkpatrick, 7800 Stevens Ridge Road, Lincoln, Nebraska 68516 has been appointed legal counsel to advise the chairperson in the performance of the chairperson's duties.

Dated July 2, 2012

Jodi Kupper, Chairperson, Hearing Panel
NEBRASKA PROFESSIONAL PRACTICES COMMISSION



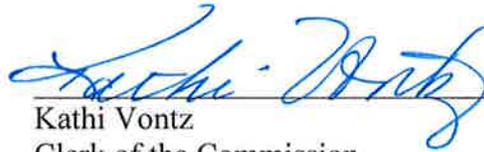
By Kathi Vontz, Clerk of the Commission
NEBRASKA PROFESSIONAL PRACTICES COMMISSION

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the above Notice dated July 2 2012, for Case Number 12-2, was mailed to James Jay, Respondent, by U.S. Mail postage prepaid, and delivered by hand to Brian Halstead, Attorney for the Petitioner, on this 2nd day of July, 2012, at the following addresses.

James Jay, Inmate #75707
Respondent
Diagnostic & Evaluation Center
P.O. Box 22800
Lincoln, NE 68542

Brian Halstead
Attorney for Petitioner
301 Centennial Mall South
Lincoln, NE 68509



Kathi Vontz
Clerk of the Commission

BEFORE THE NEBRASKA PROFESSIONAL PRACTICES COMMISSION
STATE OF NEBRASKA

Roger D. Breed, Ed.D.)
Commissioner of Education)
301 Centennial Mall South - 6th Floor)
Lincoln, NE 68509-4933)

Petitioner,)

vs.)

James Jay, Inmate #75707)
Diagnostic & Evaluation Center)
P.O. Box 22800)
Lincoln, NE 68542,)

Respondent.)

N.P.P.C. Case No. 12-02
Case No. 12011

Request for Support
Information

PURSUANT to 93 NAC 003.05 of the Rules and Regulations of the Commission,
the Commission requests the Petitioner to file support information regarding the
allegations in the Petition.

Dated July 2, 2012

Jodi Kupper, Chairperson, Hearing Panel
NEBRASKA PROFESSIONAL PRACTICES COMMISSION



By Kathi Vontz, Clerk of the Commission
NEBRASKA PROFESSIONAL PRACTICES COMMISSION

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the above Notice dated July 2, 2012, for Case No. 12-03 was mailed to James Jay, Respondent, by U.S. Mail, postage prepaid, and hand delivered to Brian Halstead on this 2nd day of July, 2012, at the following addresses.

James Jay, Inmate #75707
Respondent
Diagnostic & Evaluation Center
P.O. Box 22800
Lincoln, NE 68542

Brian L. Halstead
Attorney for Petitioner
301 Centennial Mall South
Lincoln, NE 68509

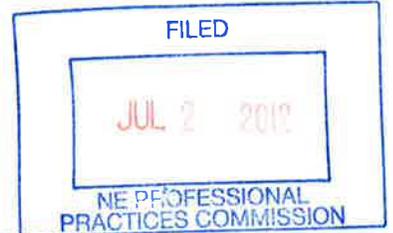


Kathi Vontz, Clerk of the Commission

BEFORE THE NEBRASKA PROFESSIONAL PRACTICES COMMISSION
STATE OF NEBRASKA

Roger Breed, Ed.D.)
Commissioner of Education)
301 Centennial Mall South - 6th Floor)
P. O. Box 94933)
Lincoln, NE 68509-4933)
)
Petitioner,)
)
vs.)
)
James Jay, Inmate #75707)
Diagnostic & Evaluation Center)
P.O. Box 22800)
Lincoln, NE 68542)
)
Respondent.)

Case No. 12011
PPC Case No. 12-02



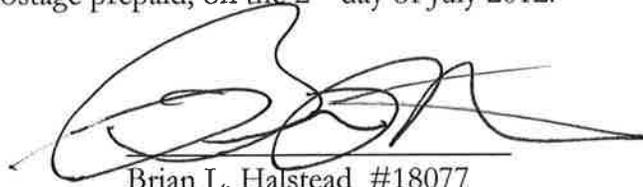
MOTION FOR
DEFAULT JUDGMENT

COMES NOW the Petitioner, by and through the undersigned attorney of record, and moves the Commission for an order of judgment in default as provided in Title 95, *Nebraska Administrative Code*, Chapter 1, Section 003.05. That in support of said Motion, the Petitioner would offer the following:

1. That the Petition and Notice of Right to Submit an Answer were filed with the Commission on May 23, 2012;
2. That said Petition, Notice, and a copy of Title 95, *Nebraska Administrative Code*, Chapter 1 (effective date: October 30, 1993), were served upon the Respondent on June 8, 2012, by Service of Process, a copy of which is attached and marked as Exhibit "A", and by this reference is incorporated herein;
3. That Title 95, *Nebraska Administrative Code*, Chapter 1, Section 003.05 provides that the Respondent shall be considered in default if the Respondent fails to file an answer within 21 days after service of the Petition and Notice of Right to Submit an Answer.

WHEREFORE, the Petitioner prays that the Commission enter an order finding the Respondent in default, and make such decision and/or recommendation to the State Board of Education that is in accordance with the law.

The undersigned certifies that a copy of the above motion and exhibit was mailed to the parties of record, by U.S. mail, sufficient postage prepaid, on the 2nd day of July 2012.



Brian L. Halstead #18077
Attorney for Petitioner
Nebraska Department of Education

LANCASTER COUNTY SHERIFF'S OFFICE

Lincoln, Nebraska 68508

Process Service Return

Of Sheriff's Paper # 210617 to NE PROFF P County (NONE) Court
Docket 12 Page 011

Received 05/24/2012	Returned 06/11/2012	Service and Return \$ 18.00 Copy Mileage 2.95 Miscellaneous Total Fees \$ 20.95
Type of Process NOTICE		
Copy of PETITION		
		Paid by HALSTEAD/BRIAN Attorney Code Witness Fee Paid \$ Clerk Fee Paid \$

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Plaintiff BREED ED D	, ROGER	Defendant JAY	, JAMES
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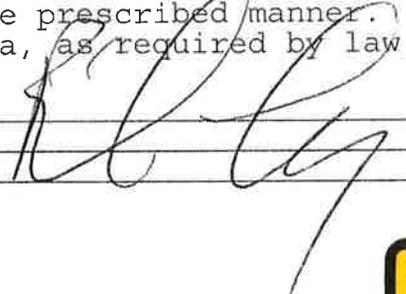
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PARTY	TYPE OF SERVICE	DATE & TIME SERVED	BY
\ / \ / *	\ / *	\ / *	\ / *
JAMES JAY D&E	PERSONAL	06/08/2012 , 1349	K PRICE

INMATE #75707

I hereby certify that at the time and in the manner herein stated, I served the within writ, together with copies shown, on the herein named party(s) a true and certified copy thereof with all endorsements there on, or returned said writ unserved in the prescribed manner.
All done in Lancaster County, Nebraska, as required by law.

TERRY T. WAGNER, SHERIFF

By 



LANCASTER COUNTY SHERIFF'S OFFICE

Lincoln, Nebraska 68508

Process Service Return

Of Sheriff's Paper # 210617 to NE PROFF P County (NONE) Court
Docket 12 Page 011

Received 05/24/2012	Returned 06/11/2012	Service and Return \$ 18.00 Copy Mileage 2.95 Miscellaneous Total Fees \$ 20.95
Type of Process NOTICE Copy of PETITION		Paid by HALSTEAD/BRIAN Attorney Code Witness Fee Paid \$ Clerk Fee Paid \$

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Plaintiff BREED ED D , ROGER	Defendant JAY , JAMES
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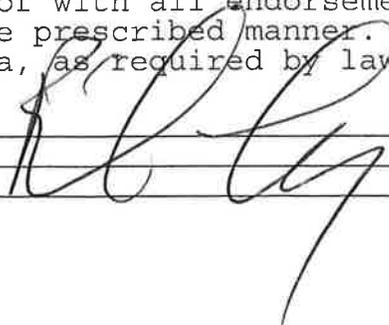
PARTY	TYPE OF SERVICE	DATE & TIME SERVED	BY
\ / \ / *	\ / *	\ / *	\ / *
JAMES JAY D&E	PERSONAL	06/08/2012 , 1349	K PRICE

INMATE #75707

I hereby certify that at the time and in the manner herein stated, I served the within writ, together with copies shown, on the herein named party(s) a true and certified copy thereof with all endorsements thereon, or returned said writ unserved in the prescribed manner. All done in Lancaster County, Nebraska, as required by law.

TERRY T. WAGNER, SHERIFF

By



BEFORE THE NEBRASKA PROFESSIONAL PRACTICES COMMISSION
STATE OF NEBRASKA

Roger D. Breed, Ed.D.)
 Commissioner of Education)
 301 Centennial Mall South - 6th Floor)
 P. O. Box 94933)
 Lincoln, NE 68509-4933)

Case No. 12011
 PPC Case No. 12-2

Petitioner,)

vs.)

PETITION

James Jay, Inmate #75707)
 Diagnostic & Evaluation Center)
 P.O. Box 22800)
 Lincoln, NE 68542)

Respondent.)



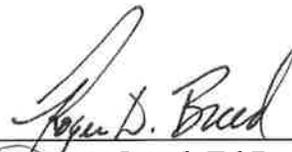
Petitioner, in accordance with Section 79-859 through 79-871 of the Revised Statutes of Nebraska, Title 95, Chapter 01, of the Nebraska Administrative Code, and Title 92, Chapters 27 and 28 of the Nebraska Administrative Code, states and alleges as follows:

1. The Petitioner is Roger D. Breed, Commissioner of Education, 301 Centennial Mall South, P.O. Box 94933, Lincoln, NE 68509;
2. The Respondent is James Jay, Inmate #75707, Diagnostic & Evaluation Center, P.O. Box 22800, Lincoln, NE 68542;
3. The Respondent holds three public Nebraska certificates: Two local substitute teaching certificates numbers 2009002105 and 2009002106, with an expiration date of August 31, 2012; and a standard special services certificate number 2006009628, endorsed in coaching 9-12, with an expiration date of August 31, 2013;
4. The Respondent was last employed as a substitute teacher by the Gering Public Schools for the 2010-2011 school year;
5. On May 3, 2012, the Respondent was sentenced by the Scotts Bluff District Court to five to eight years of incarceration and to comply with the Nebraska Sex Offender Registration Act after being found guilty of the amended charge of Attempted Child Enticement, a Class II Felony; and
6. Based upon the factual allegation contained in paragraph 5 of the Petition, the Respondent violated the following statute and standards: Neb. Rev. Stat. § 79-866(2) (Reissue 2008) which in part states, "The board may, for just cause, revoke or suspend any

teacher's or administrator's certificate. Violation of the standards established pursuant to this section, commission of an immoral act, or conviction of a felony under the laws of this state shall constitute just cause for the revocation or suspension of a teacher's or administrator's certificate by the board"; Title 92, *Nebraska Administrative Code*, Chapter 27, Section 004.04E (effective date: November 12, 2003) which states, "the educator: Shall not commit any act of moral turpitude, or any felony under the laws of the United States or any state or territory, and shall not have a misdemeanor conviction involving abuse, neglect, or sexual misconduct as defined in Sections 003.12 through 003.14 of 92 NAC 21.

WHEREFORE, the Petitioner requests that the Professional Practices Commission hold hearings and make recommendations to the State Board of Education as is warranted, regarding the certificate(s) of the Respondent.

Dated this 23rd day of May 2012.

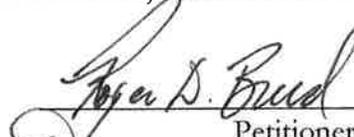


Roger D. Breed, Ed.D.
Commissioner of Education

VERIFICATION

STATE OF NEBRASKA)
) ss.
COUNTY OF LANCASTER)

I, Roger D. Breed, 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.



Petitioner

Subscribed and sworn to before me this 23rd day of May 2012 by Roger D. Breed, Commissioner of Education, as Petitioner.



Notary Public

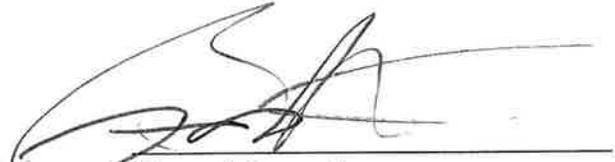


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CERTIFICATE OF SERVICE

I hereby certify that a copy of the above Petition and a copy of Title 95, *Nebraska Administrative Code*, Chapter 1, was mailed to the Lancaster County Sheriff's Office, Civil Division, 575 S. 10th Street, Lincoln, NE 68508, for service of process on the Respondent on this 23rd day of May 2012, at the address listed below:

James Jay, Inmate #75707
Diagnostic & Evaluation Center
P.O. Box 22800
Lincoln, NE 68542



General Counsel

NEBRASKA DEPARTMENT
OF EDUCATION

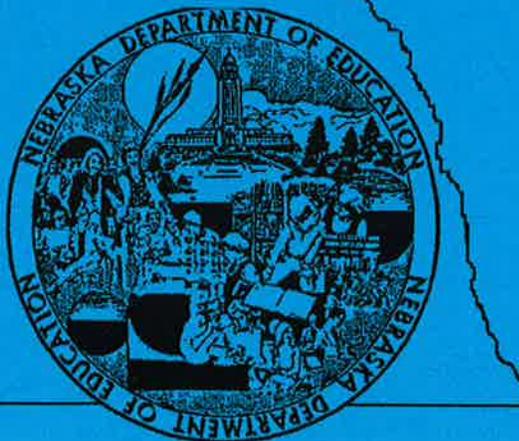
RULE 27

REGULATIONS AND STANDARDS FOR
PROFESSIONAL PRACTICES CRITERIA

TITLE 92, NEBRASKA ADMINISTRATIVE CODE,
CHAPTER 27

EFFECTIVE DATE
November 12, 2003
(REVISED)

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



09.07.12 State Board of Education
&
09.07.12 State Board of Education



NEBRASKA PROFESSIONAL PRACTICES COMMISSION

TITLE 95, NEBRASKA ADMINISTRATIVE CODE,
CHAPTER 1

REGULATIONS CONCERNING
TEACHER AND ADMINISTRATOR
PROFESSIONAL PRACTICES HEARINGS



09.07.12 State Board of Education
&
09.07.12 State Board of Education

Effective Date
October 30, 1993



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&
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