

BEFORE THE STATE BOARD OF EDUCATION
STATE OF NEBRASKA

| | | |
|----------------------------|---|-------------------------------|
| LOGAN ROSS GREGORY, |) | NDE Case No. 11 - 12 |
| |) | |
| Petitioner, |) | |
| |) | |
| vs. |) | HEARING OFFICER'S PROPOSED |
| |) | FINDINGS OF FACT, RECOMMENDED |
| ROGER D. BREED, Ed.D. |) | CONCLUSIONS OF LAW AND |
| COMMISSIONER OF EDUCATION, |) | RECOMMENDED DECISION |
| |) | |
| Respondent. |) | |

INTRODUCTION

On August 11, 2011, the Commissioner of Education denied Petitioner's request for approval to participate in pre-student teaching field, laboratory and classroom experiences or student teach for the following stated reasons:

“1. On April 6, 2010, you were charged in the Hall County District Court with two counts of theft by unlawful taking (one felony, one misdemeanor) and criminal attempt-theft by unlawful taking, a misdemeanor;

2. On or about October 5, 2010, an amended information was filed charging you with two counts of criminal attempt-theft by unlawful taking, and one count of theft by unlawful taking (all misdemeanors);

3. On January 11, 2011, you were sentenced to 24 months of probation and restitution; and

4. You are currently on probation.”

Petitioner filed an appeal of this denial to the State Board of Education on or about September 1, 2011. An answer was filed by the Respondent, the Commissioner of Education, on September 13, 2011.

A hearing was held on October 26, 2011, before Jim R. Titus, Hearing Officer, appointed by the State Board of Education on October 6, 2011. Notice of the hearing was provided to the parties. The hearing commenced at approximately 10:00 a.m. in a conference room of the Nebraska Department of Education in the Nebraska State Office Building, 301 Centennial Mall South, Lincoln, Nebraska. Petitioner appeared and presented sworn testimony on his behalf. The Respondent, the Commissioner of Education, was represented by Brian Halstead, General Counsel, Nebraska Department of Education, who cross-examined Petition. The parties jointly offered Exhibits 1 through 7, which were received without objection. The hearing was recorded by Precision Reporting, Inc. A transcript of the hearing is attached.

Having considered the sworn testimony of the witness and the exhibits, the Hearing Officer makes the following proposed findings of fact, recommended conclusions of law, and recommended decision.

PROPOSED FINDINGS OF FACT

1. Petitioner is 19 years old and is currently enrolled at the University of Nebraska at Kearney, having commenced in the fall of 2010. Petitioner is a music education student. He is seeking to enter a Level 100 teacher's education course.
2. Petitioner graduated from Grand Island Northwest High School in May, 2010
3. On April 6, 2010, Petitioner was charged in Hall County District Court with two counts of theft by unlawful taking (one a felony and the other a misdemeanor) and with criminal attempt - theft by unlawful taking, a misdemeanor. On or about October 5, 2010, an amended information was filed in the Hall County District Court reducing the felony to a misdemeanor, so that all three charges were misdemeanors. After conviction on the three counts, on January 21, 2011, Petitioner was sentenced to 24 months probation, to be served concurrently, on all three

counts, with conditions that included paying restitution to Walmart in the sum of \$1,345.00, reporting to a probation officer as directed by the officer, not violating any laws, refraining from disorderly conduct or acts injurious to others, to pay court costs and to pay the probation administration enrollment fee of \$30.00 and monthly probation programming fee of \$25.00 per month. Petitioner is still serving probation until January 21, 2013.

4. The first theft for which Petitioner was sentenced occurred at a Grand Island Walmart on June 22, 2009, in the summer before his junior year in high school. He and a friend were able to disengage the security lock system on a laptop, hide the laptop under the clothes of one of the two individuals and leave the store. Petitioner and his friend repeated the shoplifting of a laptop from another Walmart in Grand Island on July 6, 2009.

5. On August 27, 2009, Petitioner, with a girlfriend, was either showing her how the previous thefts had occurred or was attempting to again steal a laptop, but in either case was unable to disengage the security lock and damaged the screen of the laptop. This act was charged as criminal attempt-theft by unlawful taking.

6. The restitution has been paid by Petitioner's parents. Petitioner is not clear about his obligation to repay his parents

7. In February, 2008, while a sophomore in high school, Petitioner was placed on pre-trial diversion, which he completed successfully, for an attempt to shoplift DVDs.

8. Petitioner has engaged in community service helping with food drives and habitat for humanity as a part of his Boy Scouts activity during high school and as part of his community service requirement for graduation from high school. He also has helped band students at his high school at a summer camp after graduation in reading music, rhythm and marching.

9. Petitioner's explanation for his actions was that he "wanted a rush" and did not

want to do drugs or drink alcohol. He states that he does not need that rush anymore, that his girlfriend keeps him in line and is “basically the only thing I really need.” Petitioner also stated that his actions were really stupid and that he did not realize how being so stupid when he was 17 could affect him in the future

10. Petitioner currently works at Target on a truck team, including being assigned to its electronics area. His employer is aware of his convictions.

11. Petitioner has offered four letters, two of which are attached to his Petition in Exhibit 1, and the other two which are marked as Exhibit 7. One letter is from Dr. Jan Harriott, Associate Professor of Elementary Music Education at the University of Nebraska at Kearney, who remarked on his grade of A+ in his Intro to Music Education class which Dr. Harriott taught, his enthusiasm for music and teaching music and Dr. Harriott’s belief that Petitioner has learned from his past mistakes and has much potential to grow as a student, musician and future educator. The second letter is from Michael R. Beard, Assistant Director of Bands and Assistant Professor of Music/Teacher Education at the University of Nebraska at Kearney. He wrote in support of Petitioner that as Petitioner’s advisor and teacher he believes Petitioner has shown maturation and responsibility in attending and being prepared for class, has a passion for music and uses his poor choices in high school to help and relate to teenagers who may go through the same type of problems. The third letter is from Shawn M. Pfanstiel, Director of Bands at Northwest High School in Grand Island who wrote of Petitioner’s skill and passion for music and his passion and ability to teach students. The fourth letter is from Petitioner’s attorney, Arthur S. Wetzel, simply advising that Petitioner was 17 on the date of the alleged offenses, was not charged until he turned 18, and while initially charged with one felony and two misdemeanors, the felony was reduced to a misdemeanor due to the value of the item allegedly taken.

12. The letter from Petitioner's attorney in Exhibit 7 indicates that the reduction from a felony to a misdemeanor was done due to a determination that the value of the item taken was not sufficient to be a felony. However, the amended count does not show a change in the value of the item taken, so I do not find such evidence of a lower value to be credible.

13. The police report at Exhibit 6 shows that the Petitioner was not discovered to be the person responsible for the three incidents until about November 1, 2010. He was charged on April 6, 2010 with one felony theft by unlawful taking, being the one that occurred on July 6, 2009, and the two misdemeanors. On or about October 5, 2010, the felony was amended to criminal attempt-theft by unlawful taking, a misdemeanor.

RECOMMENDED CONCLUSIONS OF LAW.

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

2. The definition of a conviction, as set forth in Title 92, NAC 20, Section 005.07A includes felony convictions. Under Title 92, NAC 20, Section 005.07A3, convictions also include offenses related to felony convictions, including an attempt to commit a crime under Neb. Rev. Stat. § 28-201.

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

4. If the Board finds that the applicant has good moral character and possesses the moral fitness for teaching, then the Board may direct the Commissioner to approve the request to

participate in pre-student teaching field, laboratory and classroom experiences, or student teach. In determining whether the applicant has good moral character and the moral fitness for teaching, the following factors shall be considered:

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

RECOMMENDED DECISION

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

Although all of the offenses of which Petitioner was convicted are misdemeanors, the July 6, 2009 theft is an attempt to commit a crime, with the underlying crime to which it is related being a felony. Therefore, the Petitioner has a conviction disqualifying him from participation in pre-student teaching field, laboratory and classroom experiences or student teach, unless otherwise approved by the Commissioner or the Board.

Petitioner has made positive social contributions and has received good comments from high school and college faculty members. However, his community service was primarily in Boy Scouts, in which he would have been at the time of the incidents for which he was convicted, and also included required community service for high school graduation. He did use shoplifting incidents for a "rush", which he said he does not need anymore. He also said that it was really

stupid, but I note he did not come out and say also it was simply wrong.

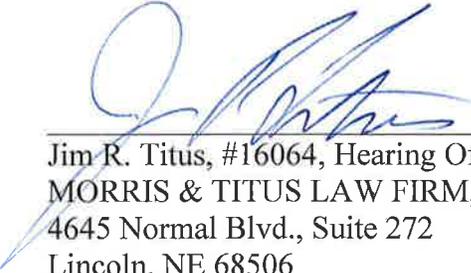
Petitioner was not sentenced until January 21, 2011, but he was not discovered to have committed the crimes until late in 2009, and was over the course of the next year able to have the charge changed to three misdemeanors rather than one felony and two misdemeanors. While Petitioner has not had any further convictions, he is under a two year probation, so any further convictions could affect his sentencing for the original actions. His probation is scheduled until January 21, 2013.

The three attempted thefts for which he was convicted occurred in the summer of 2009, but he had a previous shoplifting incident in February, 2008, for which Petitioner received pre-trial diversion. That incident, together with the three convictions in 2009, do show a lack of good moral character and moral fitness for teaching. It has been only a little over two years since the last incident for which he was convicted, which activity occurred over a two year period. The short time since the incidents, as well as being under the sentence of probation, together with little positive social contributions since attending college, do not demonstrate that he now possesses a good moral character and moral fitness for teaching necessary to qualify him for the privilege of student teaching.

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

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

DATED this 6th day of December, 2011.



Jim R. Titus, #16064, Hearing Officer
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Lincoln, NE 68506
(402) 434-5200 – phone
(402) 434-5209 – fax
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CERTIFICATE OF SERVICE

The undersigned, Jim R. Titus, hereby certifies that the original of the foregoing with attached transcript was hand delivered to Leslie S. Donley, Assistant Attorney General, Nebraska Department of Justice, 2115 State Capitol, Lincoln, Nebraska on December 7, 2011, and a true and correct copy of the foregoing was served by first-class United States mail, postage prepaid on December 7, 2011 to the following parties:

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

Logan Ross Gregory
1709 W. 38th St., Apt. 10
Kearney, NE 68845



Jim R. Titus, #16064
Hearing Officer

BEFORE THE STATE BOARD OF EDUCATION
STATE OF NEBRASKA

1 LOGAN ROSS GREGORY,) NDE Case No. 11 - 12
2)
3 Petitioner,) REQUESTED TRANSCRIPT
4)
5 vs.) VOLUME I - TESTIMONY
6) (Pages 1 - 39, incl.)
7 ROGER D. BREED, Ed.D.)
8 COMMISSIONER OF) VOLUME I - EXHIBITS
9 EDUCATION,) (Exhibits 1 - 7, incl.)
10)
11 Respondent.)

ORIGINAL

11 Proceedings had before JIM R. TITUS, HEARING
12 OFFICER, at Lincoln, Nebraska, on **October 26, 2011.**

A P P E A R A N C E S

17 For the Petitioner: Pro se

18 For the Respondent: **MR. BRIAN L. HALSTEAD**
19 Assistant Commissioner/
20 General Counsel
21 NE Department of Education
22 301 Centennial Mall South
23 Sixth Floor
24 P.O. Box 94933
25 Lincoln, NE 68509-4933

Also Present: Mr. Charles Gregory

I N D E X

| <u>WITNESSES:</u> | <u>Direct</u> | <u>Cross</u> | <u>Redirect</u> | <u>Recross</u> |
|--------------------|---------------|--------------|-----------------|----------------|
| LOGAN ROSS GREGORY | 10 | 12,35 | | |

| <u>EXHIBITS:</u> | <u>Marked</u> | <u>Offered</u> | <u>Ruled On</u> | <u>Found</u> |
|--|---------------|----------------|---------------------|--------------|
| 1. Pleadings | 4 | 6 | 7 | ATT |
| 2. NE Department of Education Rule 20 | 4 | 6 | 7 | ATT |
| 3. NE Department of Education Rule 21 | 4 | 6 | 7 | ATT |
| 4. NE Department of Education Rule 61 | 4 | 6 | 7 | ATT |
| 5. Information Re: CR10-124 | 4 | 6 | 7 | ATT |
| 6. Grand Island Police Department Law Incident Table | 4 | 6 | 7 | ATT |
| 7. Letters Re: Logan Gregory | 4 | 6 | 7 | ATT |

ATT - Attached

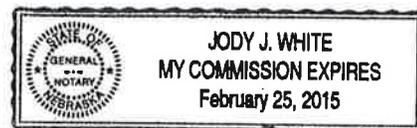
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C E R T I F I C A T E

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

Dated this 28th day of October, 2011.


General Notary Public



1 (At 9:56 a.m. on October 26, 2011, at
2 301 Centennial Mall South, Sixth Floor, Conference
3 Room A, Lincoln, Nebraska, before JIM R. TITUS,
4 HEARING OFFICER, with Mr. Brian L. Halstead
5 appearing as counsel for the Respondent, the
6 following proceedings were had:)

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

9 HEARING OFFICER: We'll convene the
10 matter in the hearing of the petition of Logan
11 Ross Gregory for permission to student teach, for
12 lack of a more official title. I'm Jim Titus.
13 I'm the Hearing Officer that's been appointed by
14 the Board of Education. My function is to conduct
15 this hearing, and then I make recommendations to
16 the Board of Education of the facts and the law
17 and of the decision that I would recommend that
18 they make.

19 The record should show that Mr. Gregory is
20 present, and Brian Halstead is representing the
21 Department. All witnesses -- and I don't know how
22 many witnesses -- I assume you'll probably be the
23 only witness -- will be sworn, you know, by me,
24 and then you'll go first, and Mr. Halstead will
25 present evidence. And, essentially, what we'll do

1 is you'll present your evidence in exhibit form
2 and then by just your testimony, whatever facts
3 you think are going to be important to the Board
4 of Education in making a decision. And then there
5 will be an opportunity for argument then at the
6 end, and, of course, the Department will present
7 their evidence as well.

8 Before we get started, I take it you have an
9 agreement on the exhibits; so do you want to offer
10 them in -- in mass then or . . .

11 MR. HALSTEAD: Thank you, Mr. Titus.
12 Before the hearing began, Mr. Gregory and I -- I
13 think we have agreed on seven exhibits for you and
14 the Board to take into consideration. Exhibit
15 No. 1 is the pleadings that have been filed in
16 this matter with the State Board of Education.
17 That would be Exhibit No. 1. Exhibit No. 2 is a
18 copy of Title 92, Nebraska Administrative Code,
19 Chapter 20, the rules and regulations regarding
20 teacher education programs.

21 Exhibit No. 3 is a two-page copy of the
22 relevant portions of Title 92, Nebraska
23 Administrative Code, Chapter 21 that deal with
24 appeals that are incorporated into Rule 20.

25 Exhibit No. 4 is Title 92, Nebraska Administrative

1 Code, Chapter 61, the rules and regulations
2 regarding hearings in contested cases before the
3 State Board of Education. Exhibit No. 5 is a copy
4 of the court records from the District Court of
5 Hall County, Nebraska, in the State of Nebraska
6 versus Logan Gregory.

7 Exhibit No. 6 is a compilation of law
8 enforcement investigative reports from the
9 Grand Island Police Department as it relates to
10 the criminal charges and convictions of the Hall
11 County District Court. And Exhibit No. 7 is a
12 compilation of two letters: one from a Shawn
13 Pfanstiel who is the Director of Bands at
14 Northwest High School and a letter from Arthur
15 Wetzel who is an attorney in Anderson, Vipperman,
16 Kovanda & Wetzel.

17 So, with that, I have no objections, and we
18 would offer, I think, jointly Exhibits 1
19 through 7.

20 HEARING OFFICER: Okay. Weren't there
21 two letters from U -- UNK?

22 MR. HALSTEAD: Those are included --

23 HEARING OFFICER: In the pleadings?

24 MR. HALSTEAD: -- in the pleadings in

25 Exhibit No. 1 that Mr. Gregory wanted to make sure

1 were in the record. They are a letter from --
2 from Dr. Beard at the University of Nebraska-
3 Kearney and Dr. -- Dr. Harriott from the
4 University of Nebraska-Kearney. They were in
5 Exhibit No. 1, the pleadings, as they were
6 attached to the petition that Mr. Gregory filed.

7 HEARING OFFICER: Okay. Is that your
8 agreement?

9 MR. GREGORY: Yes.

10 HEARING OFFICER: Then I will receive
11 Exhibits 1 through 7.

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

16 MR. HALSTEAD: I think that's all the
17 preliminary matters that we have for you. I would
18 waive an opening statement in this matter, but if
19 Mr. Gregory has one, that's fine.

20 HEARING OFFICER: Do you wish to make
21 an opening statement, you know, of what you think
22 the evidence is going to show? Otherwise, you can
23 wait for a closing argument. Do you wish to make
24 an opening statement?

25 MR. GREGORY: Might as well.

1 HEARING OFFICER: Okay. Go ahead.

2 MR. GREGORY: Just a few things that I
3 would like to say about what's withholding myself
4 from being a teacher. I was really stupid when I
5 was seventeen. I helped a friend take some things
6 that weren't ours. I was seventeen when
7 everything happened. I was referred to adult
8 court -- basically, regular court -- and was
9 sentenced as an adult when I was nineteen. I
10 never realized how being so stupid when I was that
11 young would affect me, what, four years -- no --
12 two years down -- two years down the road.

13 And it's just -- I haven't had any problems
14 with law enforcement since then. I'm involved at
15 UNK in the bands. Being a music teacher, you'll,
16 obviously, want to be involved with those. I'm in
17 the marching band, the symphonic band, the -- the
18 pep bands. I am a participant in the college
19 organization formerly known as MENC which is now
20 called NAFME. NAFME stands for Nebraska
21 Association for Music Educators, and I've
22 participated in conferences in the past with them.

23 I am a probationary member of the band
24 fraternity Kappa Kappa Psi, newly inducted, and I
25 currently work at Target. I work in the mornings

1 doing truck team, unloading truck, handling
2 product, stocking products --

3 HEARING OFFICER: Let me just -- it
4 sounds like you're almost giving -- are you -- is
5 this the testimony you're going to also be giving?

6 MR. GREGORY: Basically, yes.

7 HEARING OFFICER: Yeah. I -- opening
8 statement --

9 MR. GREGORY: Oh.

10 HEARING OFFICER: -- is more kind of
11 a -- kind of an opening argument --

12 MR. GREGORY: Okay.

13 HEARING OFFICER: -- and -- why don't
14 we go ahead and just swear you in --

15 MR. GREGORY: Okay.

16 HEARING OFFICER: -- and then we can
17 go back maybe --

18 MR. GREGORY: All right.

19 HEARING OFFICER: -- over some of
20 these things again, but I think it sounds like
21 we're getting more into testimony than --

22 MR. GREGORY: Okay.

23 HEARING OFFICER: Raise your right
24 hand.

25 MR. GREGORY: (Complies.)

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25**LOGAN ROSS GREGORY,**

called as a witness on his own behalf,
having been first duly sworn,
testified as follows:

HEARING OFFICER: Okay. Kind of go
back over some of those --

MR. GREGORY: Okay.

HEARING OFFICER: -- those facts
again.

MR. HALSTEAD: Your Honor, if -- if
the petitioner would agree that what he's
previously said is the truth, the whole truth, and
nothing but the truth, I won't make him go back
over and restate what he's just said if he'll give
us that affirmation, that what he previously said
is true.

MR. GREGORY: Yes, it is.

HEARING OFFICER: Okay.

MR. HALSTEAD: That's fine with me.

HEARING OFFICER: Sounds good. Thank
you.

Keep going on then with what you were saying.

MR. GREGORY: Sorry about that.

DIRECT EXAMINATION

THE WITNESS: I work at Target on the
truck team. I permanently work with the

LOGAN ROSS GREGORY - Direct

1 electronics in the morning which is where my
2 problem area was when I -- I got in trouble with
3 the -- with the law. I have not had any problems
4 at Target whatsoever regarding anything. I am
5 cross-trained in several departments, and my -- I
6 don't want to say I speak for my bosses, but my
7 bosses give me compliments saying that I do my job
8 well and that I do it somewhat better than others,
9 and I have a -- a drive to do so.

10 And I've always wanted to be a -- a music
11 teacher ever since like the fifth grade -- fourth
12 or fifth grade. It's just what I've wanted to do,
13 and I can't -- I can't imagine doing anything
14 other than music education.

15 So I guess that's all I've got.

16 Actually -- sorry -- I've got -- regarding my
17 probation, I have not had any probation
18 violations. I was sentenced to two years on
19 January 21st of 2011, and I am a very low risk. I
20 have meetings once every six months. I don't have
21 to go in for drug or alcohol testing. I wasn't
22 required to complete any drug or alcohol
23 counseling, any form of anger management
24 counseling. Nothing like that. I was only
25 required to pay -- pay the -- I can't think of the

LOGAN ROSS GREGORY - Cross (Halstead)

1 word. Basically, for the -- the agreement I had
2 with the State, I had to pay for the items that
3 were -- that were taken from Wal-Mart. That and
4 the court costs were my only -- only consequences,
5 along with the probation. I'm sorry. Those were
6 in the terms of the probation. I apologize.

7 HEARING OFFICER: Okay.

8 THE WITNESS: And regarding the -- the
9 charges, they were all -- I was convicted of all
10 misdemeanor charges. And I'm not saying that
11 that's any less worse, but I'd just like to have
12 it noted that none of the convictions were for
13 felonies.

14 HEARING OFFICER: Okay. Anything
15 else?

16 MR. GREGORY: Not that I can think of,
17 sir.

18 HEARING OFFICER: Mr. Halstead, any
19 questions?

20 MR. HALSTEAD: Sure.

21 CROSS-EXAMINATION

22 BY MR. HALSTEAD:

23 Q. Mr. Gregory, you currently live in
24 Kearney?

25 A. Correct.

LOGAN ROSS GREGORY - Cross (Halstead)

1 Q. Okay. And you're attending the University
2 of Nebraska-Kearney at this moment; right?

3 A. Correct.

4 Q. When did you start going to UNK?

5 A. I started in the fall of 2010.

6 Q. Okay. So this is your first --

7 A. This is my sophomore year.

8 Q. -- second year? You're a sophomore this
9 year. Where did you graduate from high school?

10 A. Grand Island Northwest.

11 Q. Okay. And when was that?

12 A. That was in May of 2010.

13 Q. Okay. I think you've mentioned these
14 incidents for which you have a criminal conviction
15 occurred when you were seventeen years old?

16 A. Correct.

17 Q. Would these have occurred during your
18 senior or just after your senior year at
19 Grand Island Northwest?

20 A. They were the summer before my junior
21 year. Summer and fall of my junior year,
22 basically.

23 Q. Okay. And I think you mentioned -- you
24 said, "helped a friend"?

25 A. Yes.

LOGAN ROSS GREGORY - Cross (Halstead)

1 Q. Could you elaborate on exactly --

2 A. I'd --

3 Q. -- what was going on?

4 A. -- be happy to. The -- the things in
5 which we were taking were laptops. It required
6 two people to -- to take. Basically, one
7 person -- they have a -- a security lock system on
8 the -- the laptops. One person, myself, had to
9 lift up on the bars, and the other person which
10 would have been Calvin Boltz -- he's in the police
11 report -- they slid that out, and he would stick
12 it down his pants and walk out the door. I never
13 retained possession of any of the laptops. They
14 were in his possession.

15 The Police Department -- the Grand Island
16 Police Department -- he was currently living in
17 Omaha attending UNO at the time, and they only did
18 a phone interview, and from what I understand, he
19 basically said if anything was going on, he was
20 not aware of it and that it was all -- it was all
21 me.

22 Q. Okay. There were three separate occasions
23 where you either participated in or took the
24 laptop computers --

25 A. Correct.

LOGAN ROSS GREGORY - Cross (Halstead)

1 Q. -- from Wal-Mart; correct?

2 A. Correct.

3 Q. Okay. And in one of those three
4 incidents, I don't know if you ever actually took
5 the computer or you just damaged it and left it in
6 the store; is that --

7 A. It -- it was damaged.

8 Q. Okay.

9 A. And that was --

10 Q. So help me out. Who's -- who's Calvin
11 Boltz?

12 A. His name, I believe -- he was listed in
13 the -- the -- in Exhibit 5 he's listed as a -- as
14 a witness.

15 Q. Uh-huh. How did you know Calvin Boltz?

16 A. He was a -- a friend that I met at
17 Northwest that I became close friends with my
18 junior year.

19 Q. Okay.

20 A. Sophomore --

21 Q. So --

22 A. -- junior years.

23 Q. -- was he a classmate of yours or --

24 A. He was a grade higher than I was.

25 Q. Okay. So he would have graduated --

LOGAN ROSS GREGORY - Cross (Halstead)

1 A. He graduated a year before me.

2 Q. Okay. So help me out to understand.

3 Why -- why are we going to Wal-Mart, and why are
4 we taking laptop computers from Wal-Mart?

5 A. Honestly, the only explanation I have for
6 it is I wanted a rush, and I didn't want to go out
7 and do drugs or drink alcohol, and that was
8 basically what did it for me. I don't really need
9 that rush anymore. My girlfriend keeps me in
10 line, and she's basically the only thing I really
11 need; so -- and the -- and the -- I don't want to
12 say, "the funny thing," but Calvin was currently
13 working at Sam's Club while this -- while these
14 things occurred, and so he was basically stealing
15 from his own company.

16 Q. Okay. Now, I know the police reports give
17 us detail. One was at a Wal-Mart North, and the
18 other one was at a different Wal-Mart, I --

19 A. Yeah. Wal-Mart South.

20 Q. There's two in Grand Island?

21 A. Two locations, yes.

22 Q. Okay. So who decided to do it on a
23 particular day? I mean, there's three separate
24 episodes. Whose idea was it to do it each of
25 those three times?

LOGAN ROSS GREGORY - Cross (Halstead)

1 A. Basically -- the first time it was -- he
2 was working night shift at Sam's Club.

3 Q. "He" being Calvin?

4 A. "He" being Calvin, yes. And so on his
5 breaks -- on his break that night, I snuck out of
6 my house and hung out with him. We ended up going
7 to Wal-Mart 'cause there's nothing really else
8 open that late at night. And he saw it, and he's
9 like "Hey, help me do this." And so I helped him
10 do that, and the rush was just -- I don't know. I
11 don't want to say, "consuming," but it was -- it
12 was something new, and it was like a high,
13 basically. And whenever he would ask me to help
14 him, then I basically just complied with him.

15 Q. Okay. And do you remember when this first
16 incident occurred?

17 A. I believe it was July 6th.

18 Q. Okay. If I remember correctly, the
19 court -- the court record shows June 22nd, 2009 --

20 A. Oh.

21 Q. -- as being the first event.

22 A. I'm sorry. Yes. That would have been --
23 that would have been it.

24 Q. It says, "Walmart North Supercenter."

25 A. Correct.

LOGAN ROSS GREGORY - Cross (Halstead)

1 Q. Okay. So June 22nd of 2009, you and he
2 basically took the laptop computer from Wal-Mart?

3 A. Yes.

4 Q. Okay. And then on July 6, 2009, it
5 mentions a Wal-Mart South Supercenter.

6 A. (Witness nods head.)

7 Q. Similar to what the June 22nd incident
8 involved?

9 A. Yes.

10 Q. Was this, again, where he called you, and
11 you snuck out or --

12 A. Yeah.

13 Q. Okay. And just a single laptop was taken
14 at that time?

15 A. Yeah.

16 Q. Okay.

17 A. Both -- both incidents, yes.

18 Q. Okay. And then on August 27th of 2009, is
19 this where, in fact, you tried to take one, but
20 you weren't successful?

21 A. Correct. And that was with a different
22 party.

23 Q. Okay. Oh, so the June 22nd and July 6th
24 are with Calvin Boltz?

25 A. Correct.

LOGAN ROSS GREGORY - Cross (Halstead)

1 Q. Who's involved on August 27th?

2 A. August 27th is Briseida Morales.

3 Q. And who's that?

4 A. My best friend.

5 Q. Okay. And explain to us why you and
6 Briseida decided to try to steal a laptop.

7 A. We weren't really trying to steal it. We
8 were just messing around, and I was like "Hey,
9 look what we did -- what Casey and I did over the
10 summer." "Casey" being Calvin. And it --
11 basically, it cracked the screen when I was just
12 attempting to show her -- show it to her. She was
13 given youth diversion because she was age
14 seventeen at that time when that occurred, and so
15 she had no criminal record out of it.

16 Q. Okay. And it's these three separate
17 incidents for which the charges were filed against
18 you; correct?

19 A. Correct.

20 Q. And then as part of a plea agreement, they
21 agreed to reduce the felony charges down to an
22 attempted theft offense?

23 A. Yes. There was just one -- one felony
24 charge --

25 Q. Right.

LOGAN ROSS GREGORY - Cross (Halstead)

1 A. -- yes.

2 Q. And for that you were placed on probation
3 for two years?

4 A. Correct.

5 Q. And you're still on probation; correct?

6 A. This is correct, yes.

7 Q. When is your probation scheduled to end at
8 this point?

9 A. January 21st of 2013.

10 Q. Okay. So you're going to be on probation
11 basically for about another year and a half?

12 A. Basically, yes.

13 Q. There's always the possibility they may
14 let you go early, but --

15 A. Yeah. That -- that has been discussed,
16 but nothing is set in stone.

17 Q. Okay. And, specifically, what is it
18 you're required to do under this probation?

19 A. Basically, follow the -- follow the law;
20 don't do anything stupid; stay away from alcohol;
21 stay away from other people who have had problems
22 with the law; and, if required, go in and have
23 a -- a drug or alcohol test conducted.

24 Q. And that hasn't been required for you?

25 A. No.

LOGAN ROSS GREGORY - Cross (Halstead)

1 Q. Okay. You had to make restitution;
2 correct?

3 A. Correct.

4 Q. And do you remember what the dollar amount
5 was that you --

6 A. I think it was \$1534.

7 Q. And have you made that restitution?

8 A. That was part of the -- the plea
9 agreement. That had to be paid before they agreed
10 to the terms of the agreement --

11 Q. So --

12 A. -- so it's been paid.

13 Q. Okay. And did you pay that or did your
14 family?

15 A. My parents paid for it, and I believe I'm
16 paying them back.

17 Q. Well, help me out. Are you or --

18 A. I -- I -- I'm not quite sure. At this
19 time, no.

20 Q. Okay. All right. But that restitution to
21 Wal-Mart's been taken care of?

22 A. Yes. That has been taken care of.

23 Q. Were you required to do any community
24 service work?

25 A. No.

LOGAN ROSS GREGORY - Cross (Halstead)

1 Q. Okay. Is there a probation officer that
2 you report to on a frequent basis?

3 A. Not -- not frequent. It's once every six
4 months.

5 Q. Okay.

6 A. Her name is Melissa Almond.

7 Q. Okay. And currently you're a sophomore at
8 UNK?

9 A. Correct.

10 Q. You listed a number of band activities
11 that you're involved in at UNK --

12 A. Yes.

13 Q. -- earlier; correct?

14 A. Uh-huh.

15 Q. Is there any other type of activities that
16 you're involved in at UNK besides taking classes
17 and the ones you've listed off?

18 A. No. Not at this time.

19 Q. Okay.

20 A. I have been invited to play with groups
21 outside of the college, but I have not played with
22 them, no.

23 Q. Okay. Have you been involved in any other
24 attempted thefts prior to this?

25 A. No. I had been through the youth

LOGAN ROSS GREGORY - Cross (Halstead)

1 diversion program before my --

2 Q. And --

3 A. -- it would have been my sophomore year.

4 Q. And why were you in the diversion program
5 your sophomore year?

6 A. That was for theft as well.

7 Q. Does that involve removing DVDs from a --

8 A. Yes.

9 Q. -- from a Wal-Mart, the Supercenter North?

10 A. Yes. I never removed them. I never got
11 out of the building, but -- yes.

12 Q. You attempted to?

13 A. Yes.

14 Q. Who else was involved with that?

15 A. That was just myself.

16 Q. Okay. And when did that occur?

17 A. February of '08. It was right after I got
18 out of Richard Young; so I'm not quite certain on
19 the date.

20 Q. Okay. And for this you went through a
21 diversion program?

22 A. Correct.

23 Q. Is that something Hall County Attorney's
24 office runs?

25 A. Yes.

LOGAN ROSS GREGORY - Cross (Halstead)

1 Q. What did you have to do for the diversion
2 program?

3 A. Keep my grades up and pay the due --
4 the -- the fees for it, and that was -- that was
5 it. There was no community service assigned. I
6 had to write a letter of an apology --

7 Q. Okay.

8 A. -- but that -- that was it. There were
9 two classes I had to attend.

10 Q. What were the two classes you had to
11 attend?

12 A. Basically, there was -- they were visitor
13 classes. We had a -- we had Officer Riskowski
14 come from the jail and speak with us, and then we
15 had an ex -- ex-convict come and speak with us as
16 well --

17 Q. Okay.

18 A. -- on those separate occasions.

19 Q. Is this something you did individually or
20 is there a group of you?

21 A. There was -- there's a large group.

22 Q. Okay. Did you successfully complete the
23 diversion program?

24 A. Yes, I did.

25 Q. Okay. Do you remember when you completed

LOGAN ROSS GREGORY - Cross (Halstead)

1 the diversion program?

2 A. It would have been six months from when I
3 started. I --

4 Q. So --

5 A. -- couldn't honestly tell you. I'm sorry.

6 Q. -- August of 2008 or 2009?

7 A. I think 2000 -- it would be 2009. I'm
8 sorry. I'm not quite sure on the dates. I
9 remember --

10 Q. Okay.

11 A. -- I was working at Sears at the time, and
12 I worked at Sears for a year and a half.

13 Q. Well, help me -- let me -- let me ask
14 this.

15 A. I'm sorry.

16 Q. Maybe this will help you out. Had you
17 completed the diversion program before you decided
18 to take the laptop --

19 A. Yes.

20 Q. -- computers?

21 A. Yes.

22 Q. Okay. How long after you had -- what's
23 the time frame between completing the diversion
24 program and then the incident in June of 2009?

25 A. I'd say a year and a half.

LOGAN ROSS GREGORY - Cross (Halstead)

1 Q. Okay. That's fine.

2 A. I'm -- I'm guessing here. I'm sorry.

3 Q. And I understand that; so I -- I don't --
4 if you don't know, just feel free to say, "I don't
5 remember." That's fine on that regard.

6 A. All right.

7 Q. All right. Any other contacts with law
8 enforcement in your life?

9 A. There was a traffic violation when I was
10 going to try and stop one of my friends from
11 committing suicide. I wasn't ticketed or
12 anything. The police ended up going to her house
13 and taking her to Richard Young. I was --

14 Q. Okay. So you weren't cited?

15 A. No.

16 Q. Okay.

17 A. Nothing other than this (indicating) have
18 I ever been cited for.

19 Q. Okay. I think in -- as you were
20 describing this -- this sequence of events, you
21 mentioned something about being discharged from
22 Richard Young.

23 A. Correct.

24 Q. What can you -- what -- what did that
25 involve?

LOGAN ROSS GREGORY - Cross (Halstead)

1 A. When I was in high school, there was a --
2 a rumor started about me, that -- I want to
3 censure myself here -- that I had sex with a cat.
4 It was not really --

5 Q. A cat?

6 A. -- that nicely put. Yeah, with a cat.

7 Q. Okay.

8 A. And I couldn't go anywhere in the school
9 without being meowed at or being called a cat
10 f'er. I could barely walk through the mall
11 without people doing those things to me. I had --
12 there was -- what ended up putting me in Richard
13 Young, I -- we went on a -- I was involved in the
14 show choir, in the show band, and we went up to a
15 competition. Halfway there, between Grand Island
16 and York -- we had no supervision on the bus. We
17 had no teacher or anything like that; so there
18 were people chanting on the bus "Logan is a cat
19 f'er" and things like that. That really upset me.

20 And then jump forward to the end of the
21 competition. I was in charge of all of the band
22 equipment, and we had a -- a new \$5,000 drum set,
23 and people were throwing their -- basically, their
24 outfits on top of those. And I'd been pulling
25 them out and setting them nicely on the sidewalk.

LOGAN ROSS GREGORY - Cross (Halstead)

1 And there was a student who came up to me and
2 said, "Why are you doing that? You don't need to
3 be doing that." And it -- I was like "You don't
4 need to be putting your things on here. Please
5 leave them off." And he said, "Well, nobody" --
6 excuse me -- "nobody's going to listen to a cat
7 f'er." And I was like "You say that again, I'll
8 punch you in the face." So he said it again. I
9 chased him down. I don't remember getting into
10 the fight. It was the first fight of my life.
11 Most likely, the last.

12 And after that I felt, I want to say, more
13 disappointed in myself than anything else. I
14 really wanted to hurt him, and I wanted to hurt
15 myself. And I told my band instructor and my
16 parents that, and I ended up getting pulled off
17 the bus at York by my godparents. I tried getting
18 myself submitted -- well, my father tried getting
19 me submitted to BryanLGH. They were full; so I
20 ended up in Richard Young.

21 Q. Okay. And this occurred when?

22 A. February of -- I . . .

23 Q. Were you a junior? A sophomore? A
24 senior?

25 A. I think I would have been a -- I believe,

LOGAN ROSS GREGORY - Cross (Halstead)

1 a junior.

2 Q. Okay. That's fine. That --

3 A. I try -- I've tried to forget about it.

4 Q. I -- I understand that. It -- it gives us
5 a little bit of an attempt to put it in reference
6 to all the other events --

7 A. Right.

8 Q. -- in your life. I appreciate that. Any
9 community activities you've been involved in that,
10 you know, weren't job-related or weren't required
11 as part of probation or someone else's direction?

12 A. Right. I was involved in Boy Scouts --

13 Q. Okay.

14 A. -- until the age of eighteen. I acquired
15 the rank of Life Scout. I was working on my -- on
16 my Eagle Scout project. I didn't get that
17 completed in time, which was my eighteenth
18 birthday. That's the cutoff; so I wasn't able to
19 get my Eagle Scout award. I wish I would have
20 brought it. It was in the -- the court documents,
21 the printout of my -- basically, what I was going
22 to do for my Eagle Scout project. It was planned
23 out. Never got it done, unfortunately.

24 But throughout Boy Scouts, I've done food
25 drives. I've done commodities which is basically

LOGAN ROSS GREGORY - Cross (Halstead)

1 taking food to people who are unable to get out of
2 the house.

3 Q. Okay.

4 A. Things like that. So through Boy Scouts I
5 had plenty of that. I participated in Habitat for
6 Humanity houses.

7 Q. And that was part of Boy Scouts too?

8 A. Part of Boy Scouts as well, but it was
9 also for -- my high school has a requirement. You
10 have to have forty hours of community service to
11 graduate --

12 Q. Uh-huh.

13 A. -- and that was part of that time as well.

14 Q. Okay.

15 A. Also, just time that I've spent at the
16 high school after I've graduated just working with
17 the -- the students on their playing and things.
18 I don't know if that's considered community
19 service, but -- just going out of my way to help
20 them out --

21 Q. When you say --

22 A. -- musician-wise.

23 Q. Okay. So when you say, "playing," these
24 would be students still at Grand --

25 A. Yes.

LOGAN ROSS GREGORY - Cross (Halstead)

1 Q. -- Island Northwest?

2 A. Students at -- students at the high
3 school.

4 Q. In band or in vocal music?

5 A. Just band.

6 Q. Okay.

7 A. I'm not a vocalist.

8 Q. Okay. So like what would be an example of
9 something you did to help out a student at
10 Grand Island Northwest?

11 A. Just reading music, reading rhythms in
12 music, helping them march. Most -- mostly,
13 focused on parade marching, making sure they march
14 to form and things like that.

15 Q. Would this be helping the band
16 instructor with --

17 A. Yes.

18 Q. -- the band?

19 A. As well, yes.

20 Q. Okay.

21 A. I -- I didn't go to the high school unless
22 I had permission from Shawn to be there.

23 Q. And that's --

24 A. "Shawn" being Mr. Pfanstiel.

25 Q. Okay. I want -- there's a letter from

LOGAN ROSS GREGORY - Cross (Halstead)

1 Dr. Jan Harriott.

2 A. Correct.

3 Q. Help us out. Who's Dr. Jan Harriott, and
4 how do you know that person?

5 A. Dr. Harriott is the -- one of the
6 codirectors of the music education program at the
7 University of Nebraska at Kearney. She shares the
8 chair with Dr. Michael Beard who's also my second
9 letter.

10 Q. Okay.

11 A. Dr. Harriott teaches courses such as Intro
12 to Music Education, Music Elementary Methods. She
13 was my advisor my freshman year at UNK, and I have
14 participated in her class.

15 Q. Okay. And Dr. Beard?

16 A. Dr. Beard is, obviously, like I said,
17 the -- the codirector of the music education
18 program. He is also the assistant director of
19 bands. He is in charge of the marching band at
20 UNK; so I've -- and the symphonic band, both of
21 which I participate in; so I've had involvement
22 with him for at least the past year and a half.
23 And I guess he deals with me on a day-to-day
24 basis; so I feel safe saying that he knows
25 basically who I am.

LOGAN ROSS GREGORY - Cross (Halstead)

1 Q. Okay. And then the director of bands at
2 Northwest High School?

3 A. Shawn Pfanstiel was my teacher for two
4 years, my junior and senior year. He has, I want
5 to say, watched me develop from a very immature
6 person to somebody who can handle their own and
7 isn't dealt with in a disciplinary way.

8 Q. Okay.

9 A. So, once again, I dealt with him for --
10 with him at least every day my high school career.

11 Q. The incident you related about the trip
12 and -- and the responsibilities you had and
13 Richard Young, would Shawn have been with you
14 during that trip?

15 A. Yes. He was the -- he was the teacher I
16 had actually talked to.

17 Q. Okay. And right now at UNK you're a
18 sophomore?

19 A. Correct.

20 Q. What courses or what -- what major are you
21 seeking from UNK?

22 A. Music education. UNK does a K-12
23 endorsement, but I want to focus primarily on
24 fifth grade through twelfth grade instrumental
25 band.

LOGAN ROSS GREGORY - Cross (Halstead)

1 Q. Okay.

2 MR. HALSTEAD: I don't believe I have
3 any more questions. Thank you. I appreciate it.

4 HEARING OFFICER: I have a couple
5 questions. Was Calvin Boltz ever charged or --

6 THE WITNESS: He was charged, and then
7 the charges were dropped after the phone call.
8 They never brought him to Grand Island for
9 questioning or anything like that. In my mind, it
10 was a lapse in the -- in the system, but I'm not
11 the one that makes those decisions.

12 HEARING OFFICER: Is Target aware of
13 your -- of your criminal history?

14 THE WITNESS: Yes, they are. They do
15 a background check and a -- and a drug test before
16 they offer you the job.

17 HEARING OFFICER: Okay. Do you have
18 anything else that you want to add to your
19 testimony?

20 THE WITNESS: I just want to reiterate
21 this is what I've wanted to do since fifth grade,
22 and I don't know what I'll do if I can't do it.

23 HEARING OFFICER: Let me ask another
24 question. The student teaching, is that usually
25 done during the sophomore or junior or senior

LOGAN ROSS GREGORY - Cross (Halstead)

1 year? When is that usually done?

2 THE WITNESS: It's done during your
3 final semester. Whether that be your fifth or
4 sixth year, it all depends on how long -- how much
5 you space out your -- your credit hours.

6 Currently -- the reason why I'm filing this appeal
7 is to get into the Level 100 teachers' education
8 course at UNK 'cause they won't let you in, even
9 in the entry-level courses, if you have a criminal
10 record. They make you go through this -- this
11 procedure.

12 HEARING OFFICER: Any further
13 questions?

14 CROSS-EXAMINATION, Cont'd

15 BY MR. HALSTEAD:

16 Q. Logan, let me just ask you. If -- if the
17 Hearing Officer and the State Board say, "No" to
18 you, is there still a degree you can get from the
19 University of Nebraska-Kearney in music?

20 A. Absolutely.

21 Q. Okay.

22 A. They have a bachelor's of music, music
23 performance, music business. What route I would
24 go, I have no idea.

25 Q. Okay. I mean, in the sense of if they

LOGAN ROSS GREGORY - Cross (Halstead)

1 say, "No. Not at this time, but maybe sometime in
2 the future," is there still an alternative track
3 you can take at UNK that doesn't have you in the
4 teacher education program?

5 A. If that were the case, I would knock out
6 all the other requirements in the teacher --
7 the -- the degree and then wait until I could take
8 those teacher education courses.

9 Q. Okay. And some of the teacher ed courses,
10 besides student teaching, are there field
11 experiences where you're required to go out --

12 A. Yes.

13 Q. -- as part of the class?

14 A. And that's why we have to go through this
15 appeals process.

16 Q. Okay. So if, for some reason, the
17 decision is "No. Not now" for you, you could
18 still take courses at UNK that would assist you in
19 getting a degree?

20 A. Yes.

21 Q. Okay.

22 MR. HALSTEAD: I don't have any more
23 questions. Thank you very much.

24 HEARING OFFICER: Okay. Do you have
25 any -- anything else to add?

1 MR. GREGORY: No.

2 HEARING OFFICER: Mr. Halstead, do you
3 have any further evidence?

4 MR. HALSTEAD: I don't have any
5 further evidence. I'll have a brief closing
6 statement, but I don't have any further evidence.

7 HEARING OFFICER: Okay. Now, you have
8 your father here. Were you planning on having him
9 testify or --

10 MR. GREGORY: No. He was -- he's the
11 driver.

12 HEARING OFFICER: Okay. Wish to make
13 closing argument?

14 MR. GREGORY: I was seventeen when
15 these events occurred. It was really stupid. I
16 wasn't thinking. I didn't realize it would affect
17 me this far into the future, and I'm hoping that
18 the Board and the Commissioner see me fit to be a
19 teacher in the state of Nebraska.

20 HEARING OFFICER: Mr. Halstead.

21 MR. HALSTEAD: I -- Your Honor, I
22 think the letter from the Commissioner of
23 Education sums it up very well, from his
24 perspective. For whatever reason, Logan made some
25 bad choices when he was younger. He's currently

1 serving probation for the next two years; so the
2 recency of the event and the fact that he hasn't
3 completed the sentence for the criminal charges
4 are the biggest barrier from the Commissioner's
5 mind at this point.

6 That doesn't mean that a year or two from now
7 he might not reconsider it, but I think the fact
8 that he's currently serving a criminal sentence
9 for what were felonies -- they weren't just a
10 single item. They're multiple offenses. And,
11 obviously, that string of behavior is such at this
12 point that the Commissioner doesn't feel he's --
13 he's fit for the ability to go out into our
14 schools to work in classes or to be eligible for
15 student teaching.

16 That doesn't necessarily mean that two years
17 from now if Logan came back and demonstrated he's
18 satisfied his sentence, he's demonstrated his
19 fitness and everything else, there might not be a
20 different decision then; but his focus was on --
21 the recency of the event and the fact that he's
22 still serving a sentence that hasn't yet been
23 completed were the two biggest barriers for why he
24 said, "No" to him.

25 And that would be all.

1 HEARING OFFICER: Okay. Anything
2 further?

3 MR. GREGORY: No, sir.

4 HEARING OFFICER: Okay. That will
5 conclude this hearing then. Thank you.

6 (The proceedings concluded at 10:35 a.m.)
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BEFORE THE STATE BOARD OF EDUCATION
STATE OF NEBRASKA

LOGAN ROSS GREGORY,)
)
) Petitioner,)
)
 vs.) NOTICE OF HEARING
)
)
) ROGER D. BREED, Ed.D.)
)
) COMMISSIONER OF EDUCATION,)
)
) Respondent.)

On October 11, 2011, I held a telephonic planning conference with respondent's counsel and petitioner. They shared their views with me respecting the progression of this case. With those views in mind, I have determined that this case shall be set for hearing as follows:

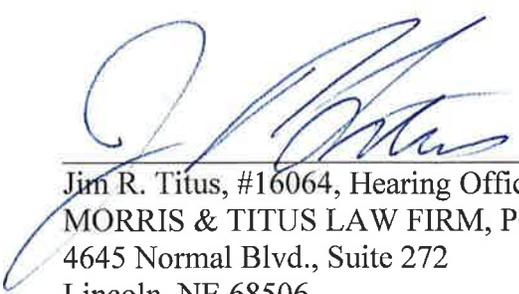
Date: October 26, 2011

Time: 10:00 a.m.

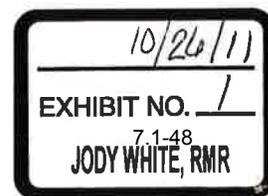
Location: Conference Room A
Nebraska Department of Education
Nebraska State Office Building
301 Centennial Mall South, 6th Floor
Lincoln, NE 68508

Recording: Certified Court Reporter

SO ORDERED on October 11, 2011.



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



CERTIFICATE OF SERVICE

I certify that on October 11, 2011, I served a true and correct copy of the foregoing notice of hearing by first-class United States mail, postage prepaid, on the following parties:

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

Logan Ross Gregory
1709 W. 38th St., Apt. 10
Kearney, NE 68845



Jim R. Titus, #16064
Hearing Officer

RECEIVED

OCT -7 2011

Morris & Titus Law Firm

BEFORE THE STATE BOARD OF EDUCATION
STATE OF NEBRASKA

Logan Ross Gregory)
1709 W. 38th Street, Apt. 10)
Kearney, NE 68845,)
)
Petitioner,)
)
v.)
)
Roger D. Breed, Ed.D.)
Commissioner of Education)
P.O. Box 94933)
Lincoln, NE 68509-4933,)
)
Respondent.)

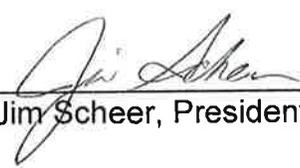
NDE Case No. 11-12

**ASSIGNMENT OF CASE
TO HEARING OFFICER**

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

DATED this 6th day of October, 2011.

STATE BOARD OF EDUCATION

BY: 
Jim Scheer, President

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing Assignment of Case to Hearing Officer was served upon Logan Ross Gregory, 1709 W. 38th Street, Apt. 10, Kearney, Nebraska, 68845, via United States Mail, first class postage prepaid; and upon Brian L. Halstead, Assistant Commissioner/General Counsel, Nebraska Department of Education, 301 Centennial Mall South, Sixth Floor, Lincoln, Nebraska, via interoffice mail, all on this 6th day of October, 2011.


Brenda L. Wid

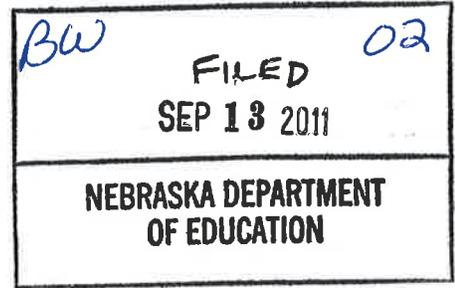
49-670-30

BEFORE THE STATE BOARD OF EDUCATION
STATE OF NEBRASKA

Logan Ross Gregory)
1709 W. 38th Street, Apt 10)
Kearney, NE 68845,)
Petitioner,)
v.)
Roger D. Breed, Ed.D.)
Commissioner of Education)
P.O. Box 94933)
Lincoln, NE 68509,)
Respondent.)

Case No. 11-12

ANSWER



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

1. Admits paragraphs 1, 2, and 3 of the Petition.
2. Admits that on August 11, 2011, the Respondent, by letter, notified Petitioner of Respondent's decision to deny approval to participate in pre-student teaching activities. A copy of the letter is attached and marked as exhibit "A", and by this reference is incorporated herein.

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



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

CERTIFICATE OF SERVICE

I hereby certify that a copy of the above Answer was mailed to the following person, through regular United States mail, postage prepaid, this 13th day of September 2011:

Logan Gregory
1709 W. 38th Street Apt 10
Kearney, NE 68845



Brian L. Halstead, #18077
Attorney for Respondent



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

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

CERTIFIED MAIL

August 11, 2011

Mr. Logan Gregory
1709 W. 38th Street Apt 10
Kearney, NE 68845

Re: Request for Approval to Participate

Dear Mr. Gregory:

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

In reviewing the information, I have decided to deny your request based on the following determinations: 1) On April 6, 2010, you were charged in the Hall County District Court with two counts of Theft By Unlawful Taking (one felony, one misdemeanor) and Criminal Attempt-Theft By Unlawful Taking, a misdemeanor; 2) On or about October 5, 2010, an Amended Information was filed charging you with two counts of Criminal Attempt-Theft By Unlawful Taking, and one count of Theft By Unlawful Taking (all misdemeanors); 3) On January 11, 2011, you were sentenced to 24 months of probation and restitution; and 4) You are currently on probation.

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

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

Sincerely,

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

Enclosures

xc: UNK



BEFORE THE STATE BOARD OF EDUCATION
STATE OF NEBRASKA

Logan Ross Gregory)
 (Name))
1709 W 38th St, Apt 10)
 (Address))
Kearney, NE 68845)
 (City, State, and Zip Code))

Case No. 11-12
 (Leave Blank)

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

Petitioner,

vs.

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

Respondent.

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

1. The Petitioner is Logan Ross Gregory 1709 W 38th St, Apt 10
 (Name) (Address)
Kearney, NE 68845 (308) 850-0144 Dec. 10, 1991 508-29-5348
 (City, State, Zip Code) (Telephone Number) (Date of Birth) (Social Security Number)

2. The Petitioner is currently enrolled at University of NE at Kearney
 (Name & Address of University or College)
Enrolled, Spring 2012
 (Current status and anticipated date of participation in pre-student teaching activities)

3. The following is a list of all convictions:

- a. Criminal Charge: Criminal Offense Attempted Theft by Unlawful Taking
 Disposition: Two Years Probation
 Date: January 21, 2011
 Name and address of court: Hall County District Court
111 W 1st St
Grand Island, NE 68801-6016

b. Criminal charge: Theft By Unlawful Taking

Disposition: Two years probation

Date: January 21, 2011

Name and address of court: Hall County District Court

111 W 13th St, Grand Island, NE 68801-6016

4. The Petitioner's request for approval to participate in pre-student teaching field, laboratory, and classroom experiences, or student teach was denied by the Respondent on

August 11, 2011
(Date on letter from Commissioner).

5. Other relevant data: See attached letters

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

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

Dated this 28th day of August, 2011.



Signature of Petitioner

C. Criminal Attempt - Theft by unlawful taking
2 Years probation
January 21, 2011
Hall County District Court
111 W 1st St
Grand Island, NE 68801-6016

VERIFICATION

STATE OF NEBRASKA)
) SS
COUNTY OF Buffalo)

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

Logan R. Gregory
Signature of Petitioner

Subscribed and sworn before me this 31 day of August, 2011, by

Logan R. Gregory
(Petitioner)



Mary C. Frew
Notary Public

I, Logan Ross Gregory reside at 1709 W 38 St, Apt. #10, Kearney, NE 68845, phone - 308-850-0144, Social Security Number - 508-29-5348, date of birth - December 10, 1991, and am appealing the denial of my *Request for Approval to Participate in Pre-Student Teaching Field, Laboratory, and Classroom Experiences or Student Teach* finding by Dr. Roger D. Breed, Commissioner of Education as stated in his letter dated August 11, 2011.

I currently attend the University of Nebraska – Kearney where I am currently a sophomore. I anticipate taking TE100 – Teaching in a Democratic Society during the Spring term 2012; TE204 - Typical/Atypical Growth and Development and TE206 - Instructional Technology and the Preservice Teacher in the Summer term 2012 if offered, if not, then during the next term it is available.

Criminal charges: Two counts of Theft by Unlawful Taking, one count of Theft by Unlawful Taking, all final charges were misdemeanors. I received two years' probation for all charges with probation periods to run concurrently. My date of sentencing for all charges was January 21, 2011. Sentence was pronounced at the District Court located in Hall County with mailing address of 111 W. 1st St, Grand Island, NE 68801-6016.

The letter of denial from Dr. Breed was dated August 11, 2011.

Other Relevant Information

- I was 17 when the incidents occurred
- I agreed to the Prosecution's requests to delay hearings
- I was sentenced when I was 19
- I regret my decisions, I never realized how being stupid as a 17 year old could affect my future this much
- I am trying to get into the band fraternity Kappa Kappa Psi, I am maintaining a good grade point average, and am actively participating in Marching Band, symphonic band, MENC, NMEA, and am currently working at Target

I hope that I have given you enough information showing that I have matured and understand the consequence of my actions now more than ever. I have wanted to be a Music Educator ever since I was in middle school and I don't know what I would do for a profession if I wasn't able to do so. I didn't realize how the things I have done in the past could affect my future so radically, and I have maintained a crime free lifestyle since all of these things happened in 2009.

Sincerely,


Logan R. Gregory

August 29, 2011

To whom it may concern:

I am writing a letter of support for Logan Gregory, who is a music education student at the University of Nebraska, Kearney. I have known Logan for a year, when he entered UNK as a freshman music education student in Fall 2010. He was in my MUS 109 class, Intro to Music Education, in the Fall 2010. Logan excelled in this class, earning the grade of A+. He has shown much enthusiasm for music and teaching music, participating in all that is required with a positive attitude. He really enjoyed going to the Nebraska Music Educators Association's yearly conference in November, 2010, in Lincoln, NE.

This year I have watched him in marching band, where he shows much enthusiasm for making music. I believe that Logan has much potential to grow as a student, musician, and future educator. He has learned from his past mistakes, and I hope that he is given the opportunity to fulfill his goals of teaching music in the public schools.

Sincerely,



Dr. Jan Harriott

Associate Professor of Elementary Music Education

University of Nebraska, Kearney

Dept. of Music & Performing Arts

harriottjm@unk.edu

308-865-8608

August 30, 2011

To Whom It May Concern:

I am writing this letter in support of Logan Gregory's appeal of permission to be allowed to interact with students and continue his studies in education. I have been Logan's academic advisor and teacher and he has shown maturation and responsibility in attending and being prepared for class. He also communicates when he has needing to deal with his legal matters as well as having general questions about course materials.

Logan has a passion for music and wants to be able to share this with others through teaching. I hope you sincerely reconsider the decision to allow him to become a teacher. and He made poor choices in high school and now is becoming a young man who can help and relate to teenagers who may go through the same type of problems. Thank you for your time.

Sincerely,



Michael R. Beard, D.M.A.
Assistant Director of Bands
Assistant Professor of Music/Teacher Education
University of Nebraska at Kearney

**NEBRASKA DEPARTMENT
OF EDUCATION**

RULE 20

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

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

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

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



01.10.12 State Board of Education

| |
|----------------------|
| 10/26/11 |
| EXHIBIT NO. <u>2</u> |
| JODY WHITE, RMR |

NEBRASKA DEPARTMENT
OF EDUCATION

RULE 21

ISSUANCE OF CERTIFICATES AND PERMITS TO TEACH, PROVIDE
SPECIAL SERVICES, AND ADMINISTER IN NEBRASKA SCHOOLS

TITLE 92, *NEBRASKA ADMINISTRATIVE CODE*,
CHAPTER 21

EFFECTIVE DATE
May 11, 2010
(Revised)

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



009 Appeals Procedure

009.01 Notice. The Department shall notify in writing an applicant for a certificate or endorsement if the Department intends to deny an application and provide the reason(s) for the denial.

009.02 Request for Review. The applicant may request in writing a review by the Commissioner within twenty calendar (20) days after receipt of the written notice provided for in Section 009.01 of this chapter. Failure of an applicant to request a review by the Commissioner within twenty (20) calendar days after receipt of the notice shall be a waiver of any further appeal by the applicant and shall result in a denial of the certificate or endorsement. The Commissioner shall:

009.02A Notify the applicant that the Department will issue the certificate or endorsement being sought;

009.02B Notify the applicant that the application for a certificate or endorsement is denied; or

009.02C Notify the applicant that the application for a certificate or endorsement is denied for the reason(s) set forth in the notice and that, as a result of the applicant's failure to request a review pursuant to Section 009.02 of this chapter, the applicant has waived any further appeal to the Board regarding the current application.

009.03 Hearings. Within twenty (20) calendar days of receipt of the notice of the Commissioner's denial of the certificate or endorsement pursuant to Section 009.02B of this chapter, the applicant may appeal the Commissioner's decision pursuant to 92 NAC 61. If the Board finds that the requirements in this or related chapters have been improperly applied to the applicant or in the case of an applicant who the Commissioner has rejected due to criminal convictions, that the applicant has good moral character and possesses the moral fitness for teaching, then the Board may direct the Commissioner to issue a certificate to the applicant.

009.04 Guidelines for Review. In considering whether to deny, not issue, or not renew a certificate of an applicant based upon criminal convictions, the Commissioner and Board shall take into account the following factors in determining moral character and moral fitness to teach:

009.04A The nature of the crime, the facts and circumstances surrounding the applicant's conviction including whether the conduct of the applicant would constitute a crime in Nebraska, the sentence received, and whether the sentence was commuted, set aside, or pardoned;

009.04B The applicant's age at the time of the conduct;

009.04C The recency of the conduct;

009.04D The applicant's positive social contributions since the conduct; and

009.04E The reliability of the information concerning the conduct.

NEBRASKA DEPARTMENT
OF EDUCATION

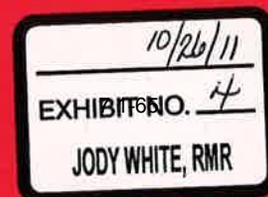
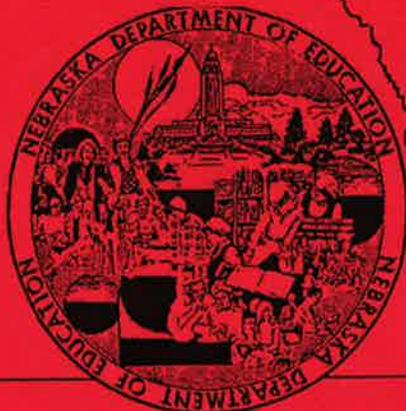
RULE 61

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

TITLE 92, NEBRASKA ADMINISTRATIVE CODE,
CHAPTER 61

EFFECTIVE DATE
OCTOBER 1, 1997
(REVISED)

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



10

IN THE DISTRICT COURT OF HALL COUNTY, NEBRASKA
IN AND FOR THE NINTH JUDICIAL DISTRICT

STATE OF NEBRASKA,

CR10-124

Complainant,

INFORMATION

vs.

LOGAN R GREGORY,
4159 WEST FAIDLEY AVENUE
GRAND ISLAND NE 68803
DOB: 12/10/1991
OLN: H13255826 NE
CAU/M

FILED

APR 06 2010

VALORIE BENDIXEN
CLERK OF DISTRICT COURT

10/26/11
EXHIBIT NO. 5
JODY WHITE, RMR

I. THEFT BY UNLAWFUL TAKING
28-511(1) IV FO

II. THEFT BY UNLAWFUL TAKING
28-511(1) I MO

III. CRIMINAL ATTEMPT-THEFT BY
UNLAWFUL TAKING
28-201 28-511(1) I MO

10 APR 6 3 45

Defendant.

State of Nebraska

ss

County of Hall

Be it remembered that DAVID MEDLIN, Deputy County Attorney, in and for Hall County, Nebraska who prosecutes in the name and by the authority of the State of Nebraska, comes here in person into this Court and gives the Court to understand and be informed that said defendant, in the County of Hall, and State of Nebraska, on or about:

COUNT I

July 6, 2009 took or exercised control over movable property, with the intent to deprive him/her/them thereof, the said property, having a value of \$500 or more, but not over \$1500, to-wit: property belonging to Walmart South Supercenter;

COUNT II

June 22, 2009, took or exercised control over movable property, with the intent to deprive him/her/them thereof, the said property, having a value of more than \$200, but not over \$500, to-wit: property belonging to Walmart North Supercenter;



COPY
7.1-66

COUNT III

August 27, 2009, intentionally engaged in conduct which, under the circumstances as he/she believed them to be, constituted a substantial step in a course of conduct intended to culminate in his/her commission of the crime of Theft by Unlawful Taking, to-wit: attempted to take or exercise control over movable property, with the intent to deprive him/her/them thereof, the said property, having a value of \$500 or more, but not over \$1500, to-wit: property belonging to Walmart North Supercenter;

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

David Medlin
DAVID MEDLIN, #20205
DEPUTY HALL COUNTY ATTORNEY
231 S. Locust St., PO Box 367
Grand Island, NE 68802
(308) 385-5150

State of Nebraska

ss

County of Hall

DAVID MEDLIN, Deputy Hall County Attorney, being first duly sworn under oath deposes and says that he/she is a Deputy County Attorney within and for Hall County, Nebraska, in the Ninth Judicial District of the State of Nebraska, and that the allegations and charges against said defendant in the within Information are true as he/she verily believes.

David Medlin
DAVID MEDLIN, #20205
DEPUTY HALL COUNTY ATTORNEY

Subscribed in my presence and sworn to before me this 6th day of April, 2010.



Valerie Baudin
Clerk of the District Court

Filed in the office of the Clerk of the District Court, Hall County, Nebraska on this 6th day of April, 2010, at the hour of 3:46pm.

Valerie Baudin
Clerk of the District Court

State of Nebraska

ss

County of Hall

Received this within writ this _____ day of _____, 20 _____. I hereby certify that I served the within writ on this _____ day of _____, 20____, on the within named defendant by delivering to said defendant, personally at the hour of _____ o'clock a true and certified copy of the writ with all endorsements thereon.

County Sheriff

WITNESSES:

OFFICER KEVIN SHEEKS, GIPD
GRAND ISLAND NE

OFFICER BRANDON KIRKLEY, GIPD
GRAND ISLAND NE

SOCORRO MORALES-DURAN
GRAND ISLAND NE

CHARLES GREGORY
GRAND ISLAND NE

LEANNA OBERMILLER
GRAND ISLAND NE

TAMARA TAGGE
GRAND ISLAND NE

TODD VANHOSEN
GRAND ISLAND NE

OFFICER TRENT HILL, GIPD
GRAND ISLAND NE

BRISEIDA MORALES
GRAND ISLAND NE

MICHELLE PERRY
GRAND ISLAND NE

KALVIN BOLTZ
OMAHA NE

Defense counsel: ARTHUR S WETZEL

Date Prepared: March 29, 2010
Prepared By: DAVID MEDLIN, #20205
HALL COUNTY ATTORNEY'S OFFICE
231 South Locust St., PO Box 367
Grand Island, NE 68802-0367
(308) 385-5150

DM:lw

DISTRICT COURT ARRGN DATE: April 13, 2010 @ 9:00 AM

2

IN THE DISTRICT COURT OF HALL COUNTY, NEBRASKA
IN AND FOR THE NINTH JUDICIAL DISTRICT

COPY

STATE OF NEBRASKA,

CR10-124

Complainant,

AMENDED INFORMATION

vs.

LOGAN R GREGORY,
4159 WEST FAIDLEY AVENUE
GRAND ISLAND NE 68803
DOB: 12/10/1991
OLN: H13255826 NE
CAU/M

Oct 4, 2010
Pleas: no contest
I. CRIMINAL ATTEMPT-THEFT BY
UNLAWFUL TAKING
28-201 28-511(1) IMO
Pleas: ~~uncontested~~
II. THEFT BY UNLAWFUL TAKING
28-511(1) IMO
Pleas: UNLAWFUL TAKING
28-201 28-511(1) IMO
no contest

Defendant.

State of Nebraska

ss

County of Hall

Be it remembered that DAVID MEDLIN, Deputy Hall County Attorney, in and for Hall County, Nebraska who prosecutes in the name and by the authority of the State of Nebraska, comes here in person into this Court and gives the Court to understand and be informed that said defendant, in the County of Hall, and State of Nebraska, on or about:

COUNT I

July 6, 2009, intentionally engaged in conduct which, under the circumstances as he/she believed them to be, constituted a substantial step in a course of conduct intended to culminate in his/her commission of the crime of Theft by Unlawful Taking, to-wit: attempted to take or exercise control over movable property, with the intent to deprive him/her/they thereof, the said property, having a value of \$500 or more, but not over \$1500, to-wit: property belonging to Walmart South Supercenter;

COUNT II

June 22, 2009, took or exercised control over movable property, with the intent to deprive him/her/they thereof, the said property, having a value of more than \$200, but not over \$500, to-wit: property belonging to Walmart North Supercenter;

COUNT III

August 27, 2009, intentionally engaged in conduct which, under the circumstances as he/she believed them to be, constituted a substantial step in a course of conduct intended to culminate in his/her commission of the crime of Theft by Unlawful Taking, to-wit: attempted to take or exercise control over movable property, with the intent to deprive him/her/them thereof, the said property, having a value of \$500 or more, but not over \$1500, to-wit: property belonging to Walmart North Supercenter;

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

David Medlin
DAVID MEDLIN, #20205
DEPUTY HALL COUNTY ATTORNEY
231 S. Locust St., PO Box 367
Grand Island, NE 68802
(308) 385-5150

State of Nebraska

ss

County of Hall

DAVID MEDLIN, Deputy Hall County Attorney, being first duly sworn under oath deposes and says that he/she is a Deputy County Attorney within and for Hall County, Nebraska, in the Ninth Judicial District of the State of Nebraska, and that the allegations and charges against said defendant in the within Information are true as he/she verily believes.

David Medlin
DAVID MEDLIN, #20205
DEPUTY HALL COUNTY ATTORNEY

Subscribed in my presence and sworn to before me this _____ day of _____, 20____.

Clerk of the District Court

Filed in the office of the Clerk of the District Court, Hall County, Nebraska on this _____ day of _____, 20____, at the hour of _____.

Clerk of the District Court

State of Nebraska

ss

County of Hall

Received this within writ this _____ day of _____, 20____. I hereby certify that I served the within writ on this _____ day of _____, 20____, on the within named defendant by delivering to said defendant, personally at the hour of _____ o'clock a true and certified copy of the writ with all endorsements thereon.

WITNESSES:

OFFICER KEVIN SHEEKS, GIPD
GRAND ISLAND NE

OFFICER BRANDON KIRKLEY, GIPD
GRAND ISLAND NE

SOCORRO MORALES-DURAN
GRAND ISLAND NE

CHARLES GREGORY
GRAND ISLAND NE

LEANNA OBERMILLER
GRAND ISLAND NE

TAMARA TAGGE
GRAND ISLAND NE

TODD VANHOUSEN
GRAND ISLAND NE

OFFICER TRENT HILL, GIPD
GRAND ISLAND NE

BRISEIDA MORALES
GRAND ISLAND NE

MICHELLE PERRY
GRAND ISLAND NE

KALVIN BOLTZ
OMAHA NE

Defense counsel: ARTHUR S WETZEL

Date Prepared: September 22, 2010
Prepared By: DAVID MEDLIN, #20205
Hall County Attorney's Office
231 South Locust St. PO Box 367
Grand Island, NE 68802-0367
(308) 385-5150

DM:lw

3

IN THE DISTRICT COURT OF HALL COUNTY, NEBRASKA

STATE OF NEBRASKA,

Complainant,

CASE NO. CR10-124

vs.

JOURNAL ENTRY

LOGAN R. GREGORY,

Defendant.

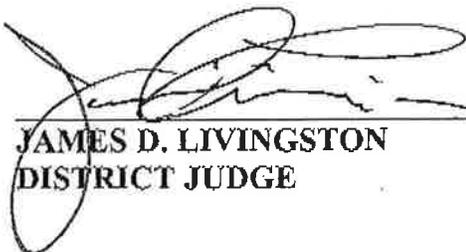
On January 21, 2011, this matter comes on to be heard before the Court for sentencing. The State is present through its counsel Anne Eley, Deputy Hall County Attorney; the Defendant is present with counsel Art Wetzel.

The parties stipulate to restitution and no further hearing is requested. Allocution is offered.

The Court **FINDS AND ORDERS** that the Defendant is a fit and proper candidate for probation and hereby sentences the Defendant to a term of probation as set forth in the Probation Order. Defendant's bond is released.

Defendant is informed that should Defendant fail to abide to the terms of probation probation could be revoked and Defendant would be sentenced under the original statutes.

BY THE COURT:



JAMES D. LIVINGSTON
DISTRICT JUDGE

FAX: County Attorney
Art Wetzel
State Probation

IN THE DISTRICT COURT OF HALL COUNTY, NEBRASKA

STATE OF NEBRASKA,

Complainant,

CASE NO. CR10-124

vs.

PROBATION ORDER

LOGAN R. GREGORY,

Defendant.

This document sets forth conditions of probation imposed on the Defendant.

AS TO COUNT I:

- 1. The terms of probation shall be for a period of 24 months commencing this date 1/21/11.
- 2. The conditions of probation are as follows:

Not violate any laws, refrain from disorderly conduct, or acts injurious to others.

Shall not associate with persons of disreputable or harmful character or persons who are known by the probationer to be involved in any illegal activities or are the subject of law enforcement investigations involving illegal activities.

Report to probation officer as directed by the officer.

Allow probation officer to visit at all reasonable times and places.

Answer all reasonable inquiries concerning personal conduct or conditions asked by probation officer.

To keep the probation office continually informed of residential and employment status.

To attend school on a full time basis and complete school.

Consent to search and seizure of person, premises or vehicle by or upon request of probation officer.

Defendant shall submit to DNA test as directed by probation office and pay for such test.

To pay restitution through the Hall County Clerk of the District Court's Office in the sum of \$1,345 payable to Wal-Mart this date.

To pay the costs of this action.

Pay Probation Administrative Enrollment Fee of \$30 this date. In addition, pay a monthly Probation Programming Fee of \$25 per month due and payable to the Clerk of the District Court on or before the 10th day of each month.

AS TO COUNT II:

The Court sentences the Defendant to a term of probation of 24 months under the same terms and conditions of Count I.

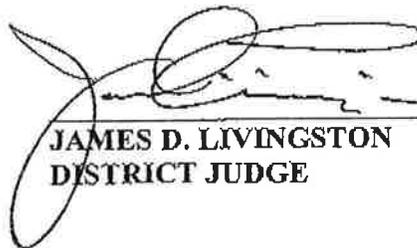
AS TO COUNT III:

The Court sentences the Defendant to a term of probation of 24 months under the same terms and conditions of Count I.

The sentences in Counts II and III to be served concurrent with each other and concurrent with Count I.

Pursuant to §29-2266(4) NEB. REV. STAT. if in the judgment of the probation officer the probationer's failure to comply with any of the provisions of this Probation Order has, or is occurring, the probation officer shall assume that the probationer is placing lives or property in danger or attempting to leave the jurisdiction of the Court and shall arrest the probationer with or without a warrant and detain the probationer in a jail or other detention facility pending further proceedings pursuant to §29-2266(5) and §22-2267 NEB. REV. STAT.

BY THE COURT:



JAMES D. LIVINGSTON
DISTRICT JUDGE

FAX: County Attorney
Art Wetzel
State Probation

07/25/11
14:25

Grand Island Police Department
LAW INCIDENT TABLE

Page: 500
1

```

City : Grand Island
Occurred after : 02:00:00 06/22/2009
Occurred before : 03:00:00 06/22/2009
When reported : 19:02:00 06/23/2009
Date disposition declared : 12/03/2009
Incident number : L09063362
Primary incident number :
Incident nature : Shoplift Shoplifting
Incident address : 2250 Diers Ave N; Wal-Mart Supercenter-North
State abbreviation : NE
ZIP Code : 68803
Contact or caller :
Complainant name number :
Area location code : PAON Police All Over North
Received by : Hoffa R
How received : O Officer Report
Agency code : GIPD Grand Island Police Department
Responsible officer : Kirkley B
Offense as Taken :
Offense as Observed :
Disposition : CLO Closed Case
Misc. number : 22
Geobase address ID : 20225
Long-term call ID : 392309
Clearance Code : CCA Cleared / Referred to CA
Judicial Status :

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INVOLVEMENTS:

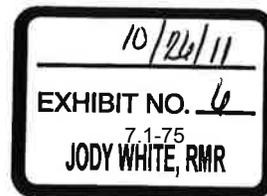
| Px | Record # | Date | Description | Relationship |
|----|-----------|----------|--------------------------------|--------------------|
| LW | L09084356 | 09/07/09 | Crim Mischief | Related |
| NM | 93815 | 11/06/09 | Gregory, Logan R | Offender/Referred |
| NM | 102029 | 11/06/09 | Morales-Duran, Socorro | Father/Briseida |
| NM | 120757 | 11/06/09 | Boltz, Calvin Charles | Offender/Referred |
| NM | 149319 | 11/06/09 | Gregory, Charles V | Father/Logan |
| NM | 151171 | 11/06/09 | Obermiller, Leanna Sue | Mother/Kalvin |
| NM | 118713 | 09/07/09 | Tagge, Tamara Anne | mentioned |
| NM | 134302 | 09/07/09 | Carlson, Nicholas Lloyd | Suspect |
| NM | 42690 | 06/24/09 | VanHoosen, Todd A | Reporting Party |
| NM | 103622 | 06/24/09 | WalMart North, | Victim |
| CT | Y09063362 | 11/06/09 | Theft by Unlawful Taking | Referral/Gregory |
| CT | Z09063362 | 11/06/09 | Theft by Unlawful Taking | Referral/Boltz |
| VH | 107426 | 11/06/09 | BLK 1995 CHEV MONTE CA NE | Suspect Vehicle |
| CA | 392309 | 06/23/09 | 19:02 06/23/09 Shoplift | *Initiating Call |
| PR | 93363 | 06/24/09 | Computer Acer Aspire One \$398 | Stolen |
| EV | 21977 | 06/24/09 | dvd video | *Evidence Incident |

LAW INCIDENT CIRCUMSTANCES:

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Se Circu Circumstance code      Miscellaneous
-----
1  LT12  Grocery/Supermarket

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Grand Island Police Department
LAW INCIDENT TABLE

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IMAGE CODES FOR INCIDENT:

| Seq | Imag | Image code | for a users description field |
|-----|------|------------|-------------------------------|
| 1 | DOC | DOCUMENT | Referrals-Gregory/Boltz |
| 2 | DOC | DOCUMENT | Vehicle Registration Info |
| 3 | DOC | DOCUMENT | DVR Snapshots |

LAW INCIDENT NARRATIVE:

CA Medlin filed (Gregory) 12/3/09 Young declined 11/19/09
Theft Narrative

Theft MO
Victim: Wal-Mart North

1. Description of the offense:

Todd VanHoosen reported two males entered the store and concealed a display laptop computer under a shirt. The two males then exited the store without paying.

2. Listed items stolen and dollar value:

Acer Aspire One Laptop Computer, Ser#LU8780400291809FD42500 \$398.00

3. Date, time, reporting officer: Wed Jun 24 12:32:54 CDT 2009 (mw)
Officer B. Kirkley #452

LAW INCIDENT OFFENSES DETAIL:

| Se | Offe | Offense code | Arson Dama |
|----|------|------------------------------|------------|
| 1 | TPSH | Theft, Property, Shoplifting | 398.00 |

LAW INCIDENT RESPONDERS DETAIL:

| Se | Responding offi | Unit n | Unit number |
|----|-----------------|--------|-------------|
| 1 | Kirkley B | 452 | Krikley B |

LAW SUPPLEMENTAL NARRATIVE:

| Seq | Name | Date |
|-----|-----------|---------------------|
| 1 | Kirkley B | 12:34:39 06/24/2009 |

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Grand Island Police Department
LAW INCIDENT TABLE

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CA Grand Island Police Department
Supplemental Report

SUSPECT INFORMATION:

S1 - W/M, juvenile, blue shirt, tan shorts
S2 - W/M, juvenile, red/white hat, blue shirt, tan shorts

SUSPECT VEHICLE:

4 door car, Silver/White

6/24/09 COLLECTED OTHER EVIDENCE:

DVD containing surveillance video.

Date, Time: Wed Jun 24 12:35:57 CDT 2009 (mw)

Reporting Officer: B. Kirkley #452

Unit #:

2 Kirkley B 13:05:59 07/03/2009

CA Grand Island Police Department
Supplemental Report

7/2/09 OTHER ACTIVITY

Pending any further suspect information, this case is open/not workable.

Date, Time: Fri Jul 03 13:06:26 CDT 2009 ap

Reporting Officer: Officer B. Kirkley #452

Unit #:

3 Sheeks K 09:17:46 09/07/2009

CA Grand Island Police Department
Supplemental Report

09/06/09 1504 OTHER INFORMATION

Based on video evidence of all three incidents, the suspect is the same person. In L09084356 I believe the female may be Tamara Tagge. In all 3 reports the blonde/red hair male I believe may be Nicholas Carlson.

Date, Time: Mon Sep 07 09:10:53 CDT 2009 AH

Reporting Officer: K. Sheeks #427

Unit #:

4 Sheeks K 18:34:35 11/05/2009

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Grand Island Police Department
LAW INCIDENT TABLE

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CA/427

Grand Island Police Department
Supplemental Report

On 10-26-09, at about 1035, I was detailed to 4159 W. Faidley in reference to a theft report. As I was walking up to the residence I noted the garage door was open. Inside I observed NE 8F5577, a black Monte Carlo with two white stripes on top from front to rear.

I recognized this vehicle as the suspect vehicle in criminal mischief report I took from WalMart (L09084356). The paint design made this vehicle fairly unique. I recalled from the criminal mischief report that there were two suspects, a male and a female. I recalled the male to be a white male with a medium build and blonde messy hair. The female had longer dark brown or black hair.

Based on video evidence from WalMart there was also two reports, L09063362 and L09071163, of laptops being stolen from WalMart with the blonde male suspect is the same as the male in the criminal mischief report.

I contacted a Logan Gregory at the residence and noted he matched the male suspect in the criminal mischief report. At this time I did not inform Logan of that report.

Logan advised that he had sold a laptop computer on Ebay and afterward the buyer claimed the computer was not the same as what Logan had advertised. The buyer was going to return the laptop and Logan stated that PayPal deducted the payment price from his account. Logan stated he received a package from the buyer and found the laptop that was returned was not the laptop he had sold. The laptop he received back was a nonworking older model.

Logan did have photos of the laptop he had sold on Ebay. The photos showed a new HP laptop and was clearly different than the computer he received in the mail. Logan was able to provide an Ebay user name and email address for the purchaser. Logan stated he was advised by PayPal that the buyer was in Kansas.

I did not inform Logan about the criminal mischief report or the theft reports at this time. I returned to the police department and requested the evidence technician to provide me still photos of all three reports showing Logan as the suspect. I also requested a still photo of Logan's vehicle during the criminal mischief report.

On 10-31-09 I received the photos from evidence and attempted to contact Logan at his residence to confront him about the theft reports (L09063362, L09071163) and the criminal mischief report (L09084356).

Logan was not at the residence but I did contact his father, Charles Gregory. I informed Charles that there were two reports, both from WalMart, where laptop computers had been stolen and a report of criminal mischief where a laptop was damaged.

I showed Charles photos from WalMart showing all the suspects. Charles stated he did not know the female in the photos with Logan where the computer was damaged. Charles was able to identify Logan in the photos and stated Logan had been driving a black Monte Carlo that has two white stripes on top from the front to rear.

Charles believed the male with Logan in the theft reports was a K.C. Boltz, who

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Grand Island Police Department
LAW INCIDENT TABLE

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had graduated Grand Island Northwest HS in 2009. Charles stated he believes Boltz is currently attending college in Omaha at UNO. Charles advised that Logan would be home on 11-1-09 and I could return around 1000 to talk to both of them together about these incidents.

I then went to 4057 W. Capital in an attempt to locate K.C. Boltz. I contacted a Leanna Obermiller, K.C.'s mother. Leanna confirmed that the person in the photos with Logan was in fact Calvin Charles (KC) Boltz. I informed Obermiller of the two reports and she indicated that Logan has been in trouble in the past and believed Logan was the cause of these reports. Obermiller stated Calvin was currently in Omaha attending college but she would have him contact me.

At about 1530 I spoke with Calvin Boltz on the phone. I informed Boltz about the video surveillance and asked him to tell me what he knew about the reports. Boltz stated he did not know anything about the laptops being stolen. The video and photos however show Boltz standing next to Gregory during the thefts. Boltz did say that based on the description of the female he thought it may be Briseida (sp) Morales.

On 11-1-09, at about 1030, I contacted Charles and Logan Gregory at their residence. I advised Logan why I needed to talk to him and he agreed to speak with me. I first showed Logan some of the photos and he acknowledged it was his vehicle, him in the photos and stated the male he was with was in fact K.C. Boltz. Logan also advised the female was Briseida Morales.

I asked Logan to tell me about these incidents. I advised Logan I was already aware there had been two computers stolen and a third broken at the WalMart stores. Logan didn't say anything then Charles stated he thought it would be best to obtain legal counsel. At that time I stopped asking any questions.

Charles requested I provide my name and badge number which I did. While printing my name for Charles Logan voluntarily stated, "Briseida didn't do anything".

I then went to Briseida Morales' residence, 1507 E 7th St, to contact Briseida. I contacted Briseida and her father, Socorro Morales. I advised Briseida and Socorro of the information I had and asked Briseida to tell me what happened.

Briseida stated she didn't know Logan had stolen any other computers and said she only was helping him look at the laptop. I asked Briseida if they were attempting to steal the computer when it broke. Briseida stated she wasn't trying to steal the computer.

Briseida stated Logan wanted to see the model number on the laptop and she was trying to lift the laptop so he could see the model number. Briseida stated at one time she did hear a cracking sound but thought it was Logan brushing up against something. I asked Briseida if she looked at the laptop after hearing the cracking sound. Briseida stated she did not because the laptop was closed.

The display laptops are locked in the open position by a security bar, it was not possible for the laptop to be closed. I believed Briseida was not being honest with me and I advised her she would be referred, along with Logan, for criminal mischief.

I am also referring both Logan Gregory and Calvin Boltz for the two thefts of the laptops in reports L09063362 and L09071163.

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Grand Island Police Department
LAW INCIDENT TABLE

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Date, Time: Thu Nov 05 18:19:11 CST 2009
Reporting Officer: Sheeks 427
Unit #: 829

5 Sheeks K 08:57:12 11/06/2009

CA Grand Island Police Department
Supplemental Report

SUSPECT VEHICLE:
1995 Chevrolet Monte Carlo, Black, 8F5577 NE, VIN/2G1WW12M9S93996
Charlee / Debra Gregory 4159 W. Faidley Ave., Grand Island, NE 68801

11/5/09 1838 OTHER INFORMATION:
Completed supplement and referrals for all reports.

Date, Time: Fri Nov 06 08:55:50 CST 2009 (mw)
Reporting Officer: K. Sheeks #427
Unit #:

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14:25

Grand Island Police Department
LAW INCIDENT TABLE

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1

```

City : Grand Island
Occurred after : 01:45:00 07/06/2009
Occurred before : 01:55:00 07/06/2009
When reported : 15:24:36 07/07/2009
Date disposition declared : 12/03/2009
Incident number : L09071163
Primary incident number :
Incident nature : Theft
Incident address : 3501 Locust St S; Wal-Mart Supercenter-South
State abbreviation : NE
ZIP Code : 68801
Contact or caller : Michelle
Complainant name number :
Area location code : PAOS Police All Over South
Received by : Kissler V
How received : T Telephone
Agency code : GIPD Grand Island Police Department
Responsible officer : Hill T
Offense as Taken :
Offense as Observed :
Disposition : CLO Closed Case
Misc. number : 22
Geobase address ID : 20301
Long-term call ID : 394744
Clearance Code : CCA Cleared / Referred to CA
Judicial Status :

```

INVOLVEMENTS:

| Px | Record # | Date | Description | Relationship |
|----|-----------|----------|---------------------------------|--------------------|
| LW | L09103182 | 11/06/09 | Traffic Hazard | Related Report |
| LW | L09084356 | 09/07/09 | Crim Mischief | Related |
| NM | 93815 | 11/06/09 | Gregory, Logan R | Offender/Referred |
| NM | 102029 | 11/06/09 | Morales-Duran, Socorro | Father/Briseida |
| NM | 120757 | 11/06/09 | Boltz, Calvin Charles | Offender/Referred |
| NM | 128152 | 11/06/09 | Morales, Briseida | Person Involved |
| NM | 149319 | 11/06/09 | Gregory, Charles V | Father/Logan |
| NM | 151171 | 11/06/09 | Obermiller, Leanna Sue | Mother/Kalvin |
| NM | 134302 | 09/07/09 | Carlson, Nicholas Lloyd | Suspect |
| NM | 103623 | 07/17/09 | WalMart South, | Victim |
| NM | 129602 | 07/17/09 | Perry, Michelle M | Reporting Party |
| CT | Y09071163 | 11/06/09 | Theft by Unlawful Taking | Referred/Gregory |
| CT | Z09071163 | 11/06/09 | Theft by Unlawful Taking | Referred/Boltz |
| VH | 107426 | 11/06/09 | BLK 1995 CHEV MONTE CA NE | Suspect Vehicle |
| CA | 394744 | 07/07/09 | 15:24 07/07/09 Theft | *Initiating Call |
| PR | 94200 | 07/17/09 | BLK Computer Hewlett Pack \$798 | Stolen |
| EV | 22233 | 07/08/09 | cd video, photos, receipt | *Evidence Incident |

LAW INCIDENT CIRCUMSTANCES:

| Se | Circu | Circumstance code | Miscellaneous |
|----|-------|---------------------------|---------------|
| 1 | LT08 | Department/Discount Store | |

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14:25

Grand Island Police Department
LAW INCIDENT TABLE

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2

IMAGE CODES FOR INCIDENT:

| Seq | Imag | Image code | for a users description field |
|-----|------|------------|-------------------------------|
| 1 | DOC | DOCUMENT | Referrals-Boltz/Gregory |
| 2 | DOC | DOCUMENT | Vehicle Registration Info |
| 3 | DOC | DOCUMENT | DVR Video Snapshots |

LAW INCIDENT NARRATIVE:

CA Medline filed (Gregory) 12/3/09

Theft Narrative

Theft by Shoplifting FO
Victim: Wal-Mart South

1. Description of the offense:

Michelle Perry reported two males entered the store, removed a laptop from the shelf and concealed the item and left the store.

2. Listed items stolen and dollar value:

STOLEN: HP Pavillion Laptop DV2-1039, Ser#SCNC9162F6X \$798.00

3. Date, time, reporting officer: Fri Jul 17 15:20:16 CDT 2009 (mw)
Officer T. Hill #440

LAW INCIDENT OFFENSES DETAIL:

| Se | Offe | Offense code | Arson Dama |
|----|------|------------------------------|------------|
| 1 | TPSH | Theft, Property, Shoplifting | 798.00 |

LAW INCIDENT RESPONDERS DETAIL:

| Se | Responding offi | Unit n | Unit number |
|----|-----------------|--------|-------------|
| 1 | Hill T | 440 | Hill T |

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Grand Island Police Department
LAW INCIDENT TABLE

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```

City : Grand Island
Occurred after : 11:50:00 08/27/2009
Occurred before : 12:02:00 08/27/2009
When reported : 14:41:54 08/27/2009
Date disposition declared : 12/03/2009
Incident number : L09084356
Primary incident number :
Incident nature : Crim Mischief Criminal Mischief
Incident address : 2250 Diers Ave N; Wal-Mart Supercenter-North
State abbreviation : NE
ZIP Code : 68803
Contact or caller : todd van hoosen
Complainant name number :
Area location code : PAON Police All Over North
Received by : Richards D
How received : T Telephone
Agency code : GIPD Grand Island Police Department
Responsible officer : Sheeks K
Offense as Taken :
Offense as Observed :
Disposition : CLO Closed Case
Misc. number : 31
Geobase address ID : 20225
Long-term call ID : 403295
Clearance Code : CCA Cleared / Referred to CA
Judicial Status :

```

INVOLVEMENTS:

| Px | Record # | Date | Description | Relationship |
|----|-----------|----------|---------------------------------|--------------------|
| LW | L09103182 | 11/06/09 | Traffic Hazard | Related Report |
| LW | L09103218 | 10/28/09 | Theft | Related Report |
| LW | L09063362 | 09/07/09 | Shoplift | Related |
| LW | L09071163 | 09/07/09 | Theft | Related |
| NM | 93815 | 11/06/09 | Gregory, Logan R | Offender/Referred |
| NM | 102029 | 11/06/09 | Morales-Duran, Socorro | Father/Briseida |
| NM | 120757 | 11/06/09 | Boltz, Calvin Charles | Offender/Referred |
| NM | 128152 | 11/06/09 | Morales, Briseida | Offender/Referred |
| NM | 149319 | 11/06/09 | Gregory, Charles V | Father/Logan |
| NM | 151171 | 11/06/09 | Obermiller, Leanna Sue | Mother/Kalvin |
| NM | 118713 | 09/07/09 | Tagge, Tamara Anne | Suspect |
| NM | 134302 | 09/07/09 | Carlson, Nicholas Lloyd | Suspect |
| NM | 42690 | 08/31/09 | VanHoosen, Todd A | Reporting Party |
| NM | 103622 | 08/31/09 | WalMart North, | Victim |
| CT | Y09084356 | 11/06/09 | Criminal Mischief-loss >\$300. | Referred/Gregory |
| CT | Z09084356 | 11/06/09 | Criminal Mischief-loss >\$300. | Referred/Morales |
| VH | 107426 | 11/06/09 | BLK 1995 CHEV MONTE CA NE | Suspect Vehicle |
| CA | 403295 | 08/27/09 | 14:41 08/27/09 Crim Mischief | *Initiating Call |
| PR | 95734 | 08/31/09 | BLK Computer HP DV21039WM \$698 | Property Damaged |
| EV | 23091 | 08/28/09 | surveillance cd | *Evidence Incident |

LAW INCIDENT CIRCUMSTANCES:

| Se | Circu | Circumstance code | Miscellaneous |
|----|-------|-----------------------------------|---------------|
| 1 | LT12 | Grocery/Supermarket | |
| | | 01.10.12 State Board of Education | |

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14:26

Grand Island Police Department
LAW INCIDENT TABLE

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IMAGE CODES FOR INCIDENT:

| Seq | Imag | Image code | for a users description field |
|-----|------|------------|--------------------------------|
| 1 | DOC | DOCUMENT | Walmart Receipt |
| 2 | DOC | DOCUMENT | Photos of suspects and vehicle |
| 3 | DOC | DOCUMENT | Referrals-Morales/Gregory |

LAW INCIDENT NARRATIVE:

CA Medlin filed (Gregory) 12/3/09
Narrative

Property Destruction

Criminal Mischief MO
Victim: Walmart North

1. Description of the offense:

Todd VanHoosen, Walmart Loss Prevention, reported a laptop computer damaged. A male subject and a female subject are seen trying to remove the laptop from the security rack and breaking the screen.

2. Description and dollar amount of damage:

Damaged: HP, Laptop Computer, Model DV2-1039WM, SN:CNC9162FCN \$698.00

3. Date, time, reporting officer: Mon Aug 31 06:15:24 CDT 2009 AH
Officer: K. Sheeks #427

LAW INCIDENT OFFENSES DETAIL:

| Se | Offe | Offense code | Arson Dama |
|----|------|--------------------------------|------------|
| 1 | VAND | Vandalism/Destruct/Damage Prop | 698.00 |

LAW INCIDENT RESPONDERS DETAIL:

| Se | Responding offi | Unit n | Unit number |
|----|-----------------|--------|-------------|
| 1 | Sheeks K | 311 | Sheeks K |

LAW SUPPLEMENTAL NARRATIVE:

| Seq | Name | Date |
|-----|----------|---------------------|
| 1 | Sheeks K | 06:21:11 08/31/2009 |

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Grand Island Police Department
LAW INCIDENT TABLE

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CA

Grand Island Police Department
Supplemental Report

08/27/09 1512 OTHER INFORMATION

DVD of store surveillance showing suspects. 8 photos of suspects and vehicle.

Date, Time: Mon Aug 31 06:22:03 CDT 2009 AH

Reporting Officer: K. Sheeks #427

Unit #:

2 Sheeks K 09:07:06 09/07/2009

CA

Grand Island Police Department
Supplemental Report

09/06/09 1504 OTHER INFORMATION

Based on video evidence of all three incidents, the suspect is the same person. In L09084356, I believe the female may be Tamara Tagge. In all 3 reports the blonde/red hair male I believe may be Nicholas Carlson.

Date, Time: Mon Sep 07 09:10:53 CDT 2009 AH

Reporting Officer: K. Sheeks #427

Unit #:

3 Sheeks K 18:33:58 11/05/2009

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Grand Island Police Department
LAW INCIDENT TABLE

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CA/427

Grand Island Police Department
Supplemental Report

On 10-26-09, at about 1035, I was detailed to 4159 W. Faidley in reference to a theft report. As I was walking up to the residence I noted the garage door was open. Inside I observed NE 8F5577, a black Monte Carlo with two white stripes on top from front to rear.

I recognized this vehicle as the suspect vehicle in criminal mischief report I took from WalMart (L09084356). The paint design made this vehicle fairly unique. I recalled from the criminal mischief report that there were two suspects, a male and a female. I recalled the male to be a white male with a medium build and blonde messy hair. The female had longer dark brown or black hair.

Based on video evidence from WalMart there was also two reports, L09063362 and L09071163, of laptops being stolen from WalMart with the blonde male suspect is the same as the male in the criminal mischief report.

I contacted a Logan Gregory at the residence and noted he matched the male suspect in the criminal mischief report. At this time I did not inform Logan of that report.

Logan advised that he had sold a laptop computer on Ebay and afterward the buyer claimed the computer was not the same as what Logan had advertised. The buyer was going to return the laptop and Logan stated that PayPal deducted the payment price from his account. Logan stated he received a package from the buyer and found the laptop that was returned was not the laptop he had sold. The laptop he received back was a nonworking older model.

Logan did have photos of the laptop he had sold on Ebay. The photos showed a new HP laptop and was clearly different than the computer he received in the mail. Logan was able to provide an Ebay user name and email address for the purchaser. Logan stated he was advised by PayPal that the buyer was in Kansas.

I did not inform Logan about the criminal mischief report or the theft reports at this time. I returned to the police department and requested the evidence technician to provide me still photos of all three reports showing Logan as the suspect. I also requested a still photo of Logan's vehicle during the criminal mischief report.

On 10-31-09 I received the photos from evidence and attempted to contact Logan at his residence to confront him about the theft reports (L09063362, L09071163) and the criminal mischief report (L09084356).

Logan was not at the residence but I did contact his father, Charles Gregory. I informed Charles that there were two reports, both from WalMart, where laptop computers had been stolen and a report of criminal mischief where a laptop was damaged.

I showed Charles photos from WalMart showing all the suspects. Charles stated he did not know the female in the photos with Logan where the computer was damaged. Charles was able to identify Logan in the photos and stated Logan had been driving a black Monte Carlo that has two white stripes on top from the front to rear.

Charles believed the male with Logan in the theft reports was a K.C. Boltz, who

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14:26

Grand Island Police Department
LAW INCIDENT TABLE

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5

had graduated Grand Island Northwest HS in 2009. Charles stated he believes Boltz is currently attending college in Omaha at UNO. Charles advised that Logan would be home on 11-1-09 and I could return around 1000 to talk to both of them together about these incidents.

I then went to 4057 W. Capital in an attempt to locate K.C. Boltz. I contacted a Leanna Obermiller, K.C.'s mother. Leanna confirmed that the person in the photos with Logan was in fact Calvin Charles (KC) Boltz. I informed Obermiller of the two reports and she indicated that Logan has been in trouble in the past and believed Logan was the cause of these reports. Obermiller stated Calvin was currently in Omaha attending college but she would have him contact me.

At about 1530 I spoke with Calvin Boltz on the phone. I informed Boltz about the video surveillance and asked him to tell me what he knew about the reports. Boltz stated he did not know anything about the laptops being stolen. The video and photos however show Boltz standing next to Gregory during the thefts. Boltz did say that based on the description of the female he thought it may be Briseida (sp) Morales.

On 11-1-09, at about 1030, I contacted Charles and Logan Gregory at their residence. I advised Logan why I needed to talk to him and he agreed to speak with me. I first showed Logan some of the photos and he acknowledged it was his vehicle, him in the photos and stated the male he was with was in fact K.C. Boltz. Logan also advised the female was Briseida Morales.

I asked Logan to tell me about these incidents. I advised Logan I was already aware there had been two computers stolen and a third broken at the WalMart stores. Logan didn't say anything then Charles stated he thought it would be best to obtain legal counsel. At that time I stopped asking any questions.

Charles requested I provide my name and badge number which I did. While printing my name for Charles Logan voluntarily stated, "Briseida didn't do anything".

I then went to Briseida Morales' residence, 1507 E 7th St, to contact Briseida. I contacted Briseida and her father, Socorro Morales. I advised Briseida and Socorro of the information I had and asked Briseida to tell me what happened.

Briseida stated she didn't know Logan had stolen any other computers and said she only was helping him look at the laptop. I asked Briseida if they were attempting to steal the computer when it broke. Briseida stated she wasn't trying to steal the computer.

Briseida stated Logan wanted to see the model number on the laptop and she was trying to lift the laptop so he could see the model number. Briseida stated at one time she did hear a cracking sound but thought it was Logan brushing up against something. I asked Briseida if she looked at the laptop after hearing the cracking sound. Briseida stated she did not because the laptop was closed.

The display laptops are locked in the open position by a security bar, it was not possible for the laptop to be closed. I believed Briseida was not being honest with me and I advised her she would be referred, along with Logan, for criminal mischief.

I am also referring both Logan Gregory and Calvin Boltz for the two thefts of the laptops in reports L09063362 and L09071163.

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14:26

Grand Island Police Department
LAW INCIDENT TABLE

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Date, Time: Thu Nov 05 18:19:11 CST 2009
Reporting Officer: Sheeks 427
Unit #: 829

4 Sheeks K 08:56:20 11/06/2009

CA

Grand Island Police Department
Supplemental Report

SUSPECT VEHICLE:

1995 Chevrolet Monte Carlo, Black, 8F5577 NE, VIN/2G1WW12M9S93996
Charlee / Debra Gregory 4159 W. Faidley Ave., Grand Island, NE 68801

11/5/09 1838 OTHER INFORMATION:

Completed supplement and referrals for all reports.

Date, Time: Fri Nov 06 08:55:50 CST 2009 (mw)
Reporting Officer: K. Sheeks #427
Unit #:



NORTHWEST HIGH SCHOOL

2710 N. North Road
Grand Island, NE 68803-1199
Phone: (308) 385-6394 Fax Number: (308) 385-6393



September 1, 2011

To Whom It May Concern:

I am writing to you concerning a former student, Logan Gregory. Please allow me to extend my recommendation for Logan, under the following criteria, as Logan's former instrumental music instructor.

Logan has a passion for music. As Logan's teacher, I instructed him in band and in music theory courses. Logan was a member of the marching, concert, pep, and jazz bands at Northwest, playing the alto and tenor saxophones. He worked to develop a great tone and advanced technique on his saxophone, and showed a desire for continuous improvement. It is my understanding that he is currently a sophomore music education major at the University of Nebraska at Kearney, participating in several of the school's music ensembles.

Throughout Logan's senior year, I witnessed tremendous personal growth in this individual. Logan took the cards that were dealt him, and began to take responsibility for those actions. He worked very hard to improve his saxophone playing tremendously throughout the school year, partially in preparation for his collegiate music auditions.

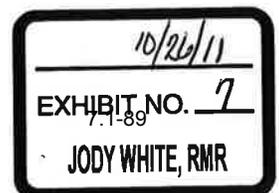
One example of Logan's motivation that year was his attendance at the University of Nebraska—Lincoln's jazz musician camp, held the summer preceeding his senior year. Logan's involvement showed not only his passion for music, but also his commitment to improving himself. He was able to learn from professional jazz musicians, and received practical advice for improving his jazz skills.

Logan also excelled in music theory, a course designed to instruct students in the inner workings of music. Logan was able to understand complex harmonic devices, and was able to take that knowledge and create original arrangements from what he has learned. An important example of this creativity is his arrangement of a movie theme for the Northwest pep band. The arrangement was played many times by our pep band.

Although I have not been in close contact with Logan for the past year, the above examples remain strong in my mind of Logan's musicianship and his desire to teach children the musicianship that he has himself experienced. I have enjoyed speaking with him on a couple of occasions at professional music educators' conferences, and also appreciated the fact that Logan stopped by the Northwest Marching Band's summer camp this past

ADMINISTRATION

BILL MOWINKEL, Superintendent
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CHRIS EBERHARDT, Assistant Principal
ROCKY ALMOND, Activities Director



summer. Through these limited interactions, I remain convinced that Logan has the passion and the ability to teach students, and I would regret to hear of Logan being denied the opportunity to work with students.

Please give Logan your strong consideration, and let me know if I may provide any further information for you.

Sincerely,

A handwritten signature in blue ink that reads "Shawn Pfanstiel". The signature is written in a cursive style with a long, sweeping tail on the letter "l".

Shawn M. Pfanstiel
Director of Bands

ADMINISTRATION
BILL MOWINKEL, Superintendent
TIM KRUPICKA, Principal
CHRIS EBERHARDT, Assistant Principal
ROCKY ALMOND, Activities Director

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October 25, 2011

RE: Logan Gregory

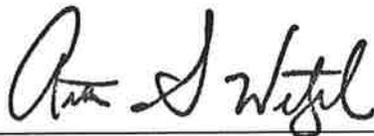
To Whom it may concern:

Please be advised that I represented Logan Gregory in Hall County District Court, Case No. CR 10-124. Mr. Gregory was 17 on the date of the alleged offense, although he was not charged until he turned 18.

Mr. Gregory was initially charged with one felony and two misdemeanors. The felony was reduced to a misdemeanor due to the value of the item allegedly taken. Mr. Gregory was charged due to the value of the item, although the value listed was not the actual price of the item, it was actually much lower. If you have any further questions, please do not hesitate to contact me.

Sincerely,

ANDERSON, VIPPERMAN,
KOVANDA & WETZEL

By: 
Arthur S. Wetzel

ASW/adp