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1 Case No. 17760

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**D. DALEY**

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IN THE NINTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA

7

IN AND FOR THE COUNTY OF DOUGLAS

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STATE OF NEVADA, by and through  
the WELFARE DIVISION of the  
DEPARTMENT OF HUMAN RESOURCES,  
MARIE E. WITHROW,

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Plaintiff,

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vs.

ORDER

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BRIAN WITHROW,

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Defendant.

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The above-entitled matter came on for hearing November 21, 1988, pursuant to show cause order entered October 28, 1988. On November 21, 1988, plaintiffs were represented in Court by Harold Kuehn, Deputy District Attorney for Douglas County, Nevada. The defendant did not appear. At the request of Mr. Kuehn, the hearing was continued for one week. On November 28, 1988, the hearing on this Court's October 28, 1988, show cause order was completed, defendant appearing without legal counsel and plaintiff's appearing by and through Robert F. Balkenbush, Deputy District Attorney for Douglas County, Nevada.

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The Court finds, concludes and orders as follows:

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FINDINGS OF FACT

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191802

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1           1. On July 18, 1988, this Court entered an order in  
2 the above-captioned matter finding the defendant Brian Withrow in  
3 contempt of this Court's May 5, 1987, order in the  
4 above-captioned matter.

5           2. Though finding the defendant Brian Withrow in  
6 contempt, as set forth in findings of fact paragraph number 1,  
7 this Court withheld sentence, but reduced to judgment \$1,070.00  
8 as a debt for support and ordered the defendant to pay \$100.00  
9 per month toward retirement of the debt for support commencing  
10 July 23, 1988.

11           3. Defendant Brian Withrow paid \$100.00 in July, 1988,  
12 and \$100.00 in August, 1988, toward satisfaction of the \$1,070.00  
13 debt for support. As a consequence, the debt for support is now  
14 \$870.00. However, defendant Brian Withrow failed to pay \$100.00  
15 toward the debt for support for the months of September, October,  
16 and November, 1988. Defendant's explanation for nonpayment was  
17 unemployment. Specifically, he claimed that his original  
18 unemployment was the result of an altercation between his now  
19 former employer and himself. Defendant further asserted that he  
20 recently forfeited a job opportunity in Reno, Nevada, due to a  
21 15-day period of incarceration in Carson City, Nevada, on an  
22 outstanding warrant of arrest for traffic violations.

23           4. Defendant asserted that he expects soon to be  
24 employed in Sparks, Nevada. Defendant further asserted that the  
25 potential employer in Sparks, Nevada, is simply awaiting receipt  
26 of Defendant's social security number and proof of citizenship by  
27 birth certificate. Defendant claimed to have recently lost or  
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1 misplaced these documents, but has also claimed to have recently  
2 sought replacement documents.

3 5. Defendant affirmed his ability to pay \$500.00  
4 within 60 days from the date of this order. (\$100.00 for the  
5 months of September, October, November, and December, 1988, and  
6 January, 1989).

7 6. Any finding of fact above-stated which upon review  
8 is held to be a conclusion of law is hereby adopted as such.

9  
10 CONCLUSIONS OF LAW

11 1. In this proceeding, this Court has jurisdiction of  
12 the defendant and the subject matter.

13 2. Defendant is in contempt of this Court's May 5,  
14 1987, order in the above-captioned matter.

15 3. Defendant is in contempt of this Court's July 18,  
16 1988, order in the above-captioned matter.

17 4. Any conclusion of law above-stated which upon  
18 review is held to be a finding of fact is hereby adopted as such.

19 ORDER

20  
21 1. That defendant shall pay \$100.00 per month as  
22 reimbursement of an \$870.00 debt for support. That the initial  
23 payment shall be due on December 23, 1988, and on the 23rd day of  
24 each month thereafter until the debt for support is retired or  
25 satisfied.

26 2. That defendant be incarcerated for 25 days in the  
27 Douglas County jail in Minden, Nevada, for his contempts of

1 court. The period of incarceration is suspended and defendant is  
2 given until 5:00 p.m., January 28, 1988, to pay \$300.00 to purge  
3 his contempts. In the event that defendant fails to pay \$300.00  
4 by or before this said time and date, defendant shall report to  
5 Douglas County jail in Minden, Nevada, at 8:00 a.m., on January  
6 29, 1988, and be incarcerated for 25 days for his contempts of  
7 court. In the event that defendant fails to pay \$300.00 by or  
8 before 5:00 o'clock p.m., January 28, 1988, and fails to report  
9 to the Douglas County jail in Minden, Nevada, at 8:00 a.m.,  
10 January 29, 1988, a bench warrant for defendant's arrest shall  
11 immediately issue. Defendant shall then be brought before this  
12 Court, and this Court shall then receive evidence on whether  
13 defendant is again in contempt of this Court and whether  
14 defendant should be sentenced to an additional 25 days in jail.  
15 Without regard to the outcome of the latter hearing, defendant  
16 shall serve 25 days in jail for his failure to timely purge his  
17 previous contempts of this Court.

18 DATED this 30th day of November, 1988.

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21 NORMAN C. ROBISON  
22 DISTRICT JUDGE

COPY

**CERTIFIED COPY**

The document to which this certificate is attached is a full, true and correct copy of the original on file and of record in my office.

**SEAL**

DATE: November 30, 1988

[Signature] Clerk of the 1st Judicial District Court of the State of Nevada, in and for the County of Douglas.

By [Signature] Deputy

REQUESTED BY  
**DOUGLAS COUNTY**  
IN OFFICIAL RECORDS OF  
DOUGLAS CO., NEVADA

'88 DEC -1 P2:07

SUZANNE BEAUDREAU  
RECORDER

**191802**

\$ 0 PAID [Signature] DEPUTY BOOK **1288** PAGE **C88**