

a lot worse than the one before it. There may be mitigating circumstances, there may be prior records, all those things take into account sentencing. What I hear you complaining about is you don't like the way anyone is sentenced in the State of Nebraska.

SENATOR CHAMBERS: I didn't say that, Senator Kristensen.

SENATOR KRISTENSEN: Well, but I think that that's...

SENATOR CHAMBERS: I will say what I want to say.

SENATOR KRISTENSEN: That's the practical...well, but I think that's the practical...

SENATOR CHAMBERS: I'd like you not to read between the lines. Now you can give your opinion, but don't say that's what I'm saying because it's not, but here's what I will point out to you because you may not read the Omaha World-Herald regularly. There was a judge who was ordered by the State Supreme Court to sentence a guy to five years because the judge sentenced him to five years to scare him and then gave him probation. It was a drunk driving case, and gave him no time, so don't tell me this doesn't happen. That happened a relatively short time ago. Judge gave him no time. The prosecutor appealed it, the Supreme Court said you got to give him time. So it went back and the judge gave him three years. It went up again and the Supreme Court said we told you that it's five years and give him five years, but while all this was going on he had been paroled and discharged from custody which means Corrections had no further hold on him and they're trying to figure out what to do now. But the reason I say that, Senator Kristensen, being a lawyer, will always tell us what can't happen even though it has happened very recently in the largest city in the state where there is coverage by the state's largest newspaper, albeit it may not be the best newspaper just because it's large, but nevertheless, that was a highly publicized case, went to the Supreme Court, so why will he stand here and tell me that if there is a sentence required by the statute that a judge is going to say you won't get any time? And as he said, there's no gray area here. The judge does not violate the law by giving no time. That's not a violation of the law. So if every single time a person refuses the test is such a serious offense that that person regardless of circumstances must be given seven days in jail, remember, just for refusing to take the test whether