

IN THE IOWA DISTRICT COURT FOR SCOTT COUNTY

JAMES N. WELLS,)	
)	
Plaintiff,)	No. 101220
)	
v.)	ORDER
)	
JAMES JANSSEN,)	
)	
Defendant.)	FILED 1-9-08 8:28 AM

On this 8th day of January, 2008, the above-captioned matter was presented for the defendant's appearance before the Court as directed in the ruling and order filed in this action on November 6, 2007. The plaintiff appeared by Attorneys Craig Levien and Ben Yeggy. The defendant appeared in person and by Attorney J.E. Tobey III.

In the Ruling and Order on Application for Citation of Contempt filed on November 6, 2007, the Court found James Janssen to be in contempt for a willful failure to explain certain missing bonds. Finding the defendant in contempt, the Court ordered that he and his attorney must appear before the Court at a later date and demonstrate that the defendant had purged himself of the contempt or be subject to penalty as provided by the law of contempt proceedings. Specifically, Defendant James Janssen was ordered to appear before the Court and purge himself of contempt by production of the \$80,000 in savings bonds which have not been previously produced as ordered by the Court.

The Court has now heard testimony and admitted exhibits into evidence at the hearing held on this date. The Court has also considered the arguments of counsel. Being fully informed the Court did make the following finding on the record.

Based upon the evidence presented for consideration on this date, the Court finds that even though he had sixty days to do so, James Janssen has failed to produce the \$80,000 in savings bonds as previously ordered by the Court. Although the

defendant has presented a page with certain numbers on it as possibly relating to the \$80,000 in savings bonds which he has been ordered to produce, this is not production of the bonds as ordered, nor is it a satisfactory substitute for those bonds. Therefore, the Court finds that the defendant, James Janssen, has failed to purge the contempt as previously found by the Court.

The Court further finds that under the provisions of Chapter 665 of the Code of Iowa, the defendant shall be punished for his contempt with a jail sentence of one hundred eighty days. The defendant is under the care of a physician and requires daily medication as prescribed. Upon the request of counsel for the defendant, the Court has found that the mittimus shall not issue on the jail sentence until January 9, 2008, at 10:00 a.m., when the defendant shall turn himself in at the Scott County Jail. The defendant is advised that any failure to comply with this order may result in the imposition of additional penalties.

THEREFORE, IT IS ORDERED that James Janssen shall serve 180 days in the Scott County Jail in Davenport, Iowa, as punishment for his contempt of court as found in the ruling and order filed in this matter on November 6, 2007.

IT IS FURTHER ORDERED that mittimus is stayed until January 9, 2008 at 10:00 a.m. when James Janssen shall appear and turn himself in at the Scott County Jail in Davenport, Iowa to begin serving the 180 day sentence as imposed.

IT IS FURTHER ORDERED that the Clerk of Court shall tax court costs of this contempt proceeding against the defendant, James Janssen.

IT IS FURTHER ORDERED that James Janssen shall reimburse the State of Iowa for attorney fees paid to Attorney J.E. Tobey III by the State of Iowa for his representation of the defendant in this contempt proceeding. Judgment shall be

entered by the Clerk of Court against the defendant for such fees in the same amount as paid by the State of Iowa to Attorney Tobey.

Clerk shall distribute copies of this order to Attorneys Craig Levien; Ben Yeggy; and J.E. Tobey III.

All of the above is SO ORDERED on this 8th day of January, 2008.

Bobbi M. Alpers
Judge of the District Court