

IN THE COUNTY COURT OF LANCASTER COUNTY, NEBRASKA

THE STATE OF NEBRASKA,	)	
	)	Case No. CR05-22444
Plaintiff,	)	
	)	SENTENCING
vs.	)	ORDER
	)	
MICHAEL R. HERCHENBACH,	)	
6/8/84, 1518 SW 15th	)	
Defendant.	)	

Twenty year old Michael R. Herchenbach appears with his University of Nebraska, lawyer, Tom Keefe for sentencing following his third arrest, second conviction for Maintaining a Disorderly House, 1/ a euphemism for Wild Party.

Police officers dispatched to his house at 1:30 a.m. on October 2<sup>nd</sup> found 170 people drinking beer from cans, bottles, and at least one keg. Approximately 50 people were drinking in the front yard and street with bottles, cans, and "keg cups" strewn everywhere. A "very loud stereo" apparently in an open garage could be heard a block away.

As officers approached, a number of young "party goers" dropped their beer cups and ran. Young people might do that for several reasons, one of those reasons being that they were minors and didn't want to be cited for Minor in Possession.

Mass confusion best describes the scene for the next 30 to 60 minutes as officers told 170 people to just go home --- the party was over. Intoxicated people hollering, screaming, profanities, people running out one door, back in another, hiding etcetera ad nauseum.

For his part, Mr. Herchenbach seems to have taken off running when the police arrived. It wasn't until much later when he returned. 2/

There are number of reasons that a Court needs to take a harder look at this type of case and Mr. Herchenbach.

Reason #1. People can die at these parties.

Young people, unfettered by parentally enforced mores and constraints for the first time, presented with unlimited beer and liquor, accompanied (encouraged) by friends experiencing the same "independence" often make terribly bad choices in front of those peers sliding into fatal or near fatal situations.

It is not uncommon for Lincoln police to find unconscious youth, male and female, at these “parties” passed out in cars, and face down in back yards and gutters with near lethal blood alcohol counts of .4 and .5 and more.

Consider the tragedy and the wisdom of the work the Samantha Spady Foundation is doing, unfortunately not yet on the UN-L campus.

Reason #2. People can die at these parties.

Unbeknownst to a lot of naive young people from Greater Nebraska who came to Lincoln to attend one of our city’s multiple places of higher learning, there exists a local . . . sport . . . form of recreation . . . practice . . . wherein other young men, “non-students” get into cars and simply cruise the neighborhoods where modest rents and proximity to campus concentrate student populations. And it doesn’t take a geiger counter nor a G.P.S. to locate 100 people in the street or hear a stereo a block away. Completely uninvited, these young men just walk right in, in groups of 6, 8, 10, 12, and help themselves to the free booze, free food, and whatever else might be available or just lying around. Asked/told to leave, they brandish knives, ball bats, and even guns. Violence is an anticipated, completely acceptable even welcome part of this “form of recreation” and the resulting brawls take on a particular kind of Have versus Have Not wanton viciousness.

College students have been shot and killed in these confrontations by uninvited “guests”.

Reason #3

These endless wild parties are tearing at the fabric of some of Lincoln’s oldest and best neighborhoods destroying the solid, quiet sense of community that has made our city what it is.

Reason #4

These wild parties are a pointless risk to and a completely avoidable drain upon limited law enforcement resources.

By definition, young people can make immature decisions. Young people fueled by alcohol do make immature decisions. And young people fueled by alcohol surrounded/egged on by a hundred of their semi-intoxicated contemporaries can generally be counted upon to make bad decisions.

Little wonder that for basic officer safety, two cruisers are routinely dispatched to these late night neighborhood disruptions and those first officers frequently request back up or additional officers.

And this gets to be very expensive. A "conservative estimate" 3/ is that the cost of dealing with a "disorderly house" call approaches \$200.00 (two officers, two hours).

And on a warm autumn or spring evening, officers may be dispatched to 35 or 50 of these a night. Officers who are not available for other kinds of calls for service.

The focus, nonetheless, is upon Mr. Herchenbach who appears to have come to Lincoln from Columbus, Nebraska to attend the University and has managed to get himself cited/arrested in Lincoln once for drunk driving, once for M.I.P., once for Hindering an Arrest, and three times for Maintaining a Disorderly House in less than 24 months.

Directed to keep an interview date with the Probation Office and otherwise cooperate with that office in the preparation of a PreSentence Investigation, so the above might be remedied, it seems Mr. Herchenbach just "forgot" to go there missing at least two different scheduled interviews.

This Judge has no magic wand.

Mr. Herchenbach is committed to jail for 30 days and all costs of prosecution are assessed to him.

DATED this 31 day of March, 2006.

  
GALE POKORNY  
Lancaster County Judge