

State v. Schaetzle

Case Number

A-17-1050

Court Number

Lincoln

Call Date

November 7, 2018

Case Time

1:00 PM

Case Audio

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Case Summary

District Court of Dawson County, Judge Richard A. Birch

Attorney for Appellant: Brian J. Davis (Berreckman, Davis & Bazata, P.C.)

Attorney for Appellee: Douglas J. Peterson and Austin N. Relph (Office of the Nebraska Attorney General)

Criminal Action: Postconviction Relief

Action Taken by Trial Court: Schaetzle filed an amended motion for postconviction relief. The district court granted Schaetzle an evidentiary hearing on his claim that his trial counsel was ineffective for failing to object to testimony about allegations of a second sexual assault, but only on the issue of trial counsel's strategy in not asking for a limiting instruction regarding the second sexual assault. The court denied an evidentiary hearing on Schaetzle's remaining claims for postconviction relief.

Assignments of Error: Schaetzle assigns, reordered, that the district court erred in denying his amended motion for postconviction relief without an evidentiary hearing on his claims that his trial counsel was ineffective for (1) failing to object to testimony about allegations of a second sexual assault, (2) failing to request that he undergo a psychological evaluation, (3) sleeping during the trial, (4) failing to hire an expert to testify on his behalf about his confession, (5) failing to raise his erectile dysfunction as a defense, (6) failing to object to argumentative comments in the State's opening statements, and (7) failing to properly prepare defense witnesses. He further assigns that the district court erred in denying without an evidentiary hearing his claims that his counsel on direct appeal was ineffective for failing to raise issues (3) through (7).

Case Location

Kearney

Court Type

District Court

Schedule Code

A2

Panel Text

Moore, Chief Judge, Riedmann and Welch, Judges
