

State v. Swanson

Case Number

S-18-0369

Case Audio

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Call Date

August 27, 2019

Case Time

9:00 AM

Court Number

Douglas

Case Location

Lincoln

Court Type

District Court

Case Summary

S-18-0369 State of Nebraska (Appellee) v. Roger R. Swanson (Appellant)

Douglas County, Judge Russel Derr

Attorneys: Douglas Peterson & Siobahn E. Duffy (Attorney General's office); Gregory A. Pivovar

Criminal: Sufficiency of the Evidence; Excessive Sentence

Proceedings Below: Roger Swanson appeals from a jury verdict convicting him of First Degree Sexual Assault of a Child under 12 and Third Degree Sexual Assault of a Child. Swanson was sentenced 42-43 years in prison: 40-41 years for First Degree Sexual Assault and 2 years for Third Degree Sexual Assault.

Issues: Swanson assigns that (1) the evidence was insufficient to survive a motion to dismiss at the close of the State's case as to the First Degree Sexual Assault charge and to support conviction of both counts, (2) the district court abused its discretion in imposing an excessive sentence that was cruel and unusual punishment and (3) the district court abused its discretion in imposing an excessive sentence.

Schedule Code

SC
