

State v. Savage

Case Number

S-17-1166

Case Audio

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October 31, 2018

Court Number

Lancaster

Case Location

Lincoln

Case Summary

S-17-1166, State v. Courtney J. Savage (Appellant)

Lancaster County District Court, Judge Susan I. Strong

Attorneys: Austin N. Relph (Attorney General's Office) (Appellee) --- Darik J. Von Loh (Hernandez Frantz, Von Loh) (Appellant)

Criminal: Evidence (Authentication/Hearsay); Sentencing

Proceedings below: The trial court overruled Appellant's pretrial motion in limine, as well as overruled Appellant's motion to dismiss and subsequent motion for a new trial. Appellant was sentenced to 10-18 years' imprisonment with 10 of those years being a mandatory minimum sentence pursuant to the trial court's finding that he met the criteria to be sentenced as a habitual criminal.

Issues: Whether the district court erred by 1) overruling Appellant's motion in limine; 2) by overruling Appellant's motion to dismiss; 3) by the court allowing the case to proceed to the jury on insufficient evidence to support a verdict; 4) by allowing evidence of text messages without proper authentication; 5) by allowing text messages the Appellant contends constitute hearsay; 6) by violating the best evidence rule; 7) by allowing text messages from Appellant's phone without proper authentication; 8) by allowing text messages from Appellant's phone that contain impermissible hearsay; 9) by allowing text messages from Appellant's phone that violate the best evidence rule; and 10) by imposing an excessive sentence.
