

# State v. David J. Hibler, Jr.

**Case Number**

S-18-0005

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January 8, 2019

**Court Number**

Lancaster

**Case Location**

Lincoln

**Case Summary**

S-18-0005 State v. David J. Hibler, Jr. (Appellant)

Lancaster County District Court, Judge Darla Ideus

Attorneys: Siobhan E. Duffy (Attorney General's Office) --- Michael J. Wilson (Schaefer Shapiro, L.L.P.) (Appellant)

Criminal: Sexual assault of a child; Incest; Constitutionality; Evidence; Ineffective assistance of counsel

Proceedings below: After several hearings, the trial court overruled Appellant's plea in abatement and amended motion to quash, and sustained in part and overruled in part her motion to suppress. Following a bench trial, the trial court found Appellant guilty and sentenced Appellant to 55 to 75 years' imprisonment.

Issues: Whether the trial court erred when it 1) overruled the Appellant's plea in abatement; 2) found at trial that § 27-707 of the Nebraska Revised Statutes is a general intent crime and found the Appellant guilty as charged; 3) overruled the Appellant's amended motion to quash; 4) overruled the Appellant's motion to suppress the statements made by Appellant in the second and third interviews by law enforcement; 5) found at trial that the Appellant's statements to law enforcement were voluntary; 6) found at trial the Appellant guilty and, thereby, overruling her constitutional challenge as applied; 7) sentenced Appellant to an indeterminate sentence of not less than fifty-five years nor more than seventy-five years and said sentence is excessive.

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