

State v. Jedo J. Jerke

Case Number

S-18-0426

Case Audio

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January 11, 2019

Court Number

Hall

Case Location

Lincoln

Case Summary

S-18-0426 State (Appellant) v. Jedo J. Jerke

District Court for Hall County, Honorable Teresa K. Luther

Attorneys: Martin R. Klein and Katherine J. Doering (County Attorney?s Office) (Appellant) ---
Mark Porto (Porto Law Office)

Criminal: Plea; 2nd degree assault; motion to withdraw plea and vacate sentence

Proceedings below: Appellee was convicted based on a plea of no contest and served his sentence. Following a hearing, the district court granted Appellee?s motion to withdraw plea and sentence. The State appealed. Appellee filed a petition to bypass the Court of Appeals which was granted by the Nebraska Supreme Court.

Issues: 1) The district court erred in granting Appellee?s Motion to Withdraw and Vacate Sentence as Appellee is not entitled to use a common law claim of manifest injustice as Appellee had the opportunity to raise these issues on appeal or in a motion for postconviction relief and did not do so, and 2) assuming arguendo that Appellee is allowed to pursue a claim of manifest injustice or a claim for postconviction relief, the District Court erred in finding that there was ineffective assistance of trial counsel under the Strickland v. Washington standard or Padilla v. Kentucky.
