

State v. Manjikian

Case Number

S-18-0858

Call Date

March 28, 2019

Court Number

Lancaster

Case Location

Lincoln

Case Summary

S-18-0858, State of Nebraska v. Vazgen Manjikian (Appellant)

Lancaster County District Court, Judge Susan I. Strong

Attorneys: Melissa R. Vincent (Attorney General's Office) (for Appellee the State of Nebraska) --- Jason E. Troia (Dornan, Troia, Howard, Breitkreutz & Conway PC LLO) (for Appellant Manjikian)

Type of case: This is a criminal case in which Manjikian was convicted based on his plea of no contest to the crime of attempted possession of a controlled substance (methamphetamine).

Proceedings Below: Majikian was convicted based on a plea of no contest and sentenced to 180 days in jail.

Issues on appeal: 1) The district court erred in finding Majikian made a free, voluntary, knowing, and intelligent plea, 2) the district court erred in accepting the plea because the plea offends double jeopardy principles, 3) the district court abused its discretion in the sentence imposed, 4) Majikian received ineffective assistance of counsel when his counsel failed to protect his rights against double jeopardy, and 5) Majikian received ineffective assistance of counsel when his counsel's advice to plead fell below the range of competence demanded of attorneys in criminal cases.

Facts: On January 24, 2018, Sheriff's Deputy Jason Mayo saw a white Chrysler Pacifica with New York license plates traveling on I-80 and following too close behind another vehicle. As Mayo stopped the vehicle, he observed Kevin Conrado, the driver, and Manijikian, his passenger, making sneaky movements around the center console. Mayo smelled an odor of raw marijuana coming from the vehicle and observed trash, food wrappers and cans. Upon request for the registration, Conrado gave Mayo the rental agreement, which expired four days prior and indicated the renter was Manjikian's brother. The travel stories provided by Conrado and Majikian did not match. A search of the vehicle revealed two baggies of meth and two marijuana joints in the console. One of the baggies was ripped and its contents was poured in a can of Red Bull. Manjikian claimed the meth was Adderall. Investigators also found \$234,956 split between Conrado's backpack and three brownie mix cans, which belonged to Manjikian. The search also revealed diamond jewelry and cell phones. Manjikian entered into an agreement with the State of Nebraska to forfeit any claim to the money seized during the investigation. Manjikian plead no contest to a reduced charge and was convicted of

attempted possession of a controlled substance. He was sentenced to 180 days in jail.

Manjikian now appeals. Both sides submitted written briefs to the Supreme Court. After hearing arguments from both sides at an oral argument before the Supreme Court, the Court will submit the case for disposition, and will issue an opinion in the coming months.
