

State v. Privett

Case Number

S-18-0775

Case Audio

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May 22, 2019

Court Number

Knox

Case Location

Lincoln

Case Summary

S-18-0775 State v. Phillip Privett (Appellant)

Knox County, District Court Judge James G. Kube

Attorneys: Douglas Peterson (Attorney General) Siobhan Duffy (Assistant Attorney General) - Michael J. Wilson (Schaefer Shapiro, LLP) (Appellant)

Postconviction: Ineffective Assistance of Counsel

Proceedings Below: The district court denied Phillip's motion for postconviction relief without an evidentiary hearing. Phillip appeals.

Issues: The district court erred in denying Phillip an evidentiary hearing on his claim that trial counsel provided ineffective assistance when counsel failed to 1) advise Phillip concerning a defense that Phillip's mental illness and medications prevented him from forming the intent required to commit murder and use of a firearm; and (2) request either additional amplification of the words of the district court and the parties at the plea hearing or a telecommunications device for the hearing impaired.
