

# State v. Assad (PFR)

**Case Number**

S-17-1193

**Case Audio**

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**Call Date**

October 2, 2019

**Case Time**

9:00 AM

**Court Number**

Cheyenne

**Case Location**

Lincoln

**Court Type**

District Court

**Case Summary**

S-17-1193 State v. Jason Assad (Appellant)

Cheyenne County District Court, Judge Derek C. Weimer

Attorneys: Nathan A. Liss (Office of the Attorney General, for Appellant) --- Brian S. Munnely (Appellant)

Postconviction Action: Insufficient enhancement evidence; Ineffective assistance of counsel; Petition for further review.

Proceedings Below: The district court granted the State's motion to dismiss Appellant's motion for postconviction relief without an evidentiary hearing. This matter was affirmed on appeal to the Court of Appeals. A petition for further review followed.

Issues: Whether Appellant is entitled to postconviction relief due to 1) insufficient evidence to support Appellant's habitual criminal enhancement and 2) ineffective assistance of appellate counsel in failing to allege ineffective assistance of trial counsel on direct appeal for not objecting to (a) the evidence utilized in Appellant's habitual criminal enhancement, (b) the jury instructions on "deadly weapon," (c) the affidavit utilized in obtaining a search warrant of Appellant's residence, and (d) the search of Appellant's residence in going beyond the scope of the search warrant.

**Schedule Code**

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