

# State v. Dady

**Case Number**

S-18-0948

**Case Audio**

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**Call Date**

October 4, 2019

**Case Time**

9:00 AM

**Court Number**

Douglas

**Case Location**

Lincoln

**Court Type**

District Court

**Case Summary**

S-18-0948 State of Nebraska v. Joshua Dady (Appellant)

Douglas County District Court, Judge Gregory M. Schatz

Attorneys: Thomas C. Riley, Timothy Shanahan, & Abbi Romshek (Douglas County Public Defender's Office, for Appellant) --- Douglas J. Peterson & Siobhan E. Duffy (Office of the Attorney General, for Appellee)

Criminal: First degree sexual assault; Mental or physical incapacity Neb. Rev. Stat. § 28-319(1)(b)

Proceedings Below: Appellant was convicted and sentenced to 20 to 25 years' imprisonment. During trial, the court admitted evidence of the victim's mental health disorders, and excluded evidence of her other sexual conduct. The court rejected Appellant's proposed jury instruction defining 'mentally incapable,' and later overruled his motion for new trial.

Issues: Appellant assigns error as to whether 1) the court properly admitted evidence that the victim had been diagnosed with mental health disorders; 2) the court properly excluded evidence of the victim's other sexual conduct; 3) the court erred in declining to give Appellant's jury instruction; 4) there was sufficient evidence to convict Appellant; 5) Appellant's motion for new trial should have been granted; and 6) the court imposed an excessive sentence.

**Schedule Code**

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