

State v. Lierman

Case Number

S-18-0402

Case Audio

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Call Date

October 30, 2019

Case Time

9:00 AM

Court Number

Antelope

Case Location

Lincoln

Court Type

District Court

Case Summary

S-18-0402 State of Nebraska v. Darryl Lierman (Appellant)

Antelope County District Court, Judge Mark A. Johnson

Attorneys: Kimberly A. Klein (Office of the Attorney General, for Appellee); Bradley A. Ewalt (Ewalt Law Office, PC, LLO, for Appellant)

Criminal: Evidence; Excessive sentence; Ineffective assistance of counsel

Proceedings below: The matter came on for jury trial from January 8 through January 17, 2018. The Appellant was convicted on all counts and Sentencing was scheduled for March 28, 2018. Appellant appeared on March 28, 2018 for Sentencing. On Counts I through 3, Sexual Assault of a Child in the First Degree, a Class IB Felony, was sentenced to an indeterminate term of incarceration for not less than 20 years, nor more than 40 years for each. On Counts IV through VI, Sexual Assault of a Child in the Third Degree, a Class IIIA Felony, Appellant was sentenced to an indeterminate term of incarceration for not less than 2 years, nor more than 4 years on each count. On Count VII and VIII, Child Abuse, a Class IIIA Felony, Appellant was sentenced to an indeterminate term of incarceration for not less than 2 years, nor more than 4 years on each count. Said sentences were ordered to be served consecutively. Appellant was given credit for 272 days served. Appellant was ordered to register under the Sex Offenders Registration Act for life and be supervised in the community for life upon completion of his incarceration.

Issues: Appellant asserts that 1) the trial court erred by admitting testimony and evidence of prior sexual assaults under Rule 414; 2) the trial court erred in denying Appellant's defense; 3) the evidence was insufficient to convict the Appellant; 4) the trial court judge erred by not recusing himself; 5) Appellant received an excessive sentence; 6) the trial court erred by quashing Appellant's *subpoena duces tecum*; and 7) Appellant received ineffective assistance of counsel.

Schedule Code

