

State v. Parnell

Case Number

S-19-0425

Case Audio

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Call Date

March 6, 2020

Case Time

9:00 AM

Court Number

Douglas

Case Location

Lincoln

Court Type

District Court

Case Summary

S-19-0425 State v. Tracy N. Parnell (Appellant)

Douglas County District Court, Judge Kimberly Pankonin

Attorneys: Stacy M. Foust (Office of the Attorney General) --- Michael J. Wilson (Schafer Shapiro, LLP, for Appellant)

Civil: Postconviction

Proceedings below: The district court denied Appellant's claims for postconviction relief without an evidentiary hearing.

Issues: Whether 1) The trial court erred in deeming Appellant's claims procedurally barred because this postconviction proceeding was Appellant's first opportunity to claim that appellate counsel provided ineffective assistance in the direct appeal by neglecting to raise trial counsel's ineffective failure to introduce certain evidence and correct prosecutorial misconduct. 2) In the alternative, the trial court erred in deeming any of Appellant's claims of ineffective assistance of counsel and prosecutorial misconduct procedurally barred not only because the record was unclear as to whether Appellant was represented by the same lawyers during both trial and direct appeal, but because Appellant raised the issue of trial counsel's ineffectiveness for failure to withdraw from his direct appeal in his postconviction motion.

Schedule Code

SC
