

State v. Nation

Case Number

A-19-0518

Court Number

Lancaster

Call Date

March 10, 2020

Case Time

9:00 AM

Case Audio

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Case Summary**A-19-0518, State of Nebraska v. Jeremiah Y. Nation (Appellant)**

District Court for Lancaster County, District Judge Andrew R. Jacobsen

Attorney for Appellant: Joseph D. Nigro and Robert G. Hays (Lancaster County Public Defender's Office)

Attorney for Appellee: Stacy M. Foust (Attorney General's Office)

Criminal Action: Jury conviction for robbery (Class II felony); Motion to suppress; Sufficiency of evidence; Excessive sentence

Facts:

Law enforcement officers responded to a robbery call from a Burger King in Lincoln, Nebraska. Witnesses described the suspect's vehicle as a black Dodge Avenger or Charger. Law enforcement canvassed the nearby area and found a black Charger in Nation's driveway with its dome light on and the engine block still warm. While in the process of obtaining a search warrant for Nation's residence, law enforcement conducted a protective sweep of the home. Officers also conducted an interview of Nation's girlfriend, whom he lived with at the time. A search warrant was obtained and a search of the home revealed evidence of the robberies of two Burger Kings.

Nation filed two motions to suppress, arguing evidence was obtained improperly as a result of a pre-warrant search of his home. Those motions were denied. At trial, Nation renewed his motions to suppress and moved for dismissal and later for a directed verdict on the grounds that the properly admitted evidence was insufficient to convict. Those motions were denied. A jury returned a verdict of guilty on both counts of robbery and Nation was sentenced to 20 to 40 years' imprisonment on each count, to be served consecutively. This appeal followed.

Action Taken by Trial Court:

The district court overruled Nation's motions to suppress. The district court accepted the

verdicts of the jury and found Nation guilty of two counts of robbery. Nation was determined to be a habitual offender and was sentenced to consecutive terms of 20 to 40 years? imprisonment on each count.

Assignments of Error on Appeal:

Nation argues 1) the district court erred in overruling his motions to suppress evidence; 2) the evidence adduced at trial was insufficient to sustain his convictions; and 3) the district court imposed an excessive sentence.

Case Location

Papillion

Court Type

District Court

Schedule Code

A2

Panel Text

Pirtle, Bishop, and Arterburn, Judges
