

State v. Chapman

Additional Case Names

Webex - 9:00 am

Case Number

S-19-1065

Case Audio

Download Audio

Call Date

September 2, 2020

Case Time

9:00 AM

Court Number

Hall

Case Location

Lincoln

Court Type

District Court

Case Summary

S-19-1065 State of Nebraska v. Ellis Chapman (Appellant)

Hall County District Court, Judge John H. Marsh

Attorneys: Jerrod P. Jaeger (Hall County Public Defender's Office, for Appellant) --- Jordan Osborne (Office of the Attorney General, for Appellee)

Criminal: Motion for absolute discharge on speedy trial grounds; Notice

Proceedings Below: The county court overruled Appellant's motion for absolute discharge and found his motion to be frivolous. The district court determined on appeal that Appellant's motion was not frivolous and found that it had appellate jurisdiction over the motion. The district court affirmed the remainder of the county court's decision, finding that the time between the issuance of a probable cause warrant and Appellant's arrest to be excludable. Neither court made findings that Appellant received notice of his arraignment, during which the court found there was probable cause for arrest. Both courts agreed the issuance of a probable cause warrant tolls the running of speedy trial.

Issue: 1) Whether Chapman's motion is legally frivolous, making the county court's order non-final; 2) whether an outstanding probable cause arrest warrant by itself can support a finding of a defendant's absence or unavailability under § 29-1207(4)(d); and 3) whether a remand for factual findings regarding notice is necessary.

Schedule Code

SC
