

State v. Dalton

Additional Case Names

10:30 am

Case Number

S-19-1192

Case Audio

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Call Date

September 2, 2020

Case Time

9:00 AM

Court Number

Douglas

Case Location

Lincoln

Court Type

District Court

Case Summary

S-19-1192 State of Nebraska v. John W. Dalton, Jr. (Appellant)

Douglas County District Court, Judge Leigh Ann Retelsdorf

Attorneys: Erin E. Tangeman (Office of the Attorney General, for Appellee) ? Jerry M. Hug (Attorney for Appellant)

Criminal: Ineffective assistance of counsel

Proceedings below: Following an evidentiary hearing, the district court entered a written order denying Appellant's postconviction claim that trial counsel was ineffective for failing to file a direct appeal. The district court also denied the remaining claims of ineffective assistance of counsel without an evidentiary hearing, finding that Appellant failed to make sufficient allegations of deficient performance and prejudice.

Issues: Whether the district court erred in 1) determining that the Appellant was not entitled to reinstatement of his direct appeal due to counsel's ineffective assistance by failing to file a notice of appeal; 2) failing to grant an evidentiary hearing on Appellant's claim that his plea was not knowingly and voluntarily made where counsel was ineffective for failing to fully investigate the case prior to advising him to enter pleas of guilty.

Schedule Code

SC
