

# State v. Madren (PFR)

## Additional Case Names

9:00 am

### Case Number

S-19-0240

### Call Date

November 5, 2020

### Case Time

9:00 AM

### Court Number

Douglas

### Case Location

Lincoln

### Court Type

District Court

### Case Summary

S-19-0240 State of Nebraska v. James Madren (Appellant)

Douglas County District Court, Judge James T. Gleason

Attorneys: Peder Christian Bartling (Bartling Law Firm, for Appellant) --- Siobhan E. Duffy (Office of the Attorney General, for Appellee)

Criminal: Mistrial; Sequestration; Discharging a juror; Ineffective assistance of counsel; Excessive Sentence

Proceedings Below: Following a jury trial, Appellant was found guilty of first degree sexual assault and sentenced to 30 to 38 years? imprisonment.

Issues: Appellant claims, restated, that the district court erred by 1) denying his motion for a mistrial because the jury was exposed to a non-juror during deliberations; 2) overruling his motion for a new trial based upon the jury?s exposure to the non-juror during deliberations; 3) failing to enforce its order limiting testimony concerning the victim?s mental health diagnosis; 4) failing to enforce its witness sequestration instruction; and 5) imposing an excessive sentence. Appellant also assigns he received ineffective assistance of trial counsel and that, even if the individual errors fail to require reversal, the aggregation of these errors does.

**Schedule Code**

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