

DOUGLAS COUNTY DISTRICT COURT

Electronic Transcript Table of Contents
Volume 1 of 1.

Electronic Transcript Prepared By Michaela Murphy

State v. Gregory S Duncan
Appellate Court Case No. 15-668
Trial Case No. CR 14 449

Cost:\$1.00

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Justice # ZK1075705
Data # 3340432



IN THE DISTRICT COURT OF DOUGLAS COUNTY, NEBRASKA

STATE OF NEBRASKA)

Plaintiff,)

vs.)

GREGORY S DUNCAN,)

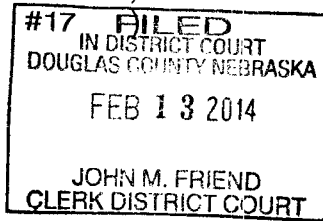
Defendant.)

D.O.B. 18 July 1978.)
ADDRESS: 4940 S 114TH ST)
 OMAHA, NE 68137)
DR. LIC.: R147234013 MO)
AR# K1075705)
RB# I55053)
CMS# K1075705 Z)
DP)

CR# 14-449

ASSIGNED TO R. Rettsdorf

INFORMATION



COMES NOW the undersigned County Attorney or Deputy County Attorney, of Douglas County, Nebraska, on 13 February 2014, empowered by law to inform of offenses committed in Douglas County, and hereby informs that the above-named Defendant, contrary to the form of the statutes in such cases and against the peace and dignity of the State of Nebraska, violated the laws of the State, to-wit:

COUNT 1: 3RD DEGREE ASSAULT DISCRIMINATION BASED CLASS IV FELONY

On or about 27 October 2013, in Douglas County, Nebraska, GREGORY DUNCAN did then and there either intentionally, knowingly or recklessly cause bodily injury to Ryan Langenegger or did threaten Ryan Langenegger in a menacing manner, and furthermore said Defendant committed this assault against Ryan Langenegger because of the person's race, color, religion, ancestry, national origin, gender, sexual orientation, age, or disability or because of the person's association with a person of a certain race, color, religion, ancestry, national origin, gender, sexual orientation, age, or disability in violation of Neb. Rev. Stat. §28-310(1) & (2), and §28-111 a Class IV Felony.
20922

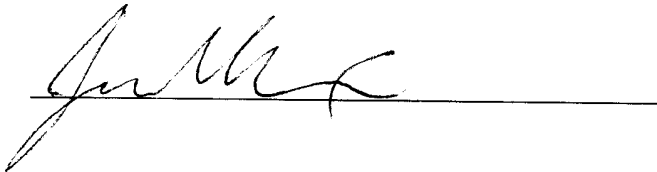
contrary to the statutes of the State of Nebraska.



JAMES M. MASTELLER, # 21749
County Attorney/Deputy County Attorney

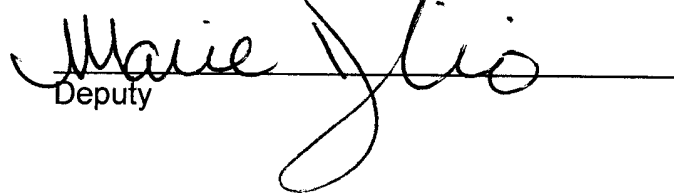
THE STATE OF NEBRASKA)
) SS.
COUNTY OF DOUGLAS)

I, JAMES M. MASTELLER, County Attorney/Deputy
County Attorney, being first duly Sworn, on oath deposes and say that I know the
contents of the foregoing information; that I have read the same, and the facts set forth
in said information are true to the best of my knowledge and belief.



Subscribed in my presence and sworn to before me on 13 February 2014.

JOHN M. FRIEND
CLERK of the DISTRICT COURT



Deputy

Witnesses for the State:

MICHAEL T CURD #1743
KERRY L WINDELS #1587
WENDI J DYE #1751
JEREMY M ZIPAY #2147
MICHAEL J WRIGHT #1949
WILLIAM R SEATON #1761
JOSEPH J WHERRY #1646
CONSTANCE M BARBAS #C766
NICHOLAS DBUCK #2036
KENNETH G PORTER #1924
KARALIN T STARLIN #1503
DANETTE M CULLER #1791
SHERRY L KING #1617
WILLIAM R HENNINGSSEN #C669
RYAN LANGENEGGER
JOSH FOO
JACOB GELLINGER
JOSEPH ADRIANO
PAUL LARSON
SAM CALLOWAY
ERIN PALLADINO

**TRANSCRIPT OF DOCKET, CAUSES FOR TRIAL IN THE
COUNTY COURT OF DOUGLAS COUNTY, NEBRASKA**

STATE OF NEBRASKA

vs.

OFFENSE

Assault-3rd degree/hate crime

Cls 4

Case Number:

CR14-856

Duncan, Gregory, S,

Defendant

Docket Number:

CR14 449

| County Court Fee Bill | \$ | ¢ |
|---------------------------------|----|----|
| Automation Fee | 8 | 00 |
| Legal Service Fee | 5 | 25 |
| Witness Fees | | |
| Other | 5 | 75 |
| Court Costs Preliminary Hearing | 18 | 00 |
| Judges' Retirement | 8 | 00 |
| L.E.I.F. | 3 | 00 |
| Total | 48 | 00 |

On February 12, 2014
James Masteller
filed a complaint in the County Court of Douglas County, Nebraska, charging the above-named defendant with having committed the above-named offense in Douglas County, Nebraska,

on or about October 27, 2013

On February 12, 2014, said

defendant was brought before a Judge of the District Court and upon being arraigned did plead not guilty.

#35 FILED
DISTRICT COURT
DOUGLAS COUNTY-NEBRASKA
FEB 13 2014
JOHN M. FRIEND
CLERK DISTRICT COURT

Clerk:

On February 12, 2014

Duncan, Gregory, S,

Defendant being present in open Court, thereupon Graten Beavers #10251

Judge of the County Court, proceeded to examine into said charge. The following witnesses were sworn and examined on behalf of the State: Officer Curd

After hearing all the evidence in the case, the Judge of the County Court found that said offense has been committed in Douglas County, Nebraska, and there is probable cause to believe Defendant guilty as charged in said complaint. Defendant is therefore bound over to the District Court of Douglas County, on the forthwith day of the forthwith Term thereof to answer said charges. Thereupon, Defendant is required to enter into a recognizance with \$15,000 10%

as surety, which was approved by Judge Graten Beavers #10251

On _____, Defendant waived examination whereupon, _____, a Judge of the County Court bound the defendant over to the District Court of Douglas County on the forthwith day of the forthwith Term thereof to answer said charges. Thereupon, Defendant is required to enter into a recognizance with _____ as surety, which was approved by Judge _____

In default of which bail, Defendant was committed to the Corrections Center.

In default of Bind Over Fee Atty: James Davis #10927

Pros Atty: James Masteller #21749

Date: February 12, 2014 Judge: Graten Beavers #10251

STATE OF NEBRASKA)

) SS: In the County Court of Douglas County, Nebraska

COUNTY OF DOUGLAS)

I hereby certify that the foregoing is a true and complete copy of the transcript of the record from the Docket of the County Court of Douglas County, in the proceedings had by and before Judge Graten Beavers #10251 at said Court in the above entitled action, and I also certify that the papers marked Exhibits _____ are the original papers filed and used in and during the trial of said cause.

Date: February 12, 2014 By the Court: [Signature]

CR/TR 207 (3/04)



STATE OF NEBRASKA

Appearance Bond

CR/TR 258 (5/90)

Douglas County Court, Criminal/Traffic Division
1701 Farnam Street, 2nd Floor, Omaha, NE 68183 (402) 444-5386

STATE OF NEBRASKA,

Plaintiff,

APPEARANCE BOND

vs.

Case No. CR 14-856

DUNCAN, Gregory S,
Defendant.

Doc No. _____

I acknowledge that I have been charged with the offense(s) of 3rd Degree Assault Discrimination

In consideration of my release from custody, I agree to appear in this Court on _____ at _____ m., and thereafter as directed by the Court. If I am charged with a felony and I am bound over to the District Court upon preliminary hearing, I agree to appear in the Douglas County District Court as ordered. If execution of judgment and sentence is suspended during an appeal of this matter, I agree to appear in District Court as ordered, prosecute the appeal without delay and abide and perform the judgment and sentence of the District Court. Further conditions of this bond are: _____

I understand that failure to appear as required by the Court or violation of this agreement may cause a warrant for my arrest to be issued, and further penalties to be imposed, including forfeiture of this bond. To guarantee my appearance, I acknowledge myself to be indebted to the State of Nebraska in the sum of \$ 15,000, which is secured as follows:

- PERSONAL RECOGNIZANCE in the sum of \$ _____.
- CASH: In lieu of surety or sureties, the defendant deposits cash bond to secure his appearance and conditions made therein in the sum of \$ _____.
- 10% BOND: Bond set in the amount of \$ 15,000. Ten percent (10%) of this bond, \$ 1,500 (not less than \$25) is to be deposited in cash. Ninety percent (90%) of this deposit shall be returned to the defendant upon appearance as required and 10% shall be retained by the Court for bond costs.
- CORPORATE SURETY in the sum of \$ _____.
- SURETY: The undersigned acknowledge themselves to be bound as surety/sureties of the defendant, with all conditions thereto, on the above appearance bond in the sum of \$ _____.

Date: 2-12-14 Defendant's Signature: [Signature]

Defendant's Address: X - 4940 S. 114th ST OMAHA NE 68137

Date: _____ Surety: _____

Date: _____ Witness: _____

Date: _____ Approved by the Court: _____

**FILED
CRIM/TRAF DIVISION**

FEB 12 2014

By: Leslie Douglas
Clerk of Court (Clerk)
**DOUGLAS COUNTY COURT
OMAHA, NEBRASKA**

(SEAL)

Justification of Sureties

(Sec. 25-2223 R.R.S., 1943)

IN THE COUNTY COURT OF DOUGLAS COUNTY, NEBRASKA

STATE OF NEBRASKA,

Plaintiff,

vs.

Defendant.

_____ and _____,
surety, or sureties, on this appearance bond, being first sworn, state that I am a resident of Nebraska and have the
following real estate situated in Douglas County, Nebraska: (legal description) _____

commonly known as (address) _____

The worth of this property is at least double the amount of this bond, in excess of all liens and encumbrances, and
any exemptions allowed by law.

Date: _____ Surety: _____

Date: _____ Surety: _____

Signed in my presence, and sworn to before me.

Date: _____ By the Court: _____ (Seal)

ASSIGNMENT

I assign the proceeds of this bond to:

Date: _____ By: _____

Address: _____

IN THE COUNTY COURT OF DOUGLAS COUNTY, NEBRASKA

ST V. GREGORY S DUNCAN
DOB: 7/18/1978
Case ID: CR 14 856
Citation: K 1075705

Printed on 2/12/2014 at 11:11
Room 01C25
Page 1
Date of Hearing 2/12/2014

CHARGES (AMENDMENTS/PLEAS/FINDINGS/FINES/PRESENTENCE/JAIL/DISMISSALS)

| CHARGE | STATUTE | DESCRIPTION | CLASS | TYPE |
|--|---------|-------------------------------|-------|------|
| 01 | 28-310 | Assault-3rd degree/hate crime | 4 | FEL |
| Probable cause found. Case bound over to District Court for trial. | | | | |

A P P E A R A N C E S A N D A D V I S E M E N T

Judge Graten D Beavers
Defendant GREGORY S DUNCAN in custody
Defense Counsel Davis, James, M
Prosecutor James Masteller

Defendant advised of the nature of the above charges, all possible penalties, effect of conviction on non-citizens, and each of the following rights: Privilege Against Self-incrimination; Right to Confront Accusers; Right to Preliminary Hearing; Right to Counsel; Right to Appeal Conviction.

B O N D I N F O R M A T I O N

Probable cause for detention is found.
Bond set at \$15,000.00 Ten Percent Allowed

P R E L I M I N A R Y H E A R I N G / E X T R A D I T I O N

Preliminary hearing held; dispositions as shown above

W I T N E S S E S

Witnesses: Officer Curd CALLED For Plaintiff ****

A D D I T I O N A L E N T R I E S O F R E C O R D

Bond review held - Bond is reduced from \$100,000 to \$15,000 (10%)

Hon. Graten D Beavers
Graten D Beavers



2/12/2014 mr _____
Date Bailiff

Tape Nos. DIGITAL RECORDING

FILED
CRIM/TRAF DIVISION

FEB 12 2014

By: Leslie Douglas
Clerk of Court
DOUGLAS COUNTY COURT
OMAHA, NEBRASKA

DISTRICT COURT COMMITMENT IN LIEU OF BAIL

IN THE COUNTY COURT OF DOUGLAS COUNTY, NEBRASKA

ST V. GREGORY S DUNCAN

Printed on 2/12/2014 at 10:11

DOB: 7/18/1978

Room 01C25

Case ID: CR 14 856

Page 1

Data No. 3340432

To: Douglas County Corrections

You are ordered to receive into the Douglas County Correctional Center, GREGORY S DUNCAN, and to keep him/her until discharged by due course of law. As an examining Judge, I have ordered the defendant held for trial in Douglas County, District Court, on the charges of:

| <u>Ct</u> | <u>Section</u> | <u>Offense Description</u> | <u>Cls</u> | <u>Type</u> |
|-----------|----------------|-------------------------------|------------|-------------|
| 1 | 28-310 | Assault-3rd degree/hate crime | 4 | FEL |

Defendant was allowed to give bail in the sum of \$15,000.00 Ten Percent Allowed

In default of bail, defendant is committed to the Douglas County Correctional Center.

February 12, 2014

BY THE COURT

Graten D Beavers
 Graten D Beavers



**FILED
CRIM/TRAF DIVISION**

FEB 12 2014

By: Leslie Douglas
 Clerk of Court
**DOUGLAS COUNTY COURT
 OMAHA, NEBRASKA**

CASE FILE COPY

FILED BY

Clerk of the Douglas County Court
02/12/2014

Page 7 of 84

DISTRICT COURT COMMITMENT IN LIEU OF BAIL

IN THE COUNTY COURT OF DOUGLAS COUNTY, NEBRASKA

ST V. GREGORY S DUNCAN

Printed on 2/12/2014 at 10:11

DOB: 7/18/1978

Room 01C25

Case ID: CR 14 856

Page 1

Citation: K 1075705

Date of Hearing 2/12/2014

CHARGES (AMENDMENTS/PLEAS/FINDINGS/FINES/PRESENTENCE/JAIL/DISMISSALS)

| CHARGE | STATUTE | DESCRIPTION | CLASS | TYPE |
|--|---------|-------------------------------|-------|------|
| 01 | 28-310 | Assault-3rd degree/hate crime | 4 | FEL |
| Probable cause found. Case bound over to District Court for trial. | | | | |

A P P E A R A N C E S A N D A D V I S E M E N T

Judge Graten D Beavers
 Defendant GREGORY S DUNCAN in custody
 Defense Counsel Davis, James, M
 Prosecutor James Masteller

Defendant advised of the nature of the above charges, all possible penalties, effect of conviction on non-citizens, and each of the following rights: Privilege Against Self-incrimination; Right to Confront Accusers; Right to Preliminary Hearing; Right to Counsel; Right to Appeal Conviction.

B O N D I N F O R M A T I O N

Probable cause for detention is found.
Bond set at \$15,000.00 Ten Percent Allowed

P R E L I M I N A R Y H E A R I N G / E X T R A D I T I O N

Preliminary hearing held; dispositions as shown above

W I T N E S S E S

Witnesses: Officer Curd CALLED For Plaintiff ****

Hon.

Graten D Beavers
Graten D Beavers



2/12/2014
Date

mr _____
Bailiff

Tape Nos. DIGITAL RECORDING

Crtrm. No.: 01C25
Case No.: CR 14 856

Judge: No Judge Assigned
Filed: 1/10/2014

Date: 2/12/2014 09:00 Action: Preliminary Hear

Caption: State v. Gregory S Duncan

AKA:

DOB: 7/18/1978

Arrest #:

Citation #: K 1075705

No Charge

Amended to:

Statute/Ord. No.

28-310

4 FEL

1 Assault-3rd degree/hate

FILED
CRIM/TRAFF DIVISION

FEB 12 2014

APPEARANCES

Defendant; Defense Counsel James D. Davis
 Prosecutor Neelke Interpreter Parents or Guardians

ARRAIGNMENT AND ADVISEMENT

Defendant arraigned on: the above charge(s); the charge(s) of _____
 Defendant advised of the charge(s) against him/her and the penalties for said charge(s).
 Defendant advised privilege against self-incrimination; waived. Waiver(s) entered knowingly.
on each charge of: right to confront accusers; waived. Waiver(s) entered understandingly.
 right to preliminary hearing; waived; Waiver(s) entered intelligently.
 right to counsel; waived; bound over to District Court for trial Waiver(s) entered voluntarily.
 Factual basis for waiver(s) found.
 Public Defender appointed for purposes of bond setting only.
 Indigency inquiry held; Defendant adjudged indigent, Public Defender appointed / _____ appointed.
 Defendant adjudged not indigent.
 Defendant will hire own counsel. Employed _____
 Case set for preliminary hearing on _____, 20____ at 9:00 AM in Courtroom No. 25.
 Probable cause for detention found. Bond set at \$ _____ 10% ROR; Pre-Trial Release. Drug Court/Diversion Eligible.

CONTINUANCE/DISMISSAL

Case continued to _____, 20____ at _____ on motion of Prosecutor; Defense; Court.
 Charge(s) 1 () 2 () 3 () 4 () 5 () dismissed on motion of Prosecutor; Defense; Court; No action taken.

PRELIMINARY HEARING/EXTRADITION

Preliminary hearing held;
 Court finds probable cause to believe Defendant guilty of crime(s) charged. 1 () 2 () 3 () 4 () 5 (); case bound over to District Court for trial.
 Court finds insufficient evidence to bind Defendant over on charge(s) 1 () 2 () 3 () 4 () 5 (); charge(s) is/are dismissed.
 Bond set at \$ 15,000 10%; Signature; ROR; Pre-Trial Release; No bond allowed.
 Extradition hearing held; Defendant waives extradition and is remanded to custody of Sheriff. Defendant declines waiver of extradition, case continued to _____, 20____ at _____.
 Exhibits introduced: Nos. _____ thru _____ Received _____

ADDITIONAL ENTRIES OF RECORD

Upon oath of Prosecutor, probable cause is found for the issuance of arrest warrant.
 Defendant fails to appear; Capias to issue; Bond set at \$ _____; Mittimus to issue; Capias cancelled.
 Bond in the amount of \$ _____ forfeited; reinstated; released.
 Court Costs \$ _____ Witness Fees \$ _____ Sheriff Fees \$ _____ Subpoena Fees \$ _____ Other \$ _____
 May not have set up plea w/ Cant appeal

Hon.

Shat Lewis
Judge

2-12-14
Date

Balliff

FL#
Tape Nos.

SUBSEQUENT ORDER OF RELEASE FROM CUSTODY

IN THE COUNTY COURT OF DOUGLAS COUNTY, NEBRASKA

ST V. GREGORY S DUNCAN

Printed on 2/12/2014 at 10:05

Room 01C25

Case ID: CR 14 856

Page 1

Data No. 3340432

It appearing to the Court that the defendant has been retained in custody for more than 24 hours because of his/her inability to fulfill conditions of the order of pre-trial release entered herein the Court finds as follows:

That the defendant has been informed of his/her right to a review of the condition(s) imposed.

That the defendant is aware of his/her right to legal counsel.

That the original order of release shall remain in full force and effect except:

The appearance bond requiring a 10% cash or equivalent deposit with the clerk shall be reset at \$15,000.00.

The defendant shall return to custody of the Douglas County Corrections, and remain in custody between the hours of _____ and _____ each day.

IN ALL CASES, THE DEFENDANT SHALL:

Refrain from unlawful conduct.

Not go farther than 10 miles beyond the boundaries of DOUGLAS COUNTY, Nebraska.

Reside at his/her residence 1285 Kings Trails, Fenton, MO

Refrain from possessing or using firearms or other weapons.

Refrain from possessing or using alcohol or controlled substances.

Refrain from any contact with _____ personally or through another person.

IT IS FURTHER ORDERED BY THIS COURT THAT:

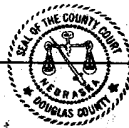
A warrant be issued immediately if the defendant violates any of the conditions of this release, in addition to other penalties provided by law as follows:

If the defendant fails to obey the Court's Order to Appear, he/she may be charged with a Class IV Felony and Contempt of Court.

The defendant shall not be released from custody until he/she signs this Order acknowledging that he/she understands it.

Date: 2/12/2014 JUDGE

Graten D Beavers
Graten D Beavers



I have read and understand or have had explained to me and understand this subsequent order of release from custody.

Date: 2/12/2014 Defendant

Gregory S Duncan

Justice # ZK1075705

IN THE COUNTY COURT OF DOUGLAS COUNTY, NEBRASKA
FELONY COMPLAINT

STATE OF NEBRASKA)
)
Plaintiff,)
)
vs.)
)
GREGORY S DUNCAN,)
)
Defendant.)
)
D.O.B. 18 July 1978.)
ADDRESS: 4940 S 114TH ST)
 OMAHA, NE 68137)
DR. LIC.: R147234013 MO)
AR# K1075705)
RB# I55053)
CMS# K1075705 Z)
DP)

CR# CR14 0000856

**AMENDED
CRIMINAL COMPLAINT**

**FILED
CRIM/TRAF DIVISION**

FEB 12 2014

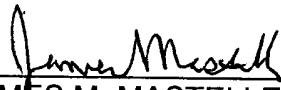
**By: Leslie Douglas
Clerk of Court
DOUGLAS COUNTY COURT
OMAHA, NEBRASKA**

On the complaint and information of JAMES M. MASTELLER, County Attorney/Deputy County Attorney of Douglas County, Nebraska, made in the name of the State of Nebraska before the undersigned Clerk of the County Court within and for said County of Douglas, State of Nebraska, on 12 February 2014, who being sworn on oath says, that the above named Defendant, contrary to the form of the statutes in such cases made and provided and against the peace and dignity of the State of Nebraska, violated the laws of the State, to-wit:

COUNT 1: 3RD DEGREE ASSAULT DISCRIMINATION BASED CLASS IV FELONY

On or about 27 October 2013, in Douglas County, Nebraska, GREGORY DUNCAN did then and there either intentionally, knowingly or recklessly cause bodily injury to Ryan Langenegger or did threaten Ryan Langenegger in a menacing manner, and furthermore said Defendant committed this assault against Ryan Langenegger because of the person's race, color, religion, ancestry, national origin, gender, sexual orientation, age, or disability or because of the person's association with a person of a certain race, color, religion, ancestry, national origin, gender, sexual orientation, age, or disability in violation of Neb. Rev. Stat. §28-310(1) & (2), and §28-111 a Class IV Felony.
20922

contrary to the statutes of the State of Nebraska.



JAMES M. MASTELLER, # 21749
County Attorney/Deputy County Attorney

Subscribed and sworn to in my presence on 12 February 2014.



Clerk of the County Court
Douglas County, Nebraska

Witnesses for the State:

MICHAEL T CURD #1743
KERRY L WINDELS #1587
WENDI J DYE #1751
JEREMY M ZIPAY #2147
MICHAEL J WRIGHT #1949
WILLIAM R SEATON #1761
JOSEPH J WHERRY #1646
CONSTANCE M BARBAS #C766
NICHOLAS D BUCK #2036
KENNETH G PORTER #1924
KARALIN T STARLIN #1503
DANETTE M CULLER #1791
SHERRY L KING #1617
WILLIAM R HENNINGSSEN #C669
RYAN LANGENEGGER
JOSH FOO
JACOB GELLINGER
JOSEPH ADRIANO
PAUL LARSON
SAM CALLOWAY
ERIN PALLADINO

FILED
CRIM/TRAF DIVISION
FEB 12 2014
By: Leslie Douglas
Clerk of Court
DOUGLAS COUNTY COURT
OMAHA, NEBRASKA

IN THE COUNTY COURT OF DOUGLAS COUNTY, NEBRASKA

ST V. GREGORY S DUNCAN

Printed on 2/04/2014 at 2:45

DOB: 7/18/1978

Room 01C28

Case ID: CR 14 856

Page 1

Citation: K 1075705

Date of Hearing 2/04/2014

CHARGES (AMENDMENTS/PLEAS/FINDINGS/FINES/PRESENTENCE/JAIL/DISMISSALS)

| <u>CHARGE</u> | <u>STATUTE</u> | <u>DESCRIPTION</u> | <u>CLASS</u> | <u>TYPE</u> |
|---------------|----------------|-------------------------------|--------------|-------------|
| 01 | 28-310 | Assault-3rd degree/hate crime | 4 | FEL |

A P P E A R A N C E S A N D A D V I S E M E N T

| | |
|------------|--------------------|
| Judge | Derek Vaughn |
| Prosecutor | Jameson D Cantwell |

A D D I T I O N A L E N T R I E S O F R E C O R D

No action taken

Hon.

Derek Vaughn

 Derek Vaughn



2/04/2014
Date

dvb
Bailiff

Tape Nos. Digital recorder

JUS82056

Douglas County Court
JOURNAL ENTRY & ORDER

Page: 1

Cntrm...: 01C28

Case No.: CR 14 856

Date...: 2/04/2014 01:30 Action: Hearing

Caption.: State v. Gregory S Duncan

DOB...: 7/18/1978

No Charge

1 Assault-3rd degree/hate

Judge.: No Judge Assigned

Filed.: 1/10/2014

bond review

AKA:

Citation #: K 1075705

Statute/Ord. No.

28-310

4 FEL

APPEARANCES

Defendant; Defense Counsel [Signature]; Parents or Guardians _____
 Prosecutor CAUTWELL Interpreter _____

ARRAIGNMENT AND ADVISEMENT

Defendant arraigned on: the above charge(s); the charge(s) of _____
 Defendant advised of the charge(s) against him/her and the penalties for said charge(s). Waiver(s) entered knowingly.
 Defendant advised privilege against self-incrimination; waived. Waiver(s) entered understandingly.
on each charge of: right to confront accusers; waived. Waiver(s) entered intelligently.
 right to preliminary hearing; waived; bound over to District Waiver(s) entered voluntarily.
 right to counsel; waived. Court for trial Factual basis for waiver(s) found.
 Public Defender appointed for purposes of bond setting only.
 Indigency inquiry held; Defendant adjudged indigent, Public Defender appointed / _____ appointed.
 Defendant adjudged not indigent.
 Defendant will hire own counsel. _____ Employed _____
 Case set for preliminary hearing on _____, 20____ at 9:00 AM in Courtroom No. 25.
 Probable cause for detention found. Bond set at \$ _____ 10% ROR; Pre-Trial Release. Drug Court/Diversion Eligible.

CONTINUANCE/DISMISSAL

Case continued to _____, 20____ at _____ on motion of Prosecutor; Defense; Court.
 Charge(s) 1 () 2 () 3 () 4 () 5 () dismissed on motion of Prosecutor; Defense; Court; No action taken.

PRELIMINARY HEARING/EXTRADITION

Preliminary hearing held;
 Court finds probable cause to believe Defendant guilty of crime(s) charged. 1 () 2 () 3 () 4 () 5 (); case bound over to District Court for trial.
 Court finds insufficient evidence to bind Defendant over on charge(s) 1 () 2 () 3 () 4 () 5 (); charge(s) is/are dismissed.
 Bond set at \$ _____ 10%; Signature; ROR; Pre-Trial Release; No bond allowed.
 Extradition hearing held; Defendant waives extradition and is remanded to custody of Sheriff. Defendant declines waiver of extradition, case continued to _____, 20____ at _____
 Exhibits introduced: Nos. _____ thru _____ Received _____

ADDITIONAL ENTRIES OF RECORD

Upon oath of Prosecutor, probable cause is found for the issuance of arrest warrant.
 Defendant fails to appear; Capias to issue; Bond set at \$ _____; Mittimus to issue; Capias cancelled.
 Bond in the amount of \$ _____ forfeited; reinstated; released.
 Court Costs \$ _____ Witness Fees \$ _____ Sheriff Fees \$ _____ Subpoena Fees \$ _____ Other \$ _____

NO ACTION

FILED
CRIM/TRAF DIVISION

FEB 4 2014

By: Leslie Douglas
Clerk of Court
DOUGLAS COUNTY COURT
OMAHA, NEBRASKA

Hon.

[Signature]
Judge

2-4-14
Date

Bailiff

TA
Tape Nos.

CR/TR 240 (10/12)

STATE OF NEBRASKA

CR/TR 13 (8/13)

REQUEST FOR HEARING

Filed in Douglas County Court

FILED

Case Number: C01CR140000856

Transaction ID: 0001049034

Filing Date: 02/03/2014 01:08:43 PM CST

felony

Douglas County Court, Criminal/Traffic Division
1701 Farnam Street, 2nd Floor, Omaha, NE 68183 (402) 444-5386

g

STATE OF NEBRASKA,

Plaintiff,

(When Filling Out Press Firmly)

Case No. CR 14-856

-vs-

Arrest No. K1075705

Gregory Duncan,
Defendant

Arr./Trial Date Prelim 2/12/14

In Jail/Data No. _____

The undersigned requests that the court file and the prosecutor's paperwork be available in Courtroom No. 28 on Tuesday, February 4, 2014, at 1:30 p.m. for bond review

DATE: 2/3/14

Defendant or Attorney Signature: *[Signature]*

Printed Name: James Martin Dams

Phone #: (402) 341-9900

Attorney No.: #10927

___ The requesting party is responsible for notifying the prosecuting authority (city prosecutor or county attorney) of this request, and for arranging the transportation of any incarcerated defendant.

___ You are required to have the presiding judge sign this form if you are bringing this case in for an early arraignment.

___ You are required to have the judge assigned to the case sign this form if you are bringing the case in to be heard during the judge's sentencings.

DATE: _____ BY THE COURT: _____
(County Judge)

NO EARLY REQUESTS WILL BE PROCESSED UNLESS THESE PROCEDURES ARE FOLLOWED.

- White - Criminal/Traffic Clerk Office
- Yellow - Criminal/Traffic Clerk Office
- Pink - City Prosecutor
- Gold - Defendant

Certificate of Service

I hereby certify that on Monday, February 03, 2014 I provided a true and correct copy of the Request to the following:

State of Nebraska represented by James Masteller (Bar Number: 21749) service method:
Fax

Duncan, Gregory, S service method: No Service

Signature: /s/ James Davis (Bar Number: 10927)

JUSB2056

Douglas County Court
JOURNAL ENTRY & ORDER

Page: 1

Critrm...: 01C50

Case No.: CR 14 856

Date....: 1/21/2014 12:30 Action: Hearing

Caption.: State v. Gregory S Duncan

DOB.....: 7/18/1978

No Charge

1 Assault-3rd degree/hate

Arrest #: _____
Amended to _____

Judge.: No Judge Assigned
Filed.: 1/10/2014
request for public defender
AKA: _____

Citation #: K 1075705
Statute/Ord. No. _____

28-310 4 FEL

APPEARANCES

Defendant; Defense Counsel Wharton; Parents or Guardians _____
 Prosecutor McHuggers; Interpreter _____

ARRAIGNMENT AND ADVISEMENT

Defendant arraigned on: the above charge(s); the charge(s) of _____
 Defendant advised of the charge(s) against him/her and the penalties for said charge(s). Waiver(s) entered knowingly.
 Defendant advised privilege against self-incrimination; waived. Waiver(s) entered understandingly.
on each charge of: right to confront accusers; waived. Waiver(s) entered intelligently.
 right to preliminary hearing; waived; bound over to District Waiver(s) entered voluntarily.
 right to counsel; waived. Court for trial Factual basis for waiver(s) found.
 Public Defender appointed for purposes of bond setting only.
 Indigency inquiry held; Defendant adjudged indigent, Public Defender appointed / _____ appointed.
 Defendant adjudged not indigent.
 Defendant will hire own counsel. Employed _____
 Case set for preliminary hearing on _____, 20____ at 9:00 AM in Courtroom No. 25.
 Probable cause for detention found. Bond set at \$ _____ 10% ROR; Pre-Trial Release. Drug Court/Diversion Eligible.

CONTINUANCE/DISMISSAL

Case continued to _____, 20____ at _____ on motion of Prosecutor; Defense; Court.
 Charge(s) 1 () 2 () 3 () 4 () 5 () dismissed on motion of Prosecutor; Defense; Court; No action taken.

PRELIMINARY HEARING/EXTRADITION

Preliminary hearing held;
 Court finds probable cause to believe Defendant guilty of crime(s) charged. 1 () 2 () 3 () 4 () 5 (); case bound over to District Court for trial.
 Court finds insufficient evidence to bind Defendant over on charge(s) 1 () 2 () 3 () 4 () 5 (); charge(s) is/are dismissed.
 Bond set at \$ _____ 10%; Signature; ROR; Pre-Trial Release; No bond allowed.
 Extradition hearing held; Defendant waives extradition and is remanded to custody of Sheriff. Defendant declines waiver of extradition, case continued to _____, 20____ at _____.
 Exhibits introduced: Nos. _____ thru _____ Received _____

ADDITIONAL ENTRIES OF RECORD

Upon oath of Prosecutor, probable cause is found for the issuance of arrest warrant.
 Defendant fails to appear; Capias to issue; Bond set at \$ _____; Mittimus to issue; Capias cancelled.
 Bond in the amount of \$ _____ forfeited; reinstated; released.
 Court Costs \$ _____ Witness Fees \$ _____ Sheriff Fees \$ _____ Subpoena Fees \$ _____ Other \$ _____

Hon. _____

Judge

Date

Bailiff

Tape Nos.

CR/TR 240 (10/12)

1-21-14

#50-dig, fa

STATE OF NEBRASKA

CR/TR 13 (8/13)

REQUEST FOR HEARING

Felony

Douglas County Court, Criminal/Traffic Division
1701 Farnam Street, 2nd Floor, Omaha, NE 68183 (402) 444-5386

STATE OF NEBRASKA,

Plaintiff,

(When Filling Out Press Firmly)

Case No. CR14-856

Arrest No. K107570S

Prelim Arr/Trial Date 2/12/14

In Jail/Data No. 3340432

-vs-

Duncan, Gregory
Defendant

The undersigned requests that the court file and the prosecutor's paperwork be available in Courtroom No. 50 on January 21, 2014, at 12:30 P.m. for Request for Public Defender

DATE: 1/17/14 Defendant or Attorney Signature: Scott Sladek
Printed Name: Scott Sladek
Phone #: 7175
Attorney No.: 17577

FILED
17 09:58

The requesting party is responsible for notifying the prosecuting authority (city prosecutor or county attorney) of this request, and for arranging the transportation of any incarcerated defendant.

You are required to have the presiding judge sign this form if you are bringing this case in for an early arraignment.

You are required to have the judge assigned to the case sign this form if you are bringing the case in to be heard during the judge's sentencings.

DATE: BY THE COURT: (County Judge)

NO EARLY REQUESTS WILL BE PROCESSED UNLESS THESE PROCEDURES ARE FOLLOWED.

- White - Criminal/Traffic Clerk Office
Yellow - Criminal/Traffic Clerk Office
Pink - City Prosecutor
Gold - Defendant

**DOUGLAS COUNTY COURT
HALL OF JUSTICE
17TH AND FARNAM STREETS**

You must appear for:

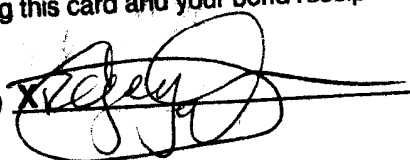
Preliminary Hearing / County Court

DATE: FEB 12 2014 20

TIME: 9 AM; 1:30 PM; _____

COURTROOM # 25
HALL OF JUSTICE

Please bring this card and your bond receipt with you

(Defendant) 

MISC 411A (9/01)

STATE OF NEBRASKA

MITTIMUS IN DEFAULT OF BAIL

CR/TR 214 (4/11)

Douglas County Court, Criminal/Traffic Division
1701 Farnam Street, 2nd Floor, Omaha, NE 68183 (402) 444-5386

MITTIMUS IN DEFAULT OF BAIL

Case No. CR14-856

Doc. No. _____

Data No. 3340432

TO THE DIRECTOR OF THE CORRECTIONS CENTER:

You are ordered to receive into the Douglas County Corrections Center Duncan
Gregory and keep firm until discharged by due
course of law on the charge(s) of:

Charge: 3rd deg. Asslt discrimination Charge: _____
Charge: _____ Charge: _____
Charge: _____ Charge: _____

Defendant was allowed to give bail in the sum of \$ 100,000
 10%
 Cash

In default of bail, defendant is committed to the Douglas County Corrections Center.

Defendant to be held at the Youth Center.
 Defendant to have no contact with Ryan Langenegger

Court Date: 2-12-14, 2014 at 9:00 a.m.
25

DATE: 1-13-14 BY THE COURT: [Signature]
(County Judge)

JUSB2056

Douglas County Court
JOURNAL ENTRY & ORDER

Page: 1

Crtrm...: 01C50
Case No.: CR 14 856

Judge.: No Judge Assigned
Filed.: 1/10/2014

Date.....: 1/13/2014 12:30 Action: First Appearance

Caption.: State v. Gregory S Duncan

AKA:

DOB.....: 7/18/1978

Arrest #:

Citation #: K 1075705

No Charge

Amended to

Statute/Ord. No.

1 Assault-3rd degree/hate

28-310

4 FEL

APPEARANCES

Defendant; Defense Counsel WALTER/LOCKE; Parents or Guardians _____
 Prosecutor LYNCH Interpreter _____

ARRAIGNMENT AND ADVISEMENT

Defendant arraigned on: the above charge(s); the charge(s) of _____
 Defendant advised of the charge(s) against him/her and the penalties for said charge(s). Waiver(s) entered knowingly.
 Defendant advised privilege against self-incrimination; waived. Waiver(s) entered understandingly.
on each charge of: right to confront accusers; waived. Waiver(s) entered intelligently.
 right to preliminary hearing; waived; bound over to District Waiver(s) entered voluntarily.
 right to counsel; waived. Court for trial Factual basis for waiver(s) found.
 Public Defender appointed for purposes of bond setting only.
 Indigency inquiry held; Defendant adjudged indigent, Public Defender appointed / _____ appointed.
 Defendant adjudged not indigent.
 Defendant will hire own counsel. _____ Employed _____
 Case set for preliminary hearing on 2/17, 2014 at 9:00 AM in Courtroom No. 25.
 Probable cause for detention found. Bond set at \$ 100,000 10% ROR; Pre-Trial Release. Drug Court/Diversion Eligible.

CONTINUANCE/DISMISSAL

Case continued to _____, 20____ at _____ on motion of Prosecutor; Defense; Court.
 Charge(s) 1 () 2 () 3 () 4 () 5 () dismissed on motion of Prosecutor; Defense; Court; No action taken.

PRELIMINARY HEARING/EXTRADITION

Preliminary hearing held;
 Court finds probable cause to believe Defendant guilty of crime(s) charged. 1 () 2 () 3 () 4 () 5 (); case bound over to District Court for trial.
 Court finds insufficient evidence to bind Defendant over on charge(s) 1 () 2 () 3 () 4 () 5 (); charge(s) is/are dismissed.
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 Exhibits introduced: Nos. _____ thru _____ Received _____

ADDITIONAL ENTRIES OF RECORD

Upon oath of Prosecutor, probable cause is found for the issuance of arrest warrant.
 Defendant fails to appear; Capias to issue; Bond set at \$ _____; Mittimus to issue; Capias cancelled.
 Bond in the amount of \$ _____ forfeited; reinstated; released.
 Court Costs \$ _____ Witness Fees \$ _____ Sheriff Fees \$ _____ Subpoena Fees \$ _____ Other \$ _____
 ~~_____~~ KNOWS TO HIRE COUNSEL - NOT INDIGENT.

Hon.

Judge

1-13-14

Date

D03

Bailiff

#50 digital

Tape Nos.

CR/TR 240 (10/12)

STATE OF NEBRASKA

ORDER OF RELEASE FROM CUSTODY

CR/TR 222 (6/06)

Douglas County Court, Criminal/Traffic Division
1701 Farnam Street, 2nd Floor, Omaha, NE 68183 (402) 444-5386

STATE OF NEBRASKA,

Plaintiff,

Case Number: CR 14-850

vs.

Docket Number:

DUNCAN, Gregory S. Defendant

ORDER OF RELEASE FROM CUSTODY

IT IS ORDERED PENDING FURTHER HEARING IN THIS CASE THAT THE DEFENDANT IS TO BE:

- [] released upon his/her personal recognizance.
[] released in the custody of \$100,000 or Pretrial Release, who has agreed to supervise him/her, with the understanding that the defendant must follow the supervisor's rules.
[] released after execution of either one of the following appearance bonds at the option of the defendant:
1. An appearance bond in the sum of \$100,000 and the deposit with the Clerk in cash or other qualified security in the amount of not less than \$25.00 or 10% of the bond.
2. A bail bond with surety or sureties or cash in the amount of \$

IN ALL CASES, THE DEFENDANT SHALL:

- 1. Refrain from unlawful conduct.
2. Not go farther than 10 miles beyond the boundaries of Douglas County, Nebraska.
3. Reside at his/her residence
4. Refrain from possessing or using firearms or other weapons.
5. Refrain from possessing or using alcohol or controlled substances.
6. Refrain from any direct or indirect contact with Ryan Langewieser, personally or through another person.
7. Other:

IT IS FURTHER ORDERED BY THIS COURT THAT:

- 1. A warrant be issued immediately if the defendant violates any of the conditions of this release, in addition to any other penalties or forfeitures provided by law as follows:
[] If charged with a felony, not more than 5 years imprisonment and/or a \$10,000.00 fine.
[] If charged with a Class II Misdemeanor, not more than 6 months imprisonment and/or a \$1,000.00 fine..
[] If charged with an Ordinance Violation calling for more than a 90-day sentence, not more than 6 months imprisonment and/or a \$1,000.00 fine.
2. If the defendant fails to obey the Court's Order to Appear, he/she will be guilty of a Class IV Felony and/or may be charged with Contempt of Court.
3. If the defendant remains in custody for more than 24 hours from the execution of this Order, he/she may request to be brought before the Court for a review of the conditions imposed.
4. The defendant shall not be released from custody until he/she signs this Order acknowledging that he/she understands it.
5. Any bond posted shall be applied to any fines and costs in the above captioned case. The defendant may file a written Request for Hearing within 10 days from the date of judgment, to determine the application of bond money to fines and cost.

Date: 1-13-14 Judge [Signature]

I have read and understand or have had explained to me and understand the above and foregoing conditional release from custody.

Date: 1-13-14 Defendant [Signature]

IN THE COUNTY COURT OF Douglas COUNTY, NEBRASKA

ARREST WARRANT

Doc. No. 3082156

State of Nebraska v. Gregory S Duncan

Citation No: CW 140054

Case ID: CR 14 856

TO: THE Omaha Police Department OR ANY DULY AUTHORIZED LAW ENFORCEMENT OFFICER

A complaint has been filed in the above court alleging the above-named defendant committed the following offense(s):

| <u>Statute</u> | <u>Offense Description</u> | <u>Type</u> | <u>Cls</u> | <u>Off. Date</u> |
|----------------|-------------------------------|-------------|------------|------------------|
| 28-310 | Assault-3rd degree/hate crime | FEL | 4 | 10/27/2013 |

The court finds, upon complaint supported by oath or affirmation, probable cause exists for the issuance of a warrant

THEREFORE YOU ARE ORDERED to immediately arrest said defendant wherever he/she may be found and to bring him/her promptly before this court or any judge or magistrate having jurisdiction of this matter, to answer such complaint and be further dealt with according to law.

Date: 1-10-14 Judge/Magistrate DR Law

STATE OF NEBRASKA }
COUNTY OF DOUGLAS } SS

Received this writ on 1-14-14
I certify that on _____ I served
this warrant on the named Defendant.

Cancelled by the court.

BY: S P 138

FILED
CRIM/TRAFF DIVISION

JAN 16 2014

Douglas County Court
OMAHA, NEBRASKA

Officer: Michael Curd

Omaha Police Department

Defendant Gregory S Duncan
1285 Kings Trails
Fenton, MO 63026-0000

AKA
AKA
AKA
AKA

Drivers Lic: R147234913 MO
Vehicle Lic: Plate Type

DOB: 07/18/1978 Ht: 6 04 Wt: 220 Sex: M Eyes: BRO Hair: Race: U

IN THE COUNTY COURT OF DOUGLAS COUNTY, NEBRASKA
FELONY COMPLAINT

STATE OF NEBRASKA)
)
) Plaintiff,)
)
 vs.)
)
 GREGORY S DUNCAN,)
)
) Defendant.)
)
 D.O.B. 18 July 1978.)
)
 ADDRESS: 1285 KINGS TRAILS)
)
 FENTON, MO 63026)
)
 DR. LIC.: R147234013 MO)
)
 AR# CW140054)
)
 RB# I55053)
)
 CMS# CW140054)
)
 DP)

CR# 14 856

CRIMINAL COMPLAINT

On the complaint and information of JAMES M. MASTELLER, County Attorney/Deputy County Attorney of Douglas County, Nebraska, made in the name of the State of Nebraska before the undersigned Clerk of the County Court within and for said County of Douglas, State of Nebraska, on 9 January 2014, who being sworn on oath says, that the above named Defendant, contrary to the form of the statutes in such cases made and provided and against the peace and dignity of the State of Nebraska, violated the laws of the State, to-wit:

COUNT 1: 3RD DEGREE ASSAULT DISCRIMINATION BASED CLASS IV FELONY

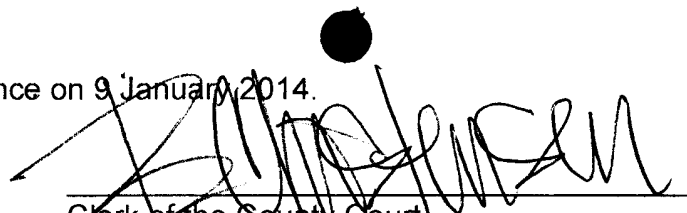
On or about 27 October 2013, in Douglas County, Nebraska, GREGORY DUNCAN did then and there either intentionally, knowingly or recklessly cause bodily injury to Ryan Langenegger or did threaten Ryan Langenegger in a menacing manner, and furthermore said Defendant committed this assault against Ryan Langenegger because of the person's race, color, religion, ancestry, national origin, gender, sexual orientation, age, or disability in violation of Neb. Rev. Stat. §28-310(1) & (2), and §28-111 a Class IV Felony.
20922

contrary to the statutes of the State of Nebraska.



JAMES M. MASTELLER, # 21749
County Attorney/Deputy County Attorney

Subscribed and sworn to in my presence on 9 January 2014.



Clerk of the County Court
Douglas County, Nebraska

Witnesses for the State:

- MICHAEL T CURD #1743
- WENDI J DYE #1751
- JEREMY M ZIPAY #2147
- MICHAEL J WRIGHT #1949
- WILLIAM R SEATON #1761
- JOSEPH J WHERRY #1646
- CONSTANCE M BARBAS #C766
- NICHOLAS D BUCK #2036
- KENNETH G PORTER #1924
- KARALIN T STARLIN #1503
- DANETTE M CULLER #1791
- SHERRY L KING #1617
- WILLIAM R HENNINGSSEN #C669
- RYAN LANGENEGGER
- JOSH FOO
- JACOB GELLINGER
- JOSEPH ADRIANO
- PAUL LARSON
- SAM CALLOWAY
- ERIN PALLADINO

IN THE DISTRICT COURT OF DOUGLAS COUNTY, NEBRASKA
CRIMINAL BRANCH

RB # 55053-I

THE STATE OF NEBRASKA)
)
Plaintiff)
)
-vs-)
)
DUNCAN, GREGORY)
)
W/M 7-18-78)
)
1285 Kings Trails, Fenton, Missouri,)
63026)
)
Defendant)

DOC. _____ NO. _____

**AFFIDAVIT OF
COMPLAINING WITNESS**

STATE OF NEBRASKA)
)
County of Douglas)

Michael CURD #1743, being first duly sworn on oath, deposes and says that this affiant is an officer of the Omaha Police Department, City of Omaha, Douglas County, Nebraska. This affiant further states, that, based upon the investigation of Omaha Police Officer, Michael CURD #1743, there are grounds for issuance of an arrest warrant for the above defendant:

On Sunday October 27th 2013 at 0309 hours Officers ZIPAY #2147 and WRIGHT #1949 responded to an assault at 12th and Howard Street. Upon arrival officers spoke with victim Ryan LANGENEGGER, who stated he had been punched in the face by three unknown suspects who then fled on foot.

LANGENEGGER stated he and his two friends, Josh FOO and Jacob GELLINGER, were inside Pepperjax Grill near 13th and Howard St when three suspects began staring at them. LANGENEGGER stated GELLINGER was wearing a dress and he believes that this is what drew the attention of the suspects. LANGENEGGER further stated that one of the suspects approached them outside Pepperjax and started calling them "faggots" along with other derogatory remarks. LANGENEGGER stated he was then sucker punched by one of the suspects. Once he was punched, LANGENEGGER stated he fell halfway to the ground and looked back at the suspects asking "Why? Why would you do this?" The suspects fled eastbound on Howard Street. Officers observed a gash between LANGENEGGER eyes and a bloody nose.

On Wednesday October 30th at 1435 hours R/O CURD interviewed LANGENEGGER at Omaha Police Central. LANGENEGGER confirmed he had suffered a one inch cut to his right eyebrow (vertical) near his nose. He also pointed out bruising and swelling to his right eye socket, and stated he had chipped two teeth when he was punched. LANGENEGGER stated one of the suspects walked up to his table in Pepperjax and was standing over them saying "Should I? Should I?" LANGENEGGER and his friends became uncomfortable and left before finishing dinner. The three suspects followed LANGENEGGER and his friends out, and blocked

them from getting to their car. At this point, Jacob GELLINGER told the suspects "I know, I'm a boy in a dress." The same suspect from the restaurant (later identified as Joseph ADRIANO) then stated "I know, you're fucking disgusting." ADRIANO then began saying things like "Faggot" and "Pussy" calling them names and facing GELLINGER. LANGENEGGER then stepped in between the two and tried to calm things down. A second suspect (later identified as Gregory DUNCAN) then stepped forward and punched LANGENEGGER once in the face. LANGENEGGER stated DUNCAN then took a swing at Josh FOO, but missed. FOO then told DUNCAN "You did what you had to do, just go home." All three suspects then left.

R/O conducted further interviews of GELLINGER and FOO, confirming the events of that night. FOO advised that he had been the designated driver that night and had not been drinking. R/O also reviewed video at Pepperjax and observed events consistent with witness statements.

A credit card belonging to Paul LARSON was used by the suspects at Pepperjax, and detectives were able to interview LARSON and establish the identity of the other two suspects. Photo lineups were shown of Gregory DUNCAN and Joseph ADRIANO to all witnesses involved and they were positively identified.

R/O conducted an interview of Joseph ADRIANO at his home, and he advised that he was drunk that night and didn't remember anything that happened.

R/O has been unable to locate Gregory DUNCAN and believes he lives in Missouri.

This affiant Officer further states that there is reasonable cause to believe the crime of felony assault in the third degree against a person or a person's property because of the person's race, color, religion, ancestry, national origin, gender, sexual orientation, age, or disability or because of the person's association with a person of a certain race, color, religion, ancestry, national origin, gender, sexual orientation, age, or disability was committed and that the said defendant committed the said crime.

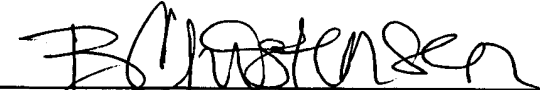
DATED this 10th day of January, 2014.

10 ME

 #1743

OMAHA NEBRASKA POLICE OFFICER

SUBSCRIBED AND SWORN to before me this 10th day of Jan, 2014


Deputy JUDGE OF THE COUNTY COURT
CLERK OF DOUGLAS COUNTY, NEBRASKA

IN THE DISTRICT COURT OF DOUGLAS COUNTY, NEBRASKA

STATE OF NEBRASKA

Plaintiff,

vs.

GREGORY S. DUNCAN

Defendant.

Case # CR14-449

**WRITTEN ARRAIGNMENT
AND WAIVER OF PHYSICAL
APPEARANCE**

Pursuant to Neb.Rev.Stat. 29-4206, I GREGORY DUNCAN, Defendant in the above-entitled action, waive my right to physically appear for arraignment in District Court and ask the Court to enter a plea of not guilty on my behalf subject to the following pretrial motion(s) (if applicable) filed or to be filed pursuant to Statute:

- plea in abatement
- demurrer
- motion to quash
- plea in bar
- other: _____

I waive the right to 24-hour service of the Information prior to entering a plea and the formal reading of the Information. I consent to service of the Information upon my attorney of record. I request the Court to grant my Motion for Mutual and Reciprocal Discovery.

Date 2-20-14

Defendant's signature 

APPEARANCE OF COUNSEL

I, JAMES MARTIN DAVIS, advise the Court that
(Print Attorney Name and Attorney Number)

I am the attorney of record.

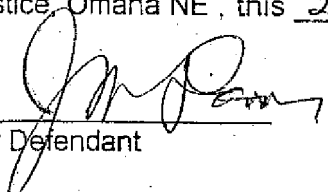
I have been appointed to represent the above-named Defendant and a financial affidavit is on file.

Date 2-20-14

Attorney's signature 

CERTIFICATE OF SERVICE

I hereby certify that a copy of this waiver of physical appearance was served upon the Douglas County Attorney's Office, 100 Hall of Justice, Omaha NE, this 20 day of FEBRUARY, 2014


Attorney for Defendant

Certificate of Service

I hereby certify that on Friday, February 21, 2014 I provided a true and correct copy of the Written Arraignment-Waiver of Appearance to the following:

State of Nebraska represented by James Masteller (Bar Number: 21749) service method:
Fax

Signature: /s/ James Davis (Bar Number: 10927)

IN THE DISTRICT COURT OF DOUGLAS COUNTY, NEBRASKA

RFW

THE STATE OF NEBRASKA,)
)
 Plaintiff,)
)
 vs.)
)
 GREGORY S. DUNCAN,)
)
 Defendant.)

Case ID No. CR14-449

ORDER
WRITTEN ARRAIGNMENT
(private attorney)

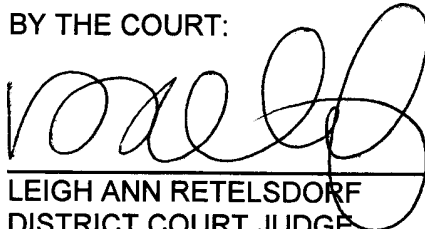
Pursuant to Neb. Rev. Stat. §29-4206, the Defendant in the above entitled action filed a Written Arraignment, waiving his/her right to physically appear for arraignment in District Court and asked the Court to enter a plea of "Not Guilty" on the Defendant's behalf subject to any pretrial motion(s) (if applicable) filed or to be filed pursuant to Statute.

The Court orders mutual and reciprocal discovery pursuant to statute. Defendant's bond is hereby continued.

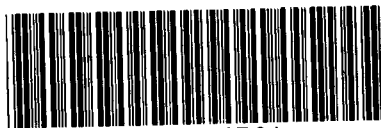
IT IS THEREFORE ORDERED, ADJUDGED AND DECREE that the Defendant's plea of Not Guilty is hereby accepted and Mutual and Reciprocal Discovery is hereby granted.

DATED this 26th day of February 2014.

BY THE COURT:


LEIGH ANN RETELSDORF
DISTRICT COURT JUDGE

#35 FILED
IN DISTRICT COURT
DOUGLAS COUNTY NEBRASKA
FEB 27 2014
JOHN M. FRIEND
CLERK DISTRICT COURT



J00209826D01

nfa

THE DISTRICT COURT OF DOUGLAS COUNTY, NEBRASKA

THE STATE OF NEBRASKA,)
)
 Plaintiff,)
)
 vs.)
)
 GREGORY S. DUNCAN,)
)
 Defendant.)

Case ID No. CR14-449

**ORDER
WAIVING SPEEDY TRIAL**

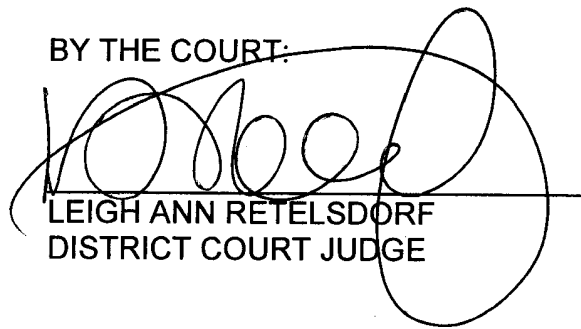
#17 FILED
IN DISTRICT COURT
DOUGLAS COUNTY NEBRASKA
JUL 10 2014
JOHN M. FRIEND
CLERK DISTRICT COURT

Defendant appeared with counsel, James Martin Davis. State appeared by Jim Masteller. Hearing was held on Defendant's Motion to Continue Jury Trial set for July 9, 2014 and request to waive six month speedy trial rule pursuant to §29-1207 R.R.S. Neb. The Court finds the Defendant freely, voluntarily and intelligently waived his/her right pursuant to statute. This case shall be set for trial as a backup on December 1, 2014 at 9:00 am and/or as a date certain on February 11, 2015 at 9:00 am. Defendant ordered to appear.

AND IT IS SO ORDERED.

DATED this 2nd day of July 2014.

BY THE COURT:


LEIGH ANN RETELSDORF
DISTRICT COURT JUDGE



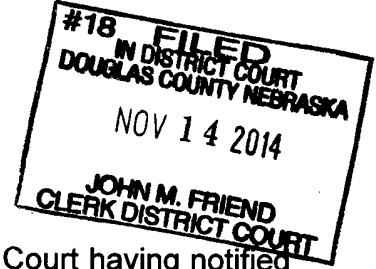
DR

IN THE DISTRICT COURT OF DOUGLAS COUNTY, NEBRASKA

THE STATE OF NEBRASKA,)
)
 Plaintiff,)
)
 vs.)
)
 GREGORY S. DUNCAN,)
)
 Defendant.)

Case ID No. CR14-449

TRIAL SETTING
CRIMINAL PRETRIAL ORDER
(JURY)



This case having been designated as ready for trial and the Court having notified the parties that the case has been set for trial beginning on the **3rd day of December 2014 at 9:00 am**, then on the Court's motion, **IT IS ORDERED AS FOLLOWS:**

1. **Before the presentation of evidence begins**, all exhibits must be submitted to this Court's reporter for marking. Counsel need not meet personally with the court reporter but must number all pages of the exhibits. **DO NOT NUMBER EXHIBITS** since the numbering must conform to the Supreme Court Rules. Exhibits may be mailed to the court reporter. It is preferred that an index accompany the proposed exhibits and that the index identify the exhibits in the manner in which they will be identified at trial.

2. **Before the presentation of evidence begins**, any and all proposed jury instructions must be submitted to the Court. It is sufficient to simply list the instructions requested from Nebraska Jury Instructions, 2d (NJI 2d), and include any other proposed instructions.

3. Counsel are instructed to be in the courtroom at least fifteen minutes before the scheduled start of trial and be available for conference with the Court about voir dire, the number of alternates to be seated, the number of peremptory challenges to be exercised, the giving of NJI2d and other introductory remarks, etc. Counsel and their clients are admonished to have no contact with the jury panel. It is preferable to have litigants wait in the corridor until jury selection is ready to begin.

4. Other cases may have been instructed to be available for trial at the same time as this case, and attorneys or their staffs may be contacting counsel in this action



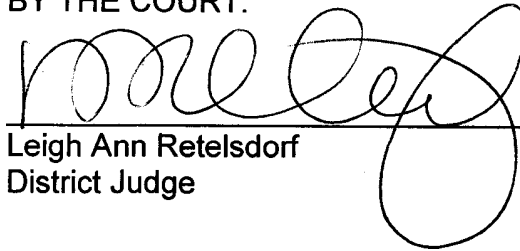
to determine the status of the case. All counsel are expected to be courteous and forthright.

5. This order shall remain in effect until rescinded or modified. If the trial of the case is continued or if trial is not held for any reason, this order shall remain in full force and effect and shall apply to any subsequent scheduling of trial.

6. That the Defendant shall appear for trial on **December 3, 2014 at 9:00 am** or a warrant will be issued for failure to appear.

Signed this 14th day of November 2014.

BY THE COURT:

A handwritten signature in black ink, appearing to read "Leigh Ann Retelsdorf", written over a horizontal line. The signature is cursive and somewhat stylized.

Leigh Ann Retelsdorf
District Judge

Copies to:
Jim Masteller
James Martin Davis

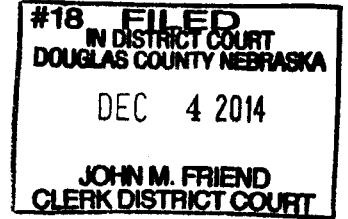
MJD

IN THE DISTRICT COURT OF DOUGLAS COUNTY, NEBRASKA

STATE OF NEBRASKA,)
)
Plaintiff,)
)
vs.)
)
GREGORY S. DUNCAN,)
)
Defendant.)

CR 14-449

ORDER

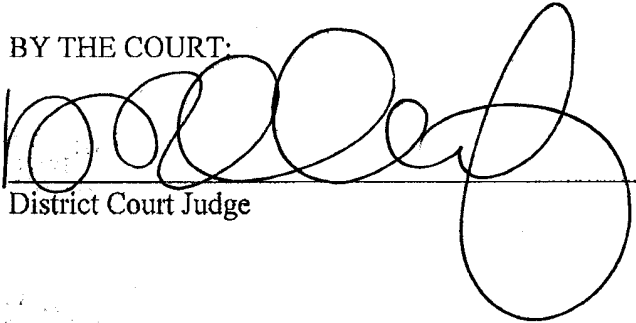


On the 3 day of December, 2014 this matter came on for consideration of the Motion to Continue filed by the Defendant in the above-captioned case.

IT IS HEREBY ORDERED BY THE COURT that the jury trial in this matter is continued to February 11, 2015 at 9:00 a.m. in district courtroom no. 8, before the Honorable Leigh Ann Retelsdorf.

DATED this 14 day of December, 2014.

BY THE COURT:


District Court Judge

Prepared and Submitted by:
Attorney for the Defendant
James Martin Davis
1623 Farnam Street
Suite 500
Omaha NE 68102
Tel: (402) 341-9900
Fax: (402) 341-8144
Email: info@jamesmartindavis.com



IN THE DISTRICT COURT OF DOUGLAS COUNTY, NEBRASKA

STATE OF NEBRASKA,)
)
Plaintiff,)
)
vs.)
)
GREGORY S. DUNCAN,)
)
Defendant.)

CASE ID No. CR14-449

**ORDER
SETTING JURY TRIAL**

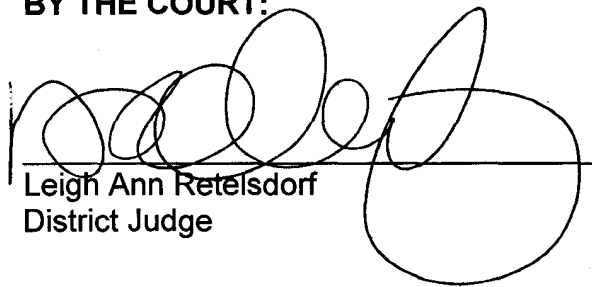
The Court, by agreement of counsel, finds that the jury trial should begin on Monday, February 9, 2015 at 9:00 am.

IT IS THEREFORE ORDERED that jury trial is scheduled before the Honorable Leigh Ann Retelsdorf, in District Courtroom #408 on the 4th Floor of the Hall of Justice, Omaha, Nebraska, on **Monday, February 9, 2015 at 9:00 am. Pretrial conference shall be held on February 6, 2015 at 11:00 am.**

IT IS FURTHER ORDERED that the Defendant is ordered to be present on these trial/pretrial dates and that his/her failure to do so will result in a warrant for his/her arrest.

DATED this 4th day of February 2015.

BY THE COURT:


Leigh Ann Retelsdorf
District Judge

cc: J.Masteller/A.Miller
J.M.Davis

**#40 FILED
IN DISTRICT COURT
DOUGLAS COUNTY NEBRASKA
FEB 05 2015
JOHN M. FRIEND
CLERK DISTRICT COURT**



CERTIFICATE OF SERVICE

I, the undersigned, certify that on February 6, 2015 , I served a copy of the foregoing document upon the following persons at the addresses given, by mailing by United States Mail, postage prepaid, or via E-mail:

James M Davis
info@jamesmartindavis.com

James M Masteller
james.masteller@douglascounty-ne.gov

Date: February 6, 2015

BY THE COURT:

John M. Friend
CLERK





IN THE DISTRICT

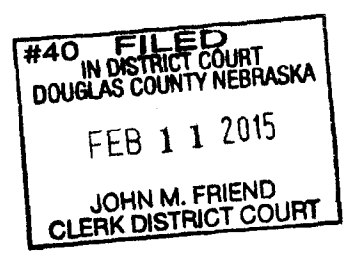
EBRASKA

STATE OF NEBRASKA)
)
 Plaintiff,)
)
 vs.)
)
 GREGORY S. DUNCAN,)
)
 Defendant.)

CASE NO. CR 14 - 449

DEFENDANT'S PROPOSED JURY INSTRUCTIONS

Comes now Defendant, Gregory S. Duncan, and hereby requests that the Court submit to the jury the following Proposed Jury Instructions at the trial of this action:



DEFENDANT'S PROPOSED INSTRUCTION NO. 3:

"Sexual orientation" means heterosexuality, homosexuality, or bisexuality.

AUTHORITY: California Statutes: CA Penal § 422.56; Illinois Statutes: 720 ILCS 5/12-7.1; New Mexico Statutes: N.M.S.A. 1978, § 31-18B-2.

GREGORY S. DUNCAN, Defendant,

By

JAMES MARTIN DAVIS, #10927
1623 Farnam Street, Suite 500
Omaha, NE 68102
Tel 402-341-9900
Fax 402-341-8144
Email info@jamesmartindavisa.com

ATTORNEY FOR DEFENDANT

REFUSED

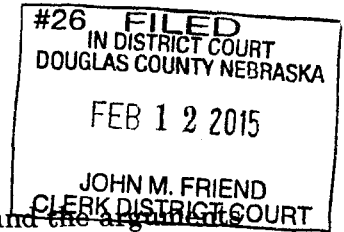


IN THE DISTRICT COURT OF DOUGLAS COUNTY,

THE STATE OF NEBRASKA,)
)
 Plaintiff,)
)
 v.)
)
 GREGORY S. DUNCAN,)
)
 Defendant.)

CASE ID NO. CR14-449

JURY
INSTRUCTIONS



INSTRUCTION NO. 1

Members of the jury, now that you have heard all of the evidence and the arguments of counsel, it is my duty to instruct you in the law.

(1) I am not permitted to comment on the evidence, and I have not intentionally done so. If it appears to you that I have commented on the evidence, during either the trial or the giving of these instructions, you must disregard such comment entirely.

You must not interpret any of my statements, actions, or rulings nor any of the inflections of my voice as reflecting an opinion as to how this case should be decided.

(2) It is my duty to tell you what the law is. It is your duty to decide what the facts are and to apply the law to those facts.

In determining what the facts are you must rely solely upon the evidence in this trial and that general knowledge that everyone has. You must disregard anything else you know about the case.

(3) You must apply the law in these instructions, even if you believe that the law is or should be different.

No one of these instructions contains all of the law applicable to this case. You must consider each instruction in light of all of the others.

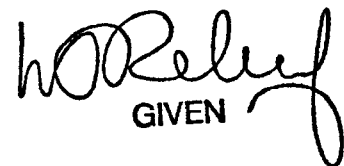
The law demands of you a just verdict. You must not indulge in any speculation, guess, or conjecture. You must not allow sympathy or prejudice to influence your verdict.

Page 38 of 84
GIVEN

INSTRUCTION NO. 1 (Continued)

(4) The attorneys for the State and the Defendant have a duty to represent the interests of the State and Defendant respectively. In arguing their case, attorneys may draw legitimate deductions and inferences from the evidence.

(5) During this trial I have ruled on objections to certain evidence. You must not concern yourselves with the reasons for such rulings since they are controlled by rules of law. You must not speculate as to possible answers to questions I did not permit to be answered; you must not consider the fact that objections to evidence were overruled. You must disregard all evidence ordered stricken.


GIVEN

INSTRUCTION NO. 2

As I told you at the beginning of the trial, this is a criminal case in which the State of Nebraska has charged the Defendant with the following crime.

In Count I, the Defendant is charged with Assault in the Third Degree, Discrimination Based. The State alleges in substance that:

On or about October 27, 2013, in Douglas County, Nebraska, Gregory Duncan did then and there either intentionally or knowingly cause bodily injury to Ryan Langenegger or did threaten Ryan Langenegger in a menacing manner, and furthermore said Defendant committed this assault against Ryan Langenegger because of the person's race, color, religion, ancestry, national origin, gender, sexual orientation, age, or disability, or because of the person's association with a person of a certain race, color, religion, ancestry, national origin, gender, sexual orientation, age, or disability.

The fact that the State has brought this charge is not evidence of anything. The charge is simply an accusation, nothing more.

The Defendant has pleaded not guilty. He is presumed to be innocent. That means you must find him not guilty unless and until you decide that the State has proved him guilty beyond a reasonable doubt.

W. O. Relief
GIVEN

INSTRUCTION NO. 3

Depending on the evidence, you may return one of three possible verdicts to Count I of the Information. You may find the Defendant:

- (1) Guilty of Assault in the Third Degree, Discrimination Based; or
- (2) Guilty of Assault in the Third Degree; or
- (3) Not guilty.

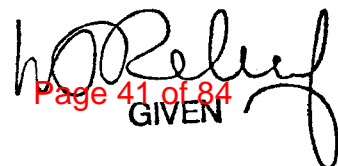
The elements of Assault in the Third Degree, Discrimination Based, are:

1. That the Defendant, on or about October 27, 2013, did intentionally or knowingly cause bodily injury to Ryan Langenegger;
2. The Defendant did so because of Ryan Langenegger's association with a person of a certain sexual orientation;
3. That the Defendant did so in Douglas County, Nebraska; and
4. That the Defendant did not act in defense of another.

The elements of Assault in the Third Degree are:

1. That the Defendant, on or about October 27, 2013, did intentionally, knowingly, or recklessly cause bodily injury to Ryan Langenegger;
2. That the Defendant did so in Douglas County, Nebraska; and
3. That the Defendant did not act in defense of another.

You must separately consider in the following order the crimes of Assault in the Third Degree, Discrimination Based, and Assault in the Third Degree. For the crime of Assault in the Third Degree, Discrimination Based, you must decide whether the State proved each element beyond a reasonable doubt. If the State did so prove each element, then you must find the Defendant guilty of Assault in the Third Degree, Discrimination Based, and stop. If you find the State did not so prove, then you must proceed to consider the next crime in the list, Assault in the Third Degree. You must proceed in this fashion to consider each of the


Page 41 of 84
GIVEN

INSTRUCTION NO. 3 (Continued)

crimes in sequence until you find the Defendant guilty of one of the crimes or find him not guilty of all of them.

W. Relief
GIVEN

INSTRUCTION NO. 4

The Defendant acted in defense of another person if:

1. The Defendant reasonably believed that Ryan Langenegger used or threatened force against Joseph Adriano; and

2. Under the circumstances as they existed at the time, the Defendant reasonably believed that the force the Defendant used against Ryan Langenegger was immediately necessary to protect Joseph Adriano against any such force used or threatened by Ryan Langenegger.

The fact that the Defendant may have been wrong in estimating the danger to Joseph Adriano does not matter so long as there was a reasonable basis for what the Defendant believed and he acted reasonably in response to that belief.

W. A. Relief
GIVEN

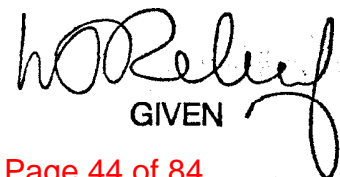
INSTRUCTION NO. 5

"Intentionally" means willfully or purposely, and not accidentally or involuntarily.

"Knowingly" means with knowledge or perception of facts requisite to make up the crime.

"Recklessly" means disregarding a substantial and unjustifiable risk in circumstances in which disregarding this risk was a gross deviation from what a reasonable, law-abiding person would have done.

"Bodily injury" means physical pain, illness, or any impairment of physical condition.


GIVEN

INSTRUCTION 6

Intent is an element of the crime charged in the Information. In deciding whether the Defendant acted with intent you should consider his words and acts and all the surrounding circumstances.

W. O. Relief
GIVEN

INSTRUCTION NO. 7

A reasonable doubt is one based upon reason and common sense after careful and impartial consideration of all the evidence. Proof beyond a reasonable doubt is proof so convincing that you would rely and act upon it without hesitation in the more serious and important transactions of life. However, proof beyond a reasonable doubt does not mean proof beyond all possible doubt.

W. Relief
GIVEN

INSTRUCTION NO. 8

The evidence from which you are to find the facts consists of the following:

1. The testimony of the witnesses;
2. The exhibits received in evidence;
3. Any facts that have been stipulated—that is, formally agreed to by the parties—and
4. Any facts that I say you may accept but are not required to accept.

The following things are not evidence:

1. Statements, arguments, and questions of the lawyers for the State and the Defendant;
2. Objections to questions;
3. Any testimony I told you to disregard; and
4. Anything you may have seen or heard about this case outside the courtroom.


GIVEN

INSTRUCTION NO. 9

There are two kinds of evidence, direct and circumstantial.

Direct evidence is either physical evidence of a fact or testimony by someone who has first-hand knowledge of a fact by means of his or her senses. Circumstantial evidence is evidence of a fact from which another fact logically can be inferred.

A fact may be proved by direct evidence alone, by circumstantial evidence alone, or by a combination of the two.

W. R. Relief
GIVEN

INSTRUCTION NO. 10

You are the sole judges of the credibility of the witnesses and the weight to be given to their testimony. In determining this, you may consider the following:

1. The conduct and demeanor of the witness while testifying;
2. The sources of information, including the opportunity for seeing or knowing the things about which the witness testified;
3. The ability of the witness to remember and to communicate accurately;
4. The reasonableness or unreasonableness of the testimony of the witness;
5. The interest or lack of interest of the witness in the result of this case;
6. The apparent fairness or bias of the witness;
7. Any previous statement or conduct of the witness that is consistent or inconsistent with the testimony of the witness at this trial; and
8. Any other evidence that affects the credibility of the witness or that tends to support or contradict the testimony of the witness.

W. O. Relief
GIVEN

INSTRUCTION NO. 11

During the trial, certain evidence was presented to you by stipulation of counsel. Such evidence is entitled to the same fair and impartial consideration that you would give the same testimony had the witnesses appeared personally at this trial.

W. O. Kelley
GIVEN

INSTRUCTION NO. 12

Your duty is to decide whether the Defendant is guilty or not guilty of the crime charged. My duty is to decide what happens to the Defendant if you decide that he is guilty. You must make your decision without considering what will happen to the Defendant.

W. O. Relief
GIVEN

INSTRUCTION NO. 13

Throughout the course of the trial you have been allowed to take notes of the testimony. You may take your notes into the jury room for use in your deliberations. Remember, however, your notes are not evidence. The court reporter is charged with the task of keeping the official record of all exhibits received into evidence during the trial. At the close of the trial, she will deliver all exhibits you are to consider in your deliberations.

Your notes should be used only as aids to your memory. You should not give your notes precedence over your independent recollection of the evidence. You should rely on your own independent recollection of the proceedings, and you should not be influenced by the notes of other jurors. Your notes are not entitled to any greater weight than each juror's recollection or impression of the testimony given during this trial. After you have completed your deliberations, your notes will be destroyed.

W. O. Relief
GIVEN

INSTRUCTION NO. 14

This case is now ready to be submitted to you for your consideration. Any verdict you reach must be unanimous.

You must reach your verdict based only on the evidence presented to you during this trial, within the four walls of this courtroom, and that general knowledge that everyone has.

While you are in the jury room, you may not use any electronic devices at all.

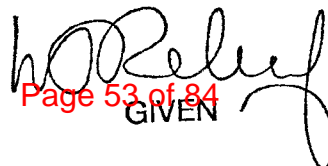
No matter where you are – in the jury room or anywhere else – and until after you are discharged from this trial and I tell you that it is alright to do so, do not talk to anyone about this case except your fellow jurors. Do not use any reference materials or any electronic devices to obtain information about this case. Do not visit any of the places mentioned in this case.

When you get to the jury room, the first thing you must do is to select one of you to be the presiding juror, the person who will preside over your deliberations. It is the job of the presiding juror to see that a verdict is fairly reached and that each juror has a chance to speak fully and freely on the issues in this case.

It is your duty to determine what the facts are. You must approach this task with open minds – consulting with one another, freely and honestly exchanging your views concerning this case, and respectfully considering the views of the other jurors. Do not hesitate to reexamine your own views and to change your mind if you are persuaded that you should. But do not surrender your honest conviction as to the weight or effect of the evidence solely because of the opinion of the other jurors or for the mere purpose of returning a verdict.

If you do not agree on a verdict by 4:30 p.m. today, you may separate and return for further deliberation at 9:00 a.m. tomorrow. If you do separate, then, during the time that you separate, you are not allowed to discuss this case with anyone, even another juror.

In the jury room, you will have these instructions and the exhibits in this case and the


Page 53 of 84
GIVEN

INSTRUCTION NO. 14 (Continued)

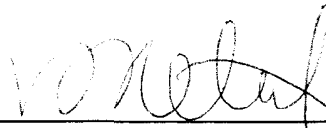
form on which you are to record your verdict.

If you have any questions, please write them out and give them to the bailiff, who will give them to me. I may need to assemble the attorneys and confer with them before I respond.

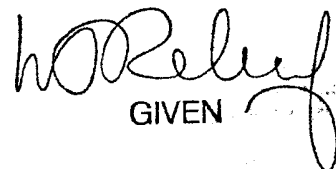
While you are in the jury room, do not attempt to contact anyone outside of the jury room on your own. Do not call anyone, text anyone, or use Facebook, Twitter, MySpace, or any other social network to communicate with anyone. If you need to give a message to anyone outside of the jury room, let the bailiff know.

This case is submitted to you at 11:45 a.m., on this 12th day of February 2015, at which time your deliberations are deemed to commence.

BY THE COURT:



Hon. Leigh Ann Retelsdorf
Douglas County District Court Judge



GIVEN



IN THE DISTRICT COURT OF DOUGLAS COUNTY, NEBRASKA

THE STATE OF NEBRASKA,)
)
 Plaintiff,)
)
 vs.)
)
 GREGORY S. DUNCAN,)
)
 Defendant.)

CASE ID NO. CR14-449

VERDICT FORM

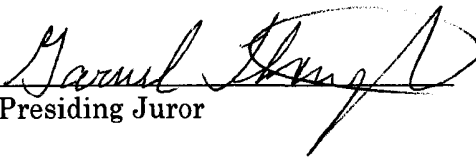
We, the jury duly impaneled and sworn to well and truly try and true deliverance make between the State of Nebraska and Gregory S. Duncan, do find said Defendant:

Guilty of Assault in the Third Degree, Discrimination Based

Guilty of Assault in the Third Degree

Not Guilty

Dated this 12 day of February 2015.


Presiding Juror

#4 FILED
IN DISTRICT COURT
DOUGLAS COUNTY NEBRASKA
FEB 12 2015
JOHN M. FRIEND
CLERK DISTRICT COURT



IN THE DISTRICT COURT OF DOUGLAS COUNTY, NEBRASKA

THE STATE OF NEBRASKA,

CASE # CR 14-449

Plaintiff,

v.

Gregory S. Duncan

Defendant.

JUDGMENT ON
CONVICTION

#40 FILED
IN DISTRICT COURT
DOUGLAS COUNTY NEBRASKA
FEB 13 2015
JOHN M. FRIEND
CLERK DISTRICT COURT

Defendant appeared with counsel, J. M. Davis

State appeared by J. Mastella + A. Miller

Trial Held; Jury yes no To the Court yes no.

Defendant found guilty of following charges:

- Count (1) Asset Theft 1st Deg - Discrimination Based, a Class IV Felony
- Count () _____, a Class _____
- Count () _____, a Class _____
- Count () _____, a Class _____
- Count () _____, a Class _____

And thereupon was adjudged by the court to be guilty as charged.

Presentence Investigation ordered.

Defendant Found Not Guilty of following charges:

- Count(s) _____
- Count(s) _____
- Count(s) _____
- Count(s) _____

SENTENCING DATE: April 22, 2015 at 2:00 p.m. Courtroom # 408

Bond Review yes no.

Additional Findings: _____

THIS IS YOUR ONLY NOTICE OF YOUR SENTENCING DATE AND TIME. Failure to appear for your sentencing will result in a warrant being issued for your arrest.

Interpreter needed. If yes, indicate language. _____.

IT IS SO ORDERED.

DATED this 12 day of February 2015

BY THE COURT:
[Signature]
District Court Judge



Send Result Report



MFP

FS-1128MFP

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|---|---------------------------|
| IN THE DISTRICT COURT OF DOUGLAS COUNTY, NEBRASKA | |
| THE STATE OF NEBRASKA, | CASE # CR <u>14-449</u> |
| Plaintiff, | JUDGMENT ON CONVICTION |
| v. | |
| <u>Gregory S. Duncan</u> | |
| Defendant, | |
| Defendant appeared with counsel, <u>J. M. Davis</u> | |
| State appeared by <u>J. Masteller + A. Miller</u> | |
| Trial Held; Jury <input checked="" type="checkbox"/> yes <input type="checkbox"/> no To the Court <input type="checkbox"/> yes <input type="checkbox"/> no. | |
| Defendant found guilty of following charges: | |
| Count (1) <u>Asset Theft 1st Deg - Discrimination Based</u> | a Class <u>III Felony</u> |
| Count () _____ | a Class _____ |
| Count () _____ | a Class _____ |
| Count () _____ | a Class _____ |
| Count () _____ | a Class _____ |

| No. | Date and Time | Destination | Times | Type | Result | Resolution/ECM |
|-----|----------------|-------------|----------|------|--------|-------------------|
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CERTIFICATE OF SERVICE

I, the undersigned, certify that on February 17, 2015 , I served a copy of the foregoing document upon the following persons at the addresses given, by mailing by United States Mail, postage prepaid, or via E-mail:

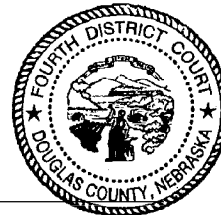
James M Davis
info@jamesmartindavis.com

James M Masteller
james.masteller@douglascounty-ne.gov

Date: February 17, 2015

BY THE COURT:

John M. Friend
CLERK



IN THE DISTRICT COURT OF DOUGLAS COUNTY, NEBRASKA

| | | |
|--------------------|---|-----------------------------|
| STATE OF NEBRASKA |) | CASE NO. CR 14 – 449 |
| |) | |
| Plaintiff, |) | |
| |) | |
| vs. |) | MOTION FOR NEW TRIAL |
| |) | AND |
| GREGORY S. DUNCAN, |) | NOTICE OF HEARING |
| |) | |
| Defendant. |) | |

COMES NOW DEFENDANT, Gregory S. Duncan, pursuant to Neb. Rev. Stat. §§ 29-2101 and 29-2103, and does hereby move the Court for an Order setting aside the verdict and judgment of guilty as to Count I of the Information, Assault in the Third Degree, Discrimination Based, and granting the Defendant a new trial, for each of the following reasons, to-wit:

1. The guilty verdict as to Count I, Assault in the Third Degree, Discrimination Based, was not sustained by sufficient evidence to prove all of the elements of the alleged crime beyond a reasonable doubt;
2. The guilty verdict as to Count I, Assault in the Third Degree, Discrimination Based, was contrary to law;
3. Irregularity in the proceedings of the Court, of the prosecuting attorneys, or of the witnesses for the State by which the Defendant was prevented from having a fair trial;
4. Abuse of discretion by the Court in its rulings during the trial by which the Defendant was prevented from having a fair trial.

WHEREFORE, the Defendant prays that the Court set aside the verdict and judgment relating to Count I of the Information Assault in the Third Degree, Discrimination Based, and grant the Defendant a new trial.

NOTICE OF HEARING

TO: STATE OF NEBRASKA, Plaintiff, and its attorneys, James Masteller and Ann Miller:

You are hereby notified that the Defendant's Motion for New Trial will be heard by the Honorable Leigh Ann Retelsdorf, District Court Judge, Courtroom No. 408, Fourth Floor, Douglas County Hall of Justice, 17th & Farnam Streets, Omaha, Nebraska, on the 18th day of March, 2015, at 2:30 p.m., or as soon thereafter as the matter may be heard.

GREGORY S. DUNCAN, Defendant,

By: /s/ James Martin Davis, Bar No. 10927
1623 Farnam Street, Suite 500
Omaha, NE 68102
Tel: 402-341-9900
Fax: 402-341-8144
Email: info@jamesmartindavisa.com
ATTORNEY FOR DEFENDANT

Certificate of Service

I hereby certify that on Friday, February 20, 2015, I provided a true and correct copy of the foregoing Motion for New Trial to the following:

State of Nebraska represented by Ann Miller (Bar Number: 24021) service method: Fax

State of Nebraska represented by James Masteller (Bar Number: 21749) service method: Fax

/s/ James Davis (Bar No. 10927)

Certificate of Service

I hereby certify that on Friday, February 20, 2015 I provided a true and correct copy of the Motion for New Trial to the following:

State of Nebraska represented by Ann Miller (Bar Number: 24021) service method: Fax

State of Nebraska represented by James Masteller (Bar Number: 21749) service method:
Fax

Signature: /s/ James Davis (Bar Number: 10927)

IN THE DISTRICT COURT OF DOUGLAS COUNTY, NEBRASKA

| | | |
|--------------------|---|--------------------|
| STATE OF NEBRASKA, |) | CR 14-449 |
| |) | |
| Plaintiff, |) | |
| |) | |
| vs. |) | MOTION TO CONTINUE |
| |) | SENTENCING HEARING |
| GREGORY S. DUNCAN, |) | |
| |) | |
| Defendant. |) | |

COMES NOW the Defendant, Gregory S. Duncan, by and through his attorney, James Martin Davis, and requests a continuance of the sentencing hearing currently scheduled for Wednesday, April 22, 2015, on the following grounds, to wit:

1. Counsel for the Defendant will be out of the state from April 18th-24th, 2015, and will be unable to appear for the sentencing hearing in this matter;
2. The Douglas County Attorney has no objection to this continuance.

WHEREFORE, the Defendant prays this Court enter an order continuing the sentencing hearing in this matter.

GREGORY S. DUNCAN, Defendant.

/s/ James Martin Davis #10927
DAVIS LAW OFFICE
1623 Farnam Street, Suite 500
Omaha, NE 68102
Tel: (402) 341.9900
Fax: (402) 341.8144
info@jamesmartindavis.com
Attorney for the Defendant

Certificate of Service

I hereby certify that on Monday, April 13, 2015 I provided a true and correct copy of the Motion for Continuance to the following:

State of Nebraska represented by James Masteller (Bar Number: 21749) service method:
Fax

State of Nebraska represented by Ann Miller (Bar Number: 24021) service method: Fax

Signature: /s/ James Davis (Bar Number: 10927)



J00299932D01

ICT COURT OF DOUGLAS COUNTY, NEBRASKA

AR

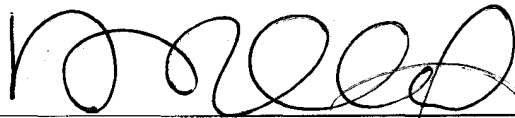
| | | |
|--------------------|---|-----------|
| STATE OF NEBRASKA, |) | CR 14-449 |
| |) | |
| Plaintiff, |) | |
| |) | |
| vs. |) | ORDER |
| |) | |
| GREGORY S. DUNCAN, |) | |
| |) | |
| Defendant. |) | |

This matter came on for consideration of the Motion to Continue filed by the Defendant in the above-captioned case.

IT IS HEREBY ORDERED BY THE COURT that the sentencing hearing in this matter is continued to May 13, 2015, at 2:00 p.m. in district courtroom #408 before the Honorable Leigh Ann Retelsdorf.

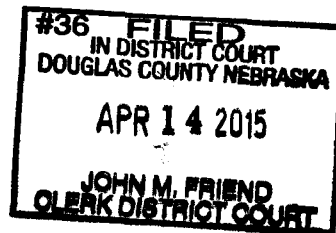
DATED this 14 day of April, 2015.

BY THE COURT:



District Court Judge

Prepared and Submitted by:
 Attorney for the Defendant
 James Martin Davis
 1623 Farnam Street
 Suite 500
 Omaha NE 68102
 Tel: (402) 341-9900
 Fax: (402) 341-8144
 Email: info@jamesmartindavis.com



CERTIFICATE OF SERVICE

I, the undersigned, certify that on April 15, 2015 , I served a copy of the foregoing document upon the following persons at the addresses given, by mailing by United States Mail, postage prepaid, or via E-mail:

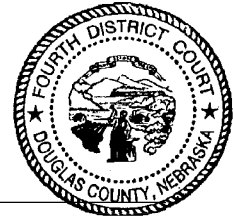
James M Davis
info@jamesmartindavis.com

James M Masteller
james.masteller@douglascounty-ne.gov

Date: April 15, 2015

BY THE COURT:

John M. Friend
CLERK



MD

IN THE DISTRICT COURT OF DOUGLAS COUNTY, NEBRASKA

THE STATE OF NEBRASKA,
Plaintiff,

DOC. 14 NO. 449

vs.

ORDER

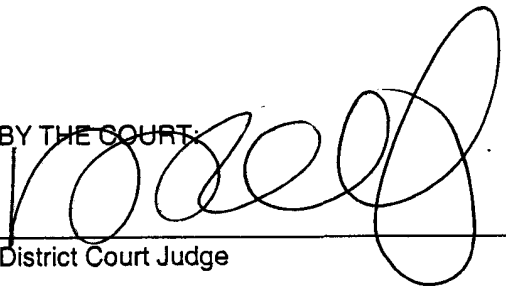
Gregory S. Duncan
Defendant.

Pursuant to the ~~Application for Continuance~~ by Court's Own Motion, the Court hereby:

- grants the application and the new sentencing date is June 17, 2015 at 2:00 a.m./p.m. in Courtroom 408
- denies the application (sentence shall remain as scheduled, Defendant having been duly notified of the date at the time of conviction)
- Court notes Defendant has failed to appear for PSI. Clerk of District Court directed to issue capias for Defendant's arrest

IT IS SO ORDERED.

Dated this 8 day of June, 2015

BY THE COURT:

District Court Judge

#4 FILED
IN DISTRICT COURT
DOUGLAS COUNTY NEBRASKA
JUN 08 2015
JOHN M. FRIEND
CLERK DISTRICT COURT

Copies: White-Court; Yellow-Defendant; Goldenrod -Co. Atty; Pink-Defense Atty
Faxed Copies: Probation Office (3336); Sheriff's Office (4235); Interpreter's Office (6890); Victim Witness (7703)

TO THE SHERIFF'S DEPARTMENT: YOU ARE HEREBY NOTIFIED & DIRECTED TO TRANSPORT ON SAID DATE & TIME THE ABOVE-LISTED INDIVIDUAL



Send Result Report

MFP

FS-1128MFP

Firmware Version 2JN_2F00.023.001 2010.12.28

06/08/2015 13:18
[2H9_1000.005.001] [2H9_1100.001.003] [2H9_7000.001.011]

Job No.: 065047

Total Time: 0°00'09"

Page: 001

Complete

Document: doc20150608131733

IN THE DISTRICT COURT OF DOUGLAS COUNTY, NEBRASKA

THE STATE OF NEBRASKA,

Plaintiff,

vs.

Gregory S. Duncan

Defendant.

DOC. 14

NO. 449

ORDER

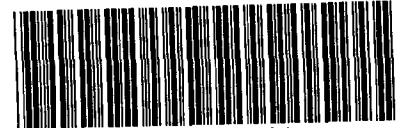
Pursuant to the Application for Continuance by Court's Own Motion, the Court hereby:

X

~~grants the application and~~ the new sentencing date is June 17, 2015
at 2:00 a.m./p.m. in Courtroom 408

denies the application (sentence shall remain as scheduled, Defendant having been duly notified of the date at the time of conviction)

| No. | Date and Time | Destination | Times | Type | Result | Resolution/ECM |
|-----|----------------|-------------|----------|------|--------|-------------------|
| 001 | 06/08/15 13:18 | 94024447999 | 0°00'09" | FAX | OK | 200x100 Normal/On |



J00310724D01

IN THE DISTRICT COURT OF DOUGLAS COUN

STATE OF NEBRASKA,)
)
 Plaintiff,)
)
 vs.)
)
 GREGORY S. DUNCAN,)
)
 Defendant.)

Case ID No. CR 14-449

SENTENCING ORDER

#26 FILED
IN DISTRICT COURT
DOUGLAS COUNTY NEBRASKA
JUN 18 2015
JOHN M. FRIEND
CLERK DISTRICT COURT

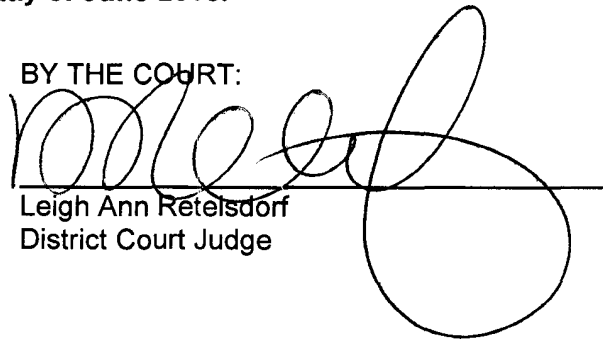
Defendant was present in Court with counsel, James M. Davis. The State appeared by Jim Masteller, Deputy County Attorney. The Defendant was informed of conviction for the crime of **Third Degree Assault Discrimination Based (Class IV Felony)**, and he stated no reason why sentence should not be passed against him. Thereupon, it was the judgment and sentence of the Court that Defendant be imprisoned in an institution under the jurisdiction of the Nebraska Department of Correctional Services, for a period of **Twelve to Eighteen (12-18) Months**, no part of which shall be in solitary confinement, and judgment is rendered against the Defendant for the costs of prosecution. Commitment ordered accordingly. Credit for time served of **Fifty-Three (53) Days** shall be given against the sentence imposed.

Further, that pursuant to Neb. Rev. Stat. § 29-4106 (Reissue 2008), as amended by L.B. 190, 2010 Nebraska Laws, the Defendant shall submit to a DNA test and shall pay to the Nebraska Department of Correctional Services twenty-five dollars (\$25.00). Such amount may be taken by the Department of Correctional Services from funds held by the Defendant in the trust account maintained by the Department of Correctional Services on behalf of the Defendant, until the full amount in the Order has been remitted.

Bond released and exonerated. Mittimus signed.

IT IS SO ORDERED on this 17th day of June 2015.

BY THE COURT:



Leigh Ann Retelsdorf
District Court Judge

CERTIFICATE OF SERVICE

I, the undersigned, certify that on June 18, 2015 , I served a copy of the foregoing document upon the following persons at the addresses given, by mailing by United States Mail, postage prepaid, or via E-mail:

James M Davis
info@jamesmartindavis.com

James M Masteller
james.masteller@douglascounty-ne.gov

Date: June 18, 2015

BY THE COURT:

John M. Friend
CLERK





J00311066D01

IN THE DISTRICT COURT OF DOUGLAS COUN

THE STATE OF NEBRASKA,)
)
 Plaintiff,)
)
 vs.)
)
 GREGORY S. DUNCAN,)
)
 Defendant.)

Case ID No. CR14-449

AM

ORDER

#26 FILED
 IN DISTRICT COURT
 DOUGLAS COUNTY NEBRASKA
 JUN 23 2015
 JOHN M. FRIEND
 CLERK DISTRICT COURT

Pending before the Court is a Motion For New Trial filed by Defendant Gregory S. Duncan. A hearing was held on June 17, 2015. Duncan was present and represented by his counsel, James Martin Davis. The State was represented by Jim Masteller. Arguments were made. Accordingly, Duncan's Motion For New Trial is hereby overruled in all respects.

Dated this 17th day of June 2015.

BY THE COURT:

[Handwritten Signature]
 Leigh Ann Retelsdorf
 District Court Judge

CERTIFICATE OF SERVICE

I, the undersigned, certify that on June 23, 2015 , I served a copy of the foregoing document upon the following persons at the addresses given, by mailing by United States Mail, postage prepaid, or via E-mail:

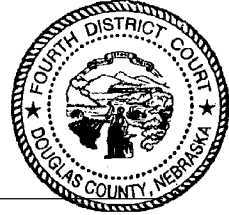
James M Davis
info@jamesmartindavis.com

James M Masteller
james.masteller@douglascounty-ne.gov

Date: June 23, 2015

BY THE COURT:

John M. Friend
CLERK



DR

IN THE DISTRICT COURT OF DOUGLAS COUNTY, NEBRASKA

THE STATE OF NEBRASKA,)
)
 Plaintiff,)
)
 vs.)
)
 GREGORY S. DUNCAN,)
)
 Defendant.)

Case ID No. CR14-449

ORDER APPOINTING COUNSEL

THIS MATTER came before the Court on the motion of Defendant for the appointment of counsel on his direct appeal. An Order to Proceed *In Forma Pauperis* was entered on July 7, 2015. The Court, being fully advised in the premises, finds that the motion should be granted and counsel should be appointed to represent the Defendant on his appeal and the Douglas County Public Defender's Office should be appointed.

IT IS THEREFORE ORDERED that the Douglas County Public Defender's Office is hereby appointed as counsel for the Defendant on his direct appeal.

Dated this 7th day of July 2015.

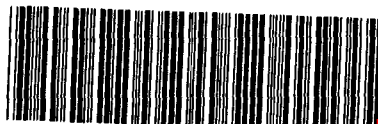
BY THE COURT,



Leigh Ann Retelsdorf
District Court Judge

Copies to:
Defendant
Scott Sladek, Public Defender
Jim Masteller, Deputy County Attorney

#23 FILED
IN DISTRICT COURT
DOUGLAS COUNTY NEBRASKA
JUL 08 2015
JOHN M. FRIEND
CLERK DISTRICT COURT



J00313573D01

CERTIFICATE OF SERVICE

I, the undersigned, certify that on July 10, 2015 , I served a copy of the foregoing document upon the following persons at the addresses given, by mailing by United States Mail, postage prepaid, or via E-mail:

Public Defender
Douglas Co. Public Defender's Ofc.
1819 Farnam Rm H05
Omaha, NE 68183

James M Masteller
james.masteller@douglascounty-ne.gov



Date: July 10, 2015

BY THE COURT:

John M. Friend
CLERK



ICT COURT OF DOUGLAS COUNTY, NEBRASKA

THE STATE OF NEBRASKA,)
)
 Plaintiff,)
)
 vs.)
)
 GREGORY DUNCAN,)
)
 Defendant.)

CASE NO. CR14-449

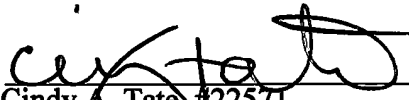
NOTICE OF APPEAL

TO: THE STATE OF NEBRASKA AND DONALD KLEINE, Its Attorney:

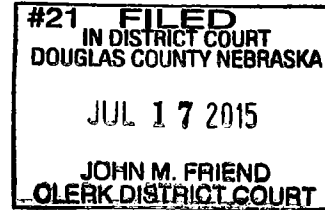
You and each of you are hereby notified that the above named Defendant intends to appeal this case to the Court of Appeals/Supreme Court of the State of Nebraska.

You are further notified that the Defendant was found guilty by a jury of Assault-3rd degree Discrimination Based, in the District Court of Douglas County, Nebraska, and was sentenced on June 17, 2015 to serve a term 12 to 18 months in the Nebraska Department of Correctional Services, with credit given for 53 days previously served. An Order to Proceed in Forma Pauperis has been filed herein.

GREGORY DUNCAN, Defendant,

By 
Cindy A. Tate, #22571
Assistant Douglas County Public Defender

Trial
 Plea





001167435D01

ORIGINAL

CT COURT OF DOUGLAS COUNTY, NEBRASKA

THE STATE OF NEBRASKA)
)
 Plaintiff,)
)
 vs.)
)
 GREGORY DUNCAN,)
)
 Defendant)

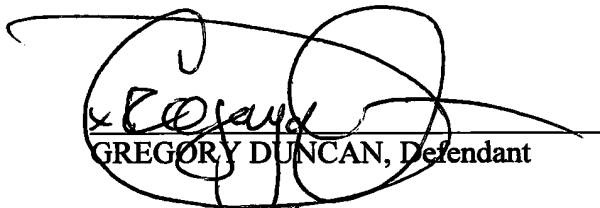
CASE NO. CR14-449

**AFFIDAVIT IN SUPPORT OF
 APPLICATION TO PROCEED
 IN FORMA PAUPERIS**

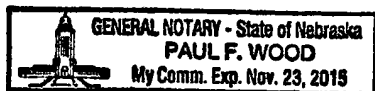
STATE OF NEBRASKA)
) SS.
 COUNTY OF DOUGLAS)

The undersigned, being first duly sworn on oath, deposes and states:

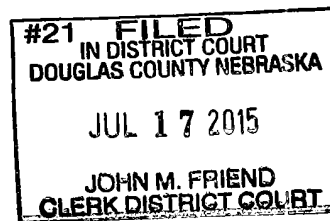
1. I am the Defendant in the above-entitled action;
2. I desire to file a direct appeal from my criminal conviction(s) and sentence(s) to the Nebraska Court of Appeals/Nebraska Supreme Court;
3. I believe I am entitled to redress;
4. I have no income, cash, funds, assets or property of any kind to pay the docket fee and other costs to proceed with a direct appeal;
5. Therefore, I request the Court to grant my application to proceed in forma pauperis.


 GREGORY DUNCAN, Defendant

SUBSCRIBED AND SWORN to before me this 16th day of July, 2015.




 Notary Public





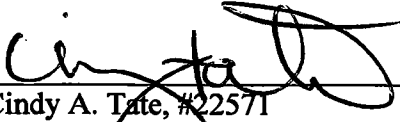
001167436D01

CT COURT OF DOUGLAS COUNTY, NEBRASKA

| | | |
|------------------------|---|---|
| THE STATE OF NEBRASKA, |) | CASE NO. CR14-449 |
| |) | |
| Plaintiff, |) | |
| |) | |
| vs. |) | <u>APPLICATION TO PROCEED IN</u> |
| |) | <u>FORMA PAUPERIS</u> |
| GREGORY DUNCAN, |) | |
| |) | |
| Defendant. |) | |

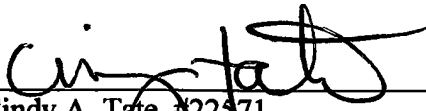
COMES NOW the Defendant, by and through his attorney, pursuant to Neb. Rev. Stat. §25-2301.02 (Cum. Supp. 2008), and makes application to the Court to allow the Defendant to proceed in forma pauperis in his direct appeal to the Nebraska Court of Appeals/Nebraska Supreme Court. In support of this application, the Defendant has filed an affidavit.

GREGORY DUNCAN, Defendant

By 
Cindy A. Tate, #22571
Assistant Douglas County Public Defender
Attorney for Defendant

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true copy of the above was sent to the Douglas County Attorney through interoffice mail, this 17 day of July, 2015.

By 
Cindy A. Tate, #22571
Assistant Douglas County Public Defender
Attorney for Defendant

#21 FILED
IN DISTRICT COURT
DOUGLAS COUNTY NEBRASKA
JUL 17 2015
JOHN M. FRIEND
CLERK DISTRICT COURT



CT COURT OF DOUGLAS COUNTY, NEBRASKA

STATE OF NEBRASKA,

CASE NO. CR14-449

Plaintiff,

vs.

PRAECIPE FOR TRANSCRIPT

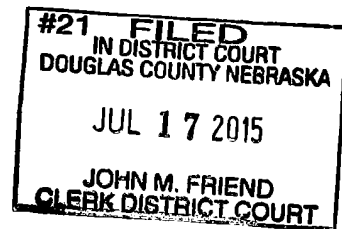
GREGORY DUNCAN,

Defendant.

TO: CLERK OF THE DISTRICT COURT

Please make transcript of record in the above entitled case for the Court of Appeals/Supreme Court, and include therein:

- Information filed February 13, 2014;
- Transcript County Court filed February 13, 2015;
- Written Arraignment/Waiver of Appearance filed February 21, 2014;
- Order Arraignment filed February 27, 2014;
- Waiver of Speedy Trial filed July 10, 2014;
- Order-Jury Trial filed November 14, 2014;
- Order for Continuance filed December 4, 2014;
- Order-Jury Trial filed February 6, 2015;
- Jury Instructions Refused filed February 11, 2015;
- Jury Instructions given filed February 12, 2015;
- Verdict for Plaintiff filed February 12, 2015;
- Judgment filed February 13, 2015;
- Motion for New Trial filed February 20, 2015;
- Motion for Continuance filed April 13, 2015;
- Order-Continuance filed April 14, 2015;
- Sentencing date set filed June 8, 2015;
- Sentencing Order filed June 18, 2015;
- Affidavit in Support of Application to Proceed in Forma Pauperis filed July 17, 2015;
- Application to Proceed in Forma Pauperis filed July 17, 2015;
- Order Allowing Defendant to Proceed in Forma Pauperis filed July 17, 2015;

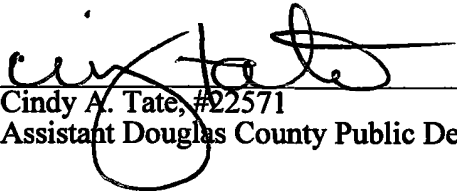


Notice of Appeal filed July 17, 2015;

Order to Forward Pre-Sentence Report filed July 17, 2015;

Præcipe for Transcript, and Request for Bill of Exceptions filed July 17 2015.

DATED: July 17, 2015

By 
Cindy A. Tate, #22571
Assistant Douglas County Public Defender



001167438D01

ICT COURT OF DOUGLAS COUNTY, NEBRASKA

THE STATE OF NEBRASKA,)
)
 Plaintiff,)
)
 vs.)
)
 GREGORY DUNCAN,)
)
 Defendant.)

CASE NO. CR14-449

REQUEST FOR BILL OF EXCEPTIONS

TO: CLERK OF THE DISTRICT COURT

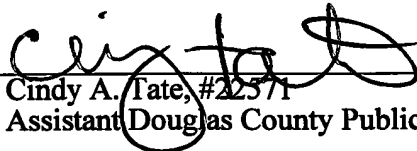
Hearing on Motion for Continuance held December 2, 2014;

Trial proceedings held February 9, 2015 through February 12, 2015; to include jury selection, opening and closing statements of counsel, all trial testimony, all sidebars, motions made by either party during trial, all in-chambers hearings, jury instruction conference, the reading of the jury instructions, the reading of the verdict, and the polling of the jury;

Sentencing hearing held on June 17, 2015.

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true copy of the above was sent to the Douglas County Attorney, and all court reporters involved in this case, Lori Greckel, through interoffice mail, this 17 day of July, 2015.

By 
Cindy A. Tate, #22571
Assistant Douglas County Public Defender

#21 FILED
IN DISTRICT COURT
DOUGLAS COUNTY NEBRASKA
JUL 17 2015
JOHN M. FRIEND
CLERK DISTRICT COURT





ORIGINAL

IN THE DISTRICT COURT OF DOUGLAS COUNTY, NEBRASKA

THE STATE OF NEBRASKA,)
)
 Plaintiff,)
)
 vs.)
)
 GREGORY DUNCAN,)
)
 Defendant.)

CASE NO. CR14-449

**ORDER ALLOWING DEFENDANT
TO PROCEED IN FORMA PAUPERIS**

MD

THIS MATTER is before the Court on Defendant's application to proceed in forma pauperis in his direct appeal to the Nebraska Court of Appeals/Nebraska Supreme Court. The Court being fully advised in the premises finds that such application shall be granted and the Defendant is allowed to proceed in forma pauperis.

DATED this 17 day of July, 2015.

BY THE COURT:

District Court Judge

#12 FILED
IN DISTRICT COURT
DOUGLAS COUNTY NEBRASKA
JUL 20 2015
JOHN M. FRIEND
CLERK DISTRICT COURT

CERTIFICATE OF SERVICE

I, the undersigned, certify that on July 21, 2015 , I served a copy of the foregoing document upon the following persons at the addresses given, by mailing by United States Mail, postage prepaid, or via E-mail:

Cindy A Tate
cindy.tate@douglascounty-ne.gov

James M Masteller
james.masteller@douglascounty-ne.gov

Date: July 21, 2015

BY THE COURT:

John M. Friend
CLERK





J00316843D01

ORIGINAL

IN THE DISTRICT

NEBRASKA

THE STATE OF NEBRASKA,)
)
 Plaintiff,)
)
 vs.)
)
 GREGORY DUNCAN,)
)
 Defendant.)

CASE NO. CR14-449

MD

**ORDER TO FORWARD
PRESENTENCE REPORT**

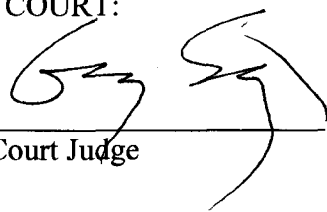
FILED
 IN DISTRICT COURT
 DOUGLAS COUNTY NEBRASKA
 JUL 20 2015
 JOHN M. FRIEND
 CLERK DISTRICT COURT

THIS MATTER comes before the Court on the oral motion of the Defendant pursuant to Rule 16B of the Nebraska Supreme Court and the Nebraska Court of Appeals Rules of Practice and Procedure, 1996, to forward the Presentence Report compiled in the above-captioned matter to the Clerk of the Nebraska Supreme Court/Court of Appeals. The Court finds said Motion should be sustained.

IT IS THEREFORE ORDERED that the probation office forward a copy of the Presentence Investigation prepared in the above entitled matter to the Clerk of the Nebraska Supreme Court/Court of Appeals.

DATED this 17 day of July, 2015.

BY THE COURT:



 District Court Judge

CERTIFICATE OF SERVICE

I, the undersigned, certify that on July 21, 2015 , I served a copy of the foregoing document upon the following persons at the addresses given, by mailing by United States Mail, postage prepaid, or via E-mail:

Cindy A Tate
cindy.tate@douglascounty-ne.gov

James M Masteller
james.masteller@douglascounty-ne.gov

Date: July 21, 2015

BY THE COURT:

John M. Friend
CLERK



Certificate of eTranscript

Page: 1
DATE: 7/28/2015

DOUGLAS COUNTY DISTRICT COURT

Trial Court No. CR 14 449

State v. Gregory S Duncan

I, Michaela Murphy, Legal typist, do hereby certify that the foregoing is a true transcript of the record in the above case and contains the pleadings and records as set forth in the index herein.

BY: /s/ Michaela Murphy

