



## Widener scheduled for August trial

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A Scotts Bluff County District Court judge has ruled that the trial against a Bayard woman on charges of embezzling funds in guardianship cases can proceed.

Judith (Judy) Widener, 71, has been charged with nine felony counts of theft by taking and two misdemeanor counts of theft by taking. She is accused of taking funds meant for wards of the court and directing them into her own business accounts and paying for personal costs, including large bonuses. Allegations against Widener were discovered as the Nebraska State Auditor's Office examined the Aged, Blind and Disabled Program administered by the Nebraska Department of Health and Human Services, state officials have said.

In April, Widener's attorney, Sterling Huff, filed a motion seeking dismissal of the case and attempting to depose State Auditor Mike Foley and Janice Walker, a court administrator for the Nebraska Supreme Court. Huff asserted that he needed to depose Foley because his office had been involved in auditing the state program, thereby being involved in the investigation against Widener. The Nebraska Supreme Court also issued press releases and memos to courts on guardianship cases. Walker would have issued those releases.

In a ruling filed on May 7, Judge Leo Dobrovolny determined that the defense failed to show the testimony of Walker or Foley were material or relevant to a trial issue or would assist the defendant in preparing her case.

Huff also cited the information released by Walker and Foley as potentially impairing Widener's ability to receive fairness during trial. He sought to disqualify Scotts Bluff County Attorney Doug Warner from prosecuting the case, citing the county attorney's office's involvement in the case as the investigation was ongoing, and the entire state's court system — county court judges, district court judges, and state court judges — from hearing the case. Dobrovolny denied that request, stating that dismissal of the charges against Widener did not seem to be a remedy, if the supposed ethical breaches had occurred. Widener's ability to receive a fair trial could be determined during jury selection, when potential jurors are asked if they have formed an opinion in the case, he ruled.

Huff has filed an appeal to the Court of Appeals.

Widener was formally arraigned in Scotts Bluff County District Court Friday on the charges. She stood mute and did not enter a plea in the case. A not guilty plea was entered on her behalf by the judge.

Widener is scheduled for trial during the August jury term, with a pretrial conference scheduled on July 24. She remains free after posting a \$50,000 bond.