

**IN THE DISTRICT COURT OF HOLT COUNTY, NEBRASKA**

**THE STATE OF NEBRASKA,**  
Plaintiff,

vs.

**DEAN MINER,**  
Defendant.

Case No. CR01-20

**JOURNAL ENTRY ON TRIAL  
AND ORDER SETTING  
PRONOUNCEMENT**

**DATE OF TRIAL:** April 30-May 2, 2002.

**APPEARANCES:**

For plaintiff: Thomas P. Herzog, Holt County Attorney.

For defendant: Douglas J. Stratton with defendant.

**SUBJECT:** Trial to the court.

**PROCEEDINGS:**

Tuesday, April 30, 2002:

The matter came on for trial to the court, a jury having been waived by the defendant in writing. Upon inquiry by the court, both counsel reported no preliminary matters. Opening statements were presented by counsel for plaintiff and counsel for defendant. The plaintiff adduced evidence. Steve Stanec was sworn, but prior to testimony, the plaintiff requested leave to designate Rick Bickford as a persons whose presence is essential to the presentation of the plaintiff's case, and thereby exempted from the witness sequestration order. Without objection, the motion was granted, and Rick Bickford remaining present in the courtroom. The examination of Steve Stanec was commenced and concluded. Wynn Hipke, Lloyd Hipke, Bob Weber, Glenn Linse, and Norman Clifford Pacha were sworn and testified. After a brief recess, Mike Tasler, John Keck, and Rick Bickford were sworn and testified. During direct examination of witness Bickford, a brief recess occurred. Following the recess, the examination resumed and was concluded. The trial was recessed for lunch. Following the lunch recess, with both counsel and the defendant present, Gwen Frenzen was sworn and testified. Wynn Hipke, Norman Clifford Pacha, and Mike Tasler, all previously sworn, were recalled and testified further. After a brief recess, John Kennedy Jr. and Bob Frey were sworn and testified. Following a brief recess, Larry Young, Leo Mueller, Shirley Darling, Lois Mueller, and Louetta Kennedy were sworn and testified. Larry Young, previously sworn,

was recalled and testified further. A brief recess followed. After the recess, Jim Martinsen and Ray Bennett were sworn and testified. The court recessed the trial until Wednesday, May 1, 2002, at 9:00 a.m.

Wednesday, May 1, 2002:

With both counsel and the defendant present, the plaintiff continued presenting evidence. Charles Craig Moyer was sworn and testified. During direct examination, a brief recess was taken. Following the recess, the examination resumed and was concluded. Curt Mickey and Terry Engel were sworn and testified. A brief recess was taken. Following the recess, stipulations were made on the record in open court. Charles Craig Moyer, previously sworn, was recalled and testified further. Lee Sonderup, Kenneth L. Rieken, and Christina Warner were sworn and testified. After a brief recess, Rick Bickford, previously sworn, was recalled and testified further. The parties stipulated regarding the substitution of photographs for Exhibit 69, an item of physical evidence. After a brief recess, the plaintiff rested.

The defendant verbally moved for directed verdict on the ground of insufficient evidence. Each counsel presented argument on the motion. The court, construing the motion as a motion to dismiss, denied the motion. The court recessed the trial for lunch.

Following the lunch recess, with both counsel and the defendant present, the defendant presented evidence. Leota Rankin was sworn and testified. After a brief recess, the defendant, Dean Miner, was sworn and testified. At the close of direct examination, a brief recess was taken. Following the recess, without objection, the defendant was allowed to reopen direct examination and the examination continued. During cross examination, a further recess was taken. Following the recess, the examination was concluded. The defendant rested. The court recessed the trial until Thursday, May 2, 2002, at 9:00 a.m.

Thursday, May 2, 2002:

The trial resumed with both counsel and the defendant present. The defendant having rested, the plaintiff presented rebuttal evidence. Richard Schrunck was sworn and testified. John Keck, previously sworn, was recalled and testified further. The plaintiff rested on rebuttal. After a brief recess, counsel for plaintiff presented closing argument. Counsel for defendant presented closing argument. Counsel for plaintiff presented rebuttal argument. The matter was taken under advisement for pronouncement of verdict on a later date because of a schedule conflict of defendant's counsel later on this date. After a brief recess for consultation of scheduling information, the matter was scheduled for pronouncement of verdict on

Monday, May 13, 2002, at 1:30 p.m. The defendant's bond was continued. The defendant was ordered to appear and reminded of the consequences for failure to appear.

**ORDER:** IT IS THEREFORE ORDERED that:

1. The matter is taken under advisement for pronouncement of verdict at a later time.
2. Pronouncement of verdict is scheduled for Monday, May 13, 2002, at 1:30 p.m., or as soon thereafter as possible.
3. The defendant's bond is continued, and the defendant is ordered to appear for pronouncement of verdict.

Dated: May 2, 2002.

If checked, the Court Clerk shall:

- Mail a copy of this order to all counsel of record and to any pro se parties.  
Done on \_\_\_\_\_, 19\_\_\_\_ by \_\_\_\_.
- Enter judgment on the judgment record.  
Done on \_\_\_\_\_, 19\_\_\_\_ by \_\_\_\_.
- Mail postcard/notice required by § 25-1301.01 within 3 days.  
Done on \_\_\_\_\_, 19\_\_\_\_ by \_\_\_\_.
- (Trial docket entry dictated.)

Mailed to:

**BY THE COURT:**

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William B. Cassel  
District Judge