

S-24-0235 *State of Nebraska* (Appellee) v. *John L. Parks* (Appellant)

Appeal from the District Court for Douglas County, Judge Duane C. Dougherty

Attorneys: Stuart Dornan (Dornan, Troia, Howard, Breitzkreutz, Dahlquist & Klein PC LLO for Appellant) and Austin N. Relph (Asst. Attorney General for Appellee)

Criminal: Life imprisonment for first-degree murder

Appellant was charged with two counts of first-degree murder, two counts of use of a firearm to commit a felony, two counts of possession of a firearm by a prohibited person, and possession with intent to deliver cocaine in connection with a double homicide that occurred in Omaha. A jury convicted Appellant on all counts, and he was sentenced to consecutive terms of life in prison for each first-degree murder conviction, and on the remaining felonies, he was sentenced to an additional eighty (80) to one-hundred-fifty (150) years' imprisonment with a mandatory minimum of fifty (50) years' imprisonment. Consecutive sentences means that a defendant serves one sentence after another, as opposed to serving sentences at the same time.

On appeal, Appellant asserts that his right to a speedy trial was violated. Nebraska statutes give defendants a right to go to trial within six months but delays that defendants cause are not included in this six-month period. Approximately sixteen months after being charged and not having gone to trial, Appellant asked that the trial court dismiss his case because he had not gone to trial within six months. Because Appellant's lawyers had requested numerous continuances, the district court determined that only 49 days of Appellant's speedy trial clock had run and declined to dismiss the case. Appellant appealed this decision to the Nebraska Court of Appeals, and it affirmed the district court's decision and sent the case back to the trial court on July 10, 2023. When Appellant's trial began on December 11, 2023, he again asserted that the six-month speedy trial clock had run, and he asked that his case be dismissed. The district court declined to do so. In this appeal, Appellant insists that his right to speedy trial right was violated.

Prior to trial, Appellant filed a motion for discovery. Discovery requires the parties to exchange information and evidence, and Appellant requested that he be allowed to review and keep discovery in his jail cell. Because the motion was denied, he contends that he was unable to review inaccurate or misleading testimony, so when that testimony was received into evidence, he was prejudiced. After the jury convicted him, Appellant asked the district court for a new trial, which the district court denied. On appeal, Appellant asserts that the district court

erred when it denied his motion for discovery and erred when it did not grant him a new trial.

Finally, Appellant's lawyers filed a motion, which the district court never rules upon. He asserts that the district court erred in not ruling upon the motion. Further, he contends that he received ineffective assistance from his trial counsel. He criticizes his trial counsel for failing to withdraw that motion and for failing to completely review the discovery with him.

Life imprisonment cases bypass the Nebraska Court of Appeals and are directly appealed to the Nebraska Supreme Court. The parties filed briefs with the Nebraska Supreme Court, so it is ready to hear oral arguments from the parties. Each party has ten minutes to argue the case before the Nebraska Supreme Court and to answer questions from Nebraska Supreme Court Justices.