

IN THE NEBRASKA COURT OF APPEALS

**MEMORANDUM OPINION AND JUDGMENT ON APPEAL
(Memorandum Web Opinion)**

STATE V. SNYDER

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STATE OF NEBRASKA, APPELLEE,

V.

CHRISTOPHER M. SNYDER, APPELLANT.

Filed September 25, 2026. No. A-25-857.

Appeal from the District Court for Douglas County: MARLON A. POLK, Judge. Affirmed.
Thomas C. Riley, Douglas County Public Defender, and Bekah S. Keller for appellant.
Michael T. Hilgers, Attorney General, and Nathan A. Liss for appellee.

RIEDMANN, Chief Judge, and PIRTLE and PICCOLO, Judges.

PIRTLE, Judge.

I. INTRODUCTION

Christopher M. Snyder appeals from his conviction for sexual assault on a child in the first degree, following a jury trial in the district court for Douglas County. On appeal, Snyder challenges the district court's finding that there was sufficient evidence and alleges the district court erred in admitting the video of the victim's forensic interview into evidence. For the reasons stated herein, we affirm.

II. BACKGROUND

On August 27, 2024, Snyder was charged with one count of sexual assault on a child in the first degree. The information alleged that on or about May 18, 2024, Snyder, being over the age of 25, subjected K.R., who was at least 12 years of age but under 16 years of age, to sexual penetration.

At trial, the State adduced evidence that Snyder was born in 1975 and that K.R. was born in 2008. K.R. lived in a home with his mother, Holly; stepfather, Kendall; and a younger sister. Snyder was Kendall's cousin. About six months prior to May 2024, Snyder moved into K.R.'s family home.

On the evening of May 18, 2024, Kendall and Holly went out on a date, leaving K.R. home alone with Snyder. During their dinner, Kendall and Holly received a phone call from K.R. Kendall said that K.R. told them that Snyder had tried to "stick his fingers in his butt." Holly testified that K.R. sounded very upset over the phone, that he was yelling, and "ticked off." Holly said that when she arrived at their home, she confronted Snyder about K.R.'s accusation and Snyder told her that he had not touched K.R. Holly said that Snyder backed into his closet as she confronted him and that his room had alcohol cans and "snuff" everywhere. Kendall also testified that Snyder had been drinking that day before he and Holly had left for their date night.

Eventually, police officers arrived at the family home and spoke with Holly, Kendall, and K.R. Officer Ryan Hatcher then went inside and spoke with Snyder. Hatcher asked Snyder if he knew why police officers were there and Snyder said that K.R. was "full of lies." Snyder told Hatcher that he had been drinking and fell asleep but eventually woke up and went out into the living room, where K.R. was watching TV. Snyder told Hatcher that he got into an argument with K.R., but that Snyder went back into his room and nothing else happened.

Snyder was taken to the police station for further questioning and during his interview he said that nothing happened and "wrestling is not a crime." Snyder said that Holly came home and started accusing him of putting his mouth on K.R.'s genitals and putting his finger in K.R.'s butt, but Snyder told her that did not happen. Snyder agreed to provide a DNA sample and was released after his interview.

Meanwhile, Kendall and Holly took K.R. to Project Harmony for a forensic interview and medical examination. Amy Eckstrom, a forensic interviewer at Project Harmony, interviewed K.R. about the incident. The interview was recorded and the State offered a video of the interview into evidence. The court received the Project Harmony video into evidence over Snyder's objections on the basis of hearsay, cumulative evidence, and improper bolstering. The video was played for the jury. During the interview, Eckstrom informed K.R. that she would be asking him questions and relaying that information to Emma Wright, a certified nurse practitioner, so that she would know what to look for during his medical checkup. Eckstrom asked K.R. if he knew why he was there and K.R. said that he was there to talk about "what my cousin did to me." K.R. told Eckstrom that he was watching TV while his parents were gone and Snyder came into the room "drunk" and pulled him out of a chair and onto the floor. K.R. said that while they were on the floor Snyder started wrestling and touching him.

K.R. told Eckstrom that Snyder pulled down K.R.'s pants and underwear and began rubbing his upper "leg" and "private area." K.R. demonstrated to Eckstrom what Snyder's hands were doing while touching him. K.R. told Eckstrom that it hurt and he told Snyder to stop, but that Snyder put K.R.'s "private area in his mouth." K.R. said that he could feel Snyder's "teeth, his tongue and his beard" as it was occurring. K.R. then told Eckstrom that he eventually pushed Snyder away and ran to his room. Snyder followed him, so K.R. ran past him and went outside to call his parents.

After K.R.'s forensic interview, Wright conducted a medical examination. Wright spoke with Eckstrom prior to the examination and Eckstrom provided information to help guide Wright's medical care and treatment plan. During the medical examination, K.R. relayed details about Snyder's sexual advances, including touching his private area and putting his penis in Snyder's mouth. Wright testified that K.R.'s examination was normal, but Wright did observe a gray hair beneath K.R.'s scrotum. Wright said she asked K.R. what color hair Snyder had, and K.R. told her that Snyder had black and gray hair. Wright collected the gray hair, as well as other evidence from K.R., including his clothes and DNA swabs from K.R.'s thighs, genital area, penis, anus, and cheek. The hair and the swabs were placed into evidence as a part of the sexual examination kit.

After Project Harmony, Kendall, Holly, and K.R. returned to their home. The Omaha Police Department sent a forensic team to their house and took pictures of the house, the living room, and K.R.'s bedroom. Kendall testified that K.R.'s room was clean before they left for dinner earlier that night and was "destroyed" when they got home.

The police also performed DNA testing on the evidence collected from K.R. at Project Harmony. Joe Choquette, a DNA analyst, testified that they were able to generate a DNA profile from the external genital swab of K.R. Choquette said that the DNA profile was a mixture of three individuals and that there were major and minor DNA contributors to the DNA mixture. Choquette stated that K.R. was not excluded as the major contributor to the DNA profile and that Snyder was not excluded as a minor contributor to the DNA profile. Choquette concluded that the DNA profile was at least 138 sextillion times more likely to have originated from K.R., Snyder, and one unknown, unrelated individual, than if it originated from K.R. and two unknown, unrelated individuals.

K.R. also testified at trial. His testimony at trial was generally consistent with what he told his parents, police, and Project Harmony staff about the incident. K.R. testified that he did not recall whether Snyder put his fingers in his butt, as he told his parents and police, but that Snyder touched his privates and put his mouth on his privates. K.R. stated that he recalled the feeling of Snyder's "teeth, tongue and beard" as it was happening.

Based on the evidence adduced at trial, the jury found Snyder guilty of sexual assault of a child in the first degree. Snyder was subsequently sentenced to a period of 15 years to 15 years and 1 day of imprisonment, with credit for 447 days of time already served.

III. ASSIGNMENTS OF ERROR

Snyder assigns that the district court erred in (1) finding sufficient evidence to warrant a conviction beyond a reasonable doubt for sexual assault on a child and (2) admitting the Project Harmony video into evidence at trial.

IV. STANDARD OF REVIEW

Regardless of whether the evidence is direct, circumstantial, or a combination thereof, and regardless of whether the issue is labeled as a failure to direct a verdict, insufficiency of the evidence, or failure to prove a prima facie case, the standard is the same: In reviewing a criminal conviction, an appellate court does not resolve conflicts in the evidence, pass on the credibility of witnesses, or reweigh the evidence; such matters are for the finder of fact, and a conviction will be affirmed, in the absence of prejudicial error, if the evidence admitted at trial, viewed and construed

most favorably to the State, is sufficient to support the conviction. *State v. Cerros*, 312 Neb. 230, 978 N.W.2d 162 (2022).

In proceedings where the Nebraska Evidence Rules apply, the admissibility of evidence is controlled by the Nebraska Evidence Rules and judicial discretion is involved only when the rules make discretion a factor in determining admissibility. *Id.* Where the Nebraska Evidence Rules commit the evidentiary question at issue to the discretion of the trial court, an appellate court reviews the admissibility of evidence for an abuse of discretion. *Id.*

V. ANALYSIS

1. SUFFICIENCY OF EVIDENCE

Snyder assigns the evidence was insufficient to support his conviction of sexual assault of a child in the first degree. He asserts that even viewing the evidence in a light most favorable to the State, there was insufficient evidence to establish beyond a reasonable doubt that Snyder sexually penetrated K.R.

On a challenge to the sufficiency of the evidence, the relevant question for an appellate court is whether, after viewing the evidence in the light most favorable to the prosecution, any rational trier of fact could have found the essential elements of the crime beyond a reasonable doubt. *State v. Hernandez Cisneros*, 32 Neb. App. 354, 998 N.W.2d 78 (2023). An appellate court does not resolve conflicts in the evidence, pass on the credibility of witnesses, or reweigh the evidence; such matters are for the finder of fact. *Id.*

A person commits the offense of first degree sexual assault of a child when he or she subjects another person who is at least 12 years of age but less than 16 years of age to sexual penetration and the actor is twenty-five years of age or older. Neb. Rev. Stat. § 28-319.01 (1)(b) (Reissue 2016). “Sexual penetration” means sexual intercourse in its ordinary meaning, cunnilingus, fellatio, anal intercourse, or any intrusion, however slight, of any part of the actor’s or victim’s body or any object manipulated by the actor into the genital or anal openings of the victim’s body which can be reasonably construed as being for nonmedical, nonhealthy, or nonlaw enforcement purposes. Neb. Rev. Stat. § 28-318(6) (Cum. Supp. 2025).

The evidence at trial established that K.R. was between 12 and 16 years old and that Snyder was over 25 years old at the time of the offense. The record also reflects that Snyder subjected K.R. to sexual penetration. K.R. testified about the incident, including that Snyder put his mouth on K.R.’s private parts and that K.R. could feel Snyder’s “teeth, tongue and beard” as it was happening. Since 1989, the State has not been required to corroborate a victim’s testimony in cases of first degree sexual assault. *State v. Davis*, 277 Neb. 161, 762 N.W.2d 287 (2009). So, the victim’s testimony alone is sufficient if believed by the finder of fact. *Id.* Although K.R.’s testimony alone was enough, there was also other evidence to prove Snyder had subjected K.R. to sexual penetration, including DNA evidence.

During K.R.’s medical examination, a gray hair was found beneath his scrotum and his genitalia was swabbed for DNA testing. Snyder also submitted to DNA testing and provided a buccal swab. The DNA testing indicated that there was a mixture of three individuals found on the swab of K.R.’s genitals. The DNA analyst testified that the mixture was 138 sextillion times more likely to have originated from K.R., Snyder, and one unknown individual rather than K.R. and two unknown, unrelated individuals. K.R. also informed Wright that Snyder had gray hair when she

collected the sample beneath his scrotum. Although K.R. did have a few inconsistencies between his interview and testimony at trial, we find this evidence is sufficient for a rational trier of fact to find that Snyder did subject K.R. to sexual penetration beyond a reasonable doubt.

2. PROJECT HARMONY VIDEO

Snyder assigns that the court erred in admitting the Project Harmony video as it was (1) inadmissible hearsay, (2) cumulative, and (3) used to improperly bolster K.R.'s credibility.

(a) Hearsay

Hearsay is a statement, other than one made by the declarant while testifying at the trial or hearing, offered to prove the truth of the matter asserted. *State v. Jedlicka*, 297 Neb. 276, 900 N.W.2d 454 (2017). A declarant's out-of-court statement offered for the truth of the matter asserted is inadmissible unless it falls within a definitional exclusion or statutory exception. *Id.*

Neb. Evid. R. 803(4), Neb. Rev. Stat. § 27-803(4) (Cum. Supp. 2024) provides that a statement is not excluded by the hearsay rule if it is "made for purposes of medical diagnosis or treatment and describing medical history, or past or present symptoms, pain, or sensations, or the inception or general character of the cause or external source thereof insofar as reasonably pertinent to diagnosis or treatment." Rule 803(4) is based on the notion that a person seeking medical attention will give a truthful account of the history and current status of his or her condition in order to ensure proper treatment. *In re Interest of Trevor S. et al.*, 34 Neb. App. 412, ___ N.W.3d ___ (2026). Statements having a dual medical and investigatory purpose are admissible under rule 803(4) only if the proponent of the statements demonstrates that (1) the declarant's purpose in making the statements was to assist in the provision of medical diagnosis or treatment and (2) the statements were of a nature reasonably pertinent to medical diagnosis or treatment by a medical professional. *In re Interest of Trevor S. et al.*, *supra*.

The Nebraska Supreme Court has held that statements made to a forensic interviewer in a medical setting may be admissible under rule 803(4) even though the interview has the partial purpose of assisting law enforcement. *In re Interest of Trevor S. et al.*, *supra*, citing *State v. Vigil*, 283 Neb. 129, 810 N.W.2d 687 (2012). The fundamental inquiry to determine whether statements made by a declarant, who knew law enforcement was listening, had a medical purpose is if the challenged statement has some value in diagnosis or treatment, because the patient would still have the requisite motive for providing the type of sincere and reliable information that is important to that diagnosis and treatment. *In re Interest of Trevor S. et al.*, *supra*. Whether a statement was both taken and given in contemplation of medical diagnosis or treatment is a factual finding in determining the admissibility of the evidence under rule 803(4). *In re Interest of Trevor S. et al.*, *supra*. Under rule 803(4), the admissibility of a victim's statements in a recording is not distinct from the admissibility of the statements themselves. *In re Interest of Trevor S. et al.*, *supra*. The fundamental inquiry when considering a declarant's intent is whether the statement was made in legitimate and reasonable contemplation of medical diagnosis or treatment. *Id.* Under rule 803(4), the appropriate state of mind of the declarant may be reasonably inferred from the circumstances; such a determination is necessarily fact specific. *In re Interest of Trevor S. et al.*, *supra*.

Snyder argues that the State failed to demonstrate that the statements contained in the Project Harmony video were made for the purpose of assisting in medical diagnosis and treatment

by a medical professional. However, the record reflects that the purpose of K.R.'s interview was for both medical treatment and to gather information for law enforcement. During the jury trial, evidence was adduced that Eckstrom told K.R. that she would be asking questions to help Wright know what to look for during his medical examination. K.R.'s statements were also relevant for his sexual assault examination, as Wright utilized the information from the interview to examine areas of concern and swab for DNA for law enforcement purposes. Accordingly, K.R.'s forensic interview elicited facts that were reasonably pertinent for medical diagnosis and treatment. We conclude the Project Harmony video fell within the medical treatment exception and, therefore, the assigned error claiming the video was inadmissible hearsay fails.

(b) Cumulative

Snyder also assigns that the Project Harmony video should have been excluded at trial because it was cumulative and prejudicial to Snyder. Specifically, he argues that K.R., Eckstrom, and Wright all testified about "the substance of the Project Harmony video," and that therefore, the video was needless cumulative evidence which substantially outweighed any probative value. Appellant's brief at 33-34.

Under Neb. Rev. Stat. § 27-403 (Reissue 2016), even when evidence is relevant, it "may be excluded if its probative value is substantially outweighed by the danger of unfair prejudice, confusion of the issues, or misleading the jury, or by considerations of undue delay, waste of time, or needless presentation of cumulative evidence." *State v. Boswell*, 316 Neb. 542, 556, 5 N.W.3d 747, 760 (2024). Cumulative evidence means evidence tending to prove the same point to which other evidence has been offered. *State v. Corral*, 318 Neb. 940, 20 N.W.3d 372 (2025).

Snyder argues the jury heard the same factual narrative from three separate witnesses prior to viewing the video and therefore, the video served no purpose other than to repeat what the jury had already heard. When K.R. testified, he described the sexual assault for the jury, which reflected a few details that were inconsistent with the statements he made in the forensic interview. Eckstrom's testimony primarily consisted of explaining the forensic interview process. She did not testify on direct examination about statements made by K.R. during his interview. Wright testified about statements K.R. made during his medical exam, but not about statements he made in his forensic interview. Accordingly, the statements made by K.R. in the Project Harmony video describing the sexual assault was not cumulative of testimony given by other witnesses. Snyder's argument that the video was needless presentation of cumulative evidence fails.

(c) Improper Bolstering

Snyder assigns that the district court erred in admitting the Project Harmony video as it was used to improperly bolster K.R.'s credibility.

Neb. Rev. Stat. § 27-608 (Reissue 2016) provides that the credibility of a witness may not be attacked or supported by (1) evidence in the form of reputation or opinion or (2) extrinsic evidence of specific instances of conduct of a witness. The video in this case is not reputation or opinion evidence, nor does it reference specific instances of K.R.'s conduct. Snyder provides no Nebraska cases which provide that this evidence should be excluded under § 27-608. The district court did not abuse its discretion in admitting the video into evidence.

VI. CONCLUSION

For the reasons set forth above, we affirm Synder's conviction and sentence.

AFFIRMED.