

IN THE DISTRICT COURT OF DOUGLAS COUNTY, NEBRASKA

THE STATE OF NEBRASKA,	)	Case ID No. CR24-1361
	)	
Plaintiff,	)	
	)	
vs.	)	<u>ORDER</u>
	)	
NOEMI GUZMAN,	)	
	)	
Defendant,	)	

This case came before this Court on the 11th day of February 2025. Defendant appeared and was represented by Cindy Tate, Assistant Public Defender. The State appeared by Deputy County Attorney Ryan Lindberg. The Court finds Defendant freely, voluntarily, knowingly, and intelligently waived her right to a jury trial pursuant to statute and consented to be tried by the Court sitting without a jury. The parties, through counsel, agreed to a testimonial stipulation regarding Exhibits 1-5. The State of Nebraska offered and the Court received Omaha Police Department reports (Ex. 3 and 4) and an Affidavit of Complaining Witness, (Ex. 2). Exhibit 1 is an evaluation from Mindy S. Abel Psy. D, J.D. of DHHS. Defendant offered a report from Matthew Huss, PhD. (Ex. 5).

The Court finds beyond a reasonable doubt that on or about 3 March 2024, in Douglas County, Nebraska, Defendant did cause bodily injury to Octavio Guzman with a dangerous instrument, damage a building or property within a building by starting a fire when the presence of a person therein was a reasonable probability and did forcibly break into and enter a building committing a felony and damage property of five thousand dollars or more. Both expert reports, Exhibits 1 and 5, opine that Defendant meets the criteria to be found not responsible by reason of insanity at the time of the above events.

Because of Defendant's mental illness, Mindy Abel and Matthew Hess conclude that Defendant was mentally impaired to a degree that she did not understand the consequences of these actions. Her ability to accurately understand the nature and consequence of her actions and her ability to accurately differential between right and wrong were impaired. The evidence of Defendant's mental condition at the time of the crimes is sufficient to meet Defendant's burden to prove the defense of insanity by a preponderance of the evidence. Therefore, the Court finds Defendant not responsible by reason of insanity and specifically finds that the verdict of acquittal is on that ground alone.

The Court considered the above evidence, pursuant to Neb. Rev. Stat. §29-3701. Upon consideration of the evidence presented at trial and the significance of Defendant's mental illness, the Court finds there is probable cause to believe Defendant is dangerous to herself or others by reason of mental illness pursuant to the provisions of Neb. Rev. Stat. §29-3701(1). The Lincoln Regional Center shall perform an evaluation pursuant to Neb. Rev. Stat. §29-3701 (Reissue 2016) and at the conclusion of the evaluation, the Lincoln Regional Center shall submit to the Court a detailed treatment plan in accordance with Rev. Stat. §29-3701 (Reissue 2016).

**IT IS THEREFORE ORDERED, ADJUDGED, AND DECREED** that the Defendant is acquitted on the charge of Ct. 1- Second Degree Assault; Ct. 2- Arson, First Degree; Ct. 3- Burglary and Ct.4-Criminal Mischief, \$5000 or more, on grounds she was not responsible by reason of insanity.

**IT IS FURTHER ORDERED** pursuant to Neb. Rev. Stat. §29-3701 (Reissue 2016) that based on all the evidence adduced, there is probable cause to believe that the Defendant is dangerous to herself and others by reason of mental illness and will be so in the foreseeable future. The Lincoln Regional Center shall perform an evaluation pursuant to Neb. Rev. Stat. §29-3701 (Reissue 2016) and at the

conclusion of the evaluation, the Lincoln Regional Center shall submit to the Court a detailed treatment plan in accordance with Rev. Stat. §29-3701 (Reissue 2016), within 90 days. Defendant shall be examined and evaluated by staff of the Lincoln Regional Center in an outpatient capacity. Appropriate personnel from the Lincoln Regional Center shall contact Cindy Tate at the Douglas County Public Defender's office to set up time and place for the evaluation. The evaluation shall be completed and a report delivered to the Court within a period not to exceed ninety (90) days. **The Court sets a hearing for the 13<sup>th</sup> day of May 2025 at 9:00 am.**

**AND IT IS SO ORDERED.**

Dated this 14<sup>th</sup> day of February 2025.

BY THE COURT:



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Leigh Ann Retelsdorf  
District Court Judge

**CERTIFICATE OF SERVICE**

I, the undersigned, certify that on February 18, 2025 , 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

Ryan M Lindberg  
ryan.lindberg@douglascounty-ne.gov

Date: February 18, 2025

BY THE COURT:

*Crystal Shoacka*

CLERK

