

IN THE DISTRICT COURT OF SCOTTS BLUFF COUNTY, NEBRASKA

THE STATE OF NEBRASKA,

Plaintiff,

vs.

JON P. WORTHMAN,

Defendant.

Case No. CR 20-132

**DEFENDANT'S
MOTION FOR NEW TRIAL**

Jon Worthman, Defendant in the above-captioned matter, by and through his counsel of record, pursuant to NEB. REV. STAT. § 29-2101(4) and (5), moves this Court for a new trial for the following reasons:

1. The verdict is not sustained by sufficient evidence or is contrary to law; and
2. There is newly discovered evidence material for WORTHMAN which he could not with reasonable diligence have discovered and produced at the trial, specifically:
 - a. That in the three months since the close of evidence in this case, STATE has charged the witness upon whose testimony STATE predicated this case, Jeffrey Lujan, with four additional felonies directly implicating Lujan's truthfulness.
 - b. In those same three months since the close of evidence in this case, STATE has also charged Mr. Lujan with several misdemeanors alleging obstruction of a law enforcement officer and resisting arrest.
3. WORTHMAN could not have discovered and produced evidence of Mr. Lujan's most recent offenses at his trial because these offenses apparently occurred after the close of evidence in this case. These offenses are nonetheless relevant and material to the assessment of Mr. Lujan's credibility.

4. It is necessary and appropriate to reopen discovery so that all parties and this Court can ascertain what law enforcement learned about Mr. Lujan after the close of evidence in this case that led to STATE's filing of so many serious felony charges involving Mr. Lujan's truthfulness and veracity in such a short period of time.
5. Additionally, it is a matter of record that Mr. Lujan testified against WORTHMAN under a cooperation agreement with STATE. STATE extended this cooperation agreement to Mr. Lujan after Mr. Lujan had breached a previous cooperation contract with WING and failed to deliver on a cooperation contract with the Scotts Bluff County Attorney.
6. During trial, evidence was developed that STATE had allowed Mr. Lujan to breach multiple terms of his cooperation agreement without any negative consequences. WORTHMAN could not have discovered evidence before trial (and still has not had an opportunity to discover to this day) of what communications, conversations, or new agreements were reached between agents of STATE and Mr. Lujan to tolerate Mr. Lujan's breaches of his cooperation agreement with STATE. Those communications, conversations or new agreements are relevant and material evidence that WORTHMAN was unable to discover before trial.
7. It is necessary and appropriate to reopen discovery so that all parties and this Court can ascertain what communications and conversations transpired between agents of STATE internally, agents of STATE with law enforcement officers and any agent of STATE or law enforcement officer with Mr. Lujan regarding any of his multiple breaches of Mr. Lujan's cooperation agreement with STATE.

For these reasons, WORTHMAN respectfully asks this Court to SUSTAIN Defendant's Motion for New Trial.

JON P. WORTHMAN, Defendant,

By: /s/ Maren Lynn Chaloupka

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing was sent via email and/or E-Service on this 22nd day of January 2021, to the following:

Doug Warner
Scotts Bluff County Special Prosecutor
4500 Avenue I
Scottsbluff, NE 69361
doug.warner@nebraska.gov

/s/ Maren Lynn Chaloupka

Certificate of Service

I hereby certify that on Friday, January 22, 2021 I provided a true and correct copy of the Motion-New Trial to the following:

Lujan,Jeff, service method: No Service

State of Nebraska represented by Doug Warner (Bar Number: 15783) service method:
Electronic Service to doug.warner@nebraska.gov

Chaloupka,Holyoke,Snyder,Chaloupka service method: No Service

MacComber,Meggan, service method: No Service

Signature: /s/ Chaloupka,Maren,Lynn (Bar Number: 20864)