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James to pay $11,000 to be distributed to Cindy. With such payment, Cindy will have received $5,060.52 of the marital estate, and James' share will be reduced to $9,872.48.

CONCLUSION

We conclude that the court did not abuse its discretion in denying Cindy a further pretrial conference or a settlement conference, in the factual findings it made in the decree, or in declining to recuse itself. However, we conclude that the court erred in finding Cindy's lump-sum Social Security disability award to be a marital asset subject to division. We therefore modify the court's decree to equitably divide the marital estate after eliminating from the marital estate the $27,000 in Social Security disability benefits traceable to the modular home.

AFFIRMED AS MODIFIED.

STATE OF NEBRASKA, APPELLEE, V.
WILLIAM P. SUTTON, APPELLANT.
741 N.W.2d 713

Filed January 2, 2008. No. A-06-1297.

SUPPLEMENTAL OPINION

Appeal from the District Court for Sheridan County: PAUL D. EMPSON, Judge. Supplemental opinion: Former opinion modified. Motion for rehearing overruled.

Paul Wess for appellant.

Jon Bruning, Attorney General, and George R. Love for appellee.

SIEVERS, CARLSON, and CASSEL, Judges.

PER CURIAM.

This matter is before the court upon the motion for rehearing of the State regarding our opinion in *State v. Sutton, ante* p. 185, 741 N.W.2d 713 (2007). While we overrule the motion for rehearing, we modify our opinion as follows:

In that portion of the opinion designated the "Analysis," we strike the following language from the opinion, *id*. at 193, 741 N.W.2d at 721:

> [15] Intent is not an element of first degree sexual assault as defined by § 28-319, one of the offenses with which Sutton was charged. See *State v. Sanchez*, 257 Neb. 291, 597 N.W.2d 361 (1999). Intent, however, must be proved with respect to the second degree assault charge.

We replace the stricken language with the following:

> [15] First degree sexual assault under § 28-319(1)(a) is a general intent crime. *State v. Koperski*, 254 Neb. 624, 578 N.W.2d 837 (1998). Intent must be proven with respect to the second degree assault charge.

We also withdraw the language of syllabus point 15, and we replace it with the following:

> **Sexual Assault: Intent.** First degree sexual assault under Neb. Rev. Stat. § 28-319(1)(a) (Reissue 1995) is a general intent crime.

The remainder of the opinion shall remain unmodified.

FORMER OPINION MODIFIED.

MOTION FOR REHEARING OVERRULED.