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STATE OF NEBRASKA, APPELLEE, V. DARRELL E. WHITE, APPELLANT.

830 N.W.2d 215

Filed May 24, 2013. No. S-11-515.

Petition for further review from the Court of Appeals, INBODY, Chief Judge, and IRWIN and SIEVERS, Judges, on appeal thereto from the District Court for Sarpy County, MAX KELCH, Judge. Judgment of Court of Appeals affirmed.

Patrick J. Boylan, Chief Deputy Sarpy County Public Defender, and Mandy M. Gruhlkey for appellant.

Jon Bruning, Attorney General, and James D. Smith for appellee.

HEAVICAN, C.J., WRIGHT, CONNOLLY, STEPHAN, MCCORMACK, and MILLER-LERMAN, JJ.

PER CURIAM.

Having reviewed the briefs and record and having heard oral arguments, we conclude on further review that the decision of the Nebraska Court of Appeals in *State v. White*, 20 Neb. App. 116, 819 N.W.2d 473 (2012), is correct. Accordingly, we affirm the decision of the Court of Appeals, which reversed the judgment of the district court and remanded the cause for a new trial.

AFFIRMED.

CASSEL, J., not participating.