

Judson preliminary hearing draws to close

By Mark Georgeff
Staff Reporter

A preliminary hearing, involving present and former University Nebraska-Lincoln students' consumer fraud allegations against a Lincoln automotive repair shop owner, is nearing an end.

County court records show the defendant, Judson R. Cushing, owner of Judson Automotive Ltd., 601 N. 27th St., has been charged with four

counts; two of theft by deception and one each of theft and criminal mischief, based on the complaints of plaintiffs Katherine Tabor and David C. Schroeder, UNL students; Kurk Broer, a former student; and Lincoln resident Jacquelyn Fynbue.

The defense has motioned for dismissal of all four counts, "maintaining that the evidence fails to establish that any crime and/or crimes were committed, and fails to establish probable cause to believe Cushing

committed those crimes," according to a defense brief submitted to Lancaster County Court.

The brief also stated the defense's concern that the charges against Cushing were not covered by the Criminal Code, but rather fell under the Deceptive Trade Practices Act, which would reduce the charges from felonies to misdemeanors.

"Preliminarily, we submit that there is a fundamental defect in the charges and the state's theories in each of the

counts," the brief stated. "... The act of repairing vehicles is not illegal."

Also, if the Deceptive Trade Practices Act is applied to the charges, the statute of limitations has expired on one of the counts.

The brief called for Schroeder's charge against Cushing to be dismissed, based on a statute dealing with the "misrepresentation as to the origin of goods."

The brief also stated that Taber "voluntarily" brought her vehicle to

Cushing's repair shop and consented to authorize repairs on it, "... and although there may have been disputes over the scope of authorized work and the final repair price, there is no evidence to support the crime of theft as codified into the offense of theft by deception."

In response to Fynbue's claim, the brief stated, "There is not one shred of evidence that these parts, even if missing, were missing as the result of any intentional or reckless act, of anyone."

Walk

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But the walk itself will be more than just a protest, she said.

"I think we're ready for fun," she said.

Others said they were ready for heat and mosquitoes.

The group planned to camp at Eagle, Grandpa's Woods, Elmwood, Louisville and two nights in Plattsmouth before arriving in Bellevue.

John Doan, a 25-year-old UNL sociology major, said this is his second walk. He said he wishes nuclear weapons capabilities were eliminated, but, "I don't think we'll get rid of the (military) system."

Huffmann said he opposes U.S. foreign policy and hopes the walk will increase awareness of issues.

"We can't accomplish anything directly by standing outside of SAC," he said. "We can show that we oppose the policies."



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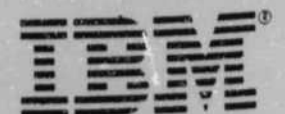
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