

NEBRASKA SUPREME COURT

State v. Mata

321 Neb. 566 (2026) · No. S-24-664 · Decided June 18, 2026

SUMMARY

The Nebraska Supreme Court affirmed the dismissal of Raymond Mata Jr.’s successive motion for postconviction relief as procedurally barred. The court addressed alleged conflicts of interest involving his initial postconviction counsel and trial counsel, the exclusion of proposed exhibits, waiver, and whether the successive motion constituted Mata’s first meaningful opportunity to raise ineffective-assistance claims.

CASE DETAILS

|                       |                                                                                                                                                                                                                                                                            |
|-----------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| COURT                 | Nebraska Supreme Court                                                                                                                                                                                                                                                     |
| WRITING FOR THE COURT | Funke, C.J.; Cassel, J.; Stacy, J.; Papik, J.; Vaughn, J.; Moore, Judge; Bishop, Judge                                                                                                                                                                                     |
| JURISDICTION          | Nebraska Supreme Court                                                                                                                                                                                                                                                     |
| DECIDED               | June 18, 2026                                                                                                                                                                                                                                                              |
| DOCKET                | S-24-664                                                                                                                                                                                                                                                                   |
| DISPOSITION           | affirmed                                                                                                                                                                                                                                                                   |
| PROCEDURAL POSTURE    | Appeal from the dismissal of a successive motion for postconviction relief as procedurally barred.                                                                                                                                                                         |
| STANDARD OF REVIEW    | Evidentiary admissibility and relevance are reviewed for abuse of discretion; factual findings in a postconviction evidentiary hearing are reviewed for clear error; whether a postconviction claim is procedurally barred is reviewed independently as a question of law. |
| PRECEDENTIAL VALUE    | Published and precedential                                                                                                                                                                                                                                                 |
| PARTIES               | Raymond Mata, Jr. v. State of Nebraska                                                                                                                                                                                                                                     |

TOPICS

- successive petitions
- state post-conviction relief
- ineffective assistance
- right to counsel
- evidence

PRACTICE AREAS

- post-conviction relief
- criminal procedure
- ineffective assistance of counsel
- evidence
- appellate procedure

## QUESTIONS PRESENTED

1. Whether the district court improperly excluded or excluded cumulative exhibits offered at the evidentiary hearing.
2. Whether alleged conflicts involving initial postconviction counsel made Mata's successive postconviction motion his first opportunity to raise claims under *State v. Williams*.
3. Whether alleged conflicts involving trial counsel required relief or permitted a successive postconviction proceeding.
4. Whether Mata's remaining claims were procedurally barred or noncognizable and therefore could be dismissed without a further merits hearing.

## HOLDINGS

1. Any error in excluding Mata's exhibits was harmless because the excluded material was cumulative and other properly admitted evidence supported the district court's finding that initial postconviction counsel had no actual conflict of interest.
2. Mata failed to establish that Straetker had an actual conflict of interest based on his former service as an NCPA commissioner, public-defender incentives, alleged advice to accept NCPA representation, or prior representation of the victim's grandfather.
3. Mata was not entitled to pursue a successive postconviction motion under *Williams* because he failed to show that his initial postconviction counsel had an actual conflict preventing counsel from raising the claims.
4. All of Mata's claims except his claim of ineffective assistance of postconviction counsel were procedurally barred because they could have been raised on direct appeal or in the initial postconviction proceeding; the ineffective-assistance claim concerning postconviction counsel was not cognizable.

## KEY QUOTATIONS

*“An asserted conflict of interest must be actual, rather than speculative or hypothetical, before a conviction can be overturned on the ground of ineffective assistance of counsel.” (588-589)*

*“The effect of Neb. Rev. Stat. § 29-3001(3) (Cum. Supp. 2024) is to require that all available grounds for postconviction relief must be stated in the initial postconviction motion” (604-605)*

## FACTUAL BACKGROUND

Mata was convicted of first degree murder and kidnapping in the killing of a three-year-old child and received a death sentence after resentencing proceedings. His initial and amended postconviction motions raised claims concerning trial and appellate counsel, and the Nebraska Supreme Court affirmed their denial in 2019. In 2021, Mata filed a successive postconviction motion arguing that conflicts involving his initial postconviction lawyer, a former Nebraska Commission on Public Advocacy commissioner, and trial counsel made the successive motion his first meaningful opportunity to assert additional ineffective-assistance and conflict claims. The evidentiary record showed that the alleged conflicts were based on board service, public-defender incentives, purported advice to accept NCPA representation, and prior representation of the victim's grandfather.

## PROCEDURAL HISTORY

Mata was convicted of first degree murder and kidnapping and ultimately sentenced to death for murder. After an initial and amended postconviction proceeding, in which his claims were denied and affirmed on appeal, Mata filed a 282-page successive motion asserting numerous claims concerning trial, appellate, and postconviction counsel. The district court held an evidentiary hearing limited to alleged conflicts involving initial postconviction counsel and trial counsel, then dismissed the successive motion. The Nebraska Supreme Court affirmed, although it relied on procedural-bar grounds for some claims different from those relied upon by the district court.

## DISPOSITION

affirmed

## CASES CITED

- State v. Williams, 295 Neb. 575, 889 N.W.2d 99 (2017)
- State v. Mata, 304 Neb. 326, 934 N.W.2d 475 (2019)
- State v. Mata, 280 Neb. 849, 790 N.W.2d 716 (2010)
- State v. Mata, 275 Neb. 1, 745 N.W.2d 229 (2008)
- State v. Mata, 266 Neb. 668, 668 N.W.2d 448 (2003)
- Ring v. Arizona, 536 U.S. 584, 122 S. Ct. 2428, 153 L. Ed. 2d 556 (2002)
- State v. Price, 320 Neb. 1, 26 N.W.3d 70 (2025)
- State v. Betancourt-Garcia, 317 Neb. 174, 9 N.W.3d 426 (2024)
- State v. Harms, 315 Neb. 445, 996 N.W.2d 859 (2023)
- Jaeger v. Jaeger, 307 Neb. 910, 951 N.W.2d 367 (2020)
- State v. Hagens, 320 Neb. 65, 26 N.W.3d 174 (2025)
- State v. Boppre, 315 Neb. 203, 995 N.W.2d 28 (2023)
- Martinez v. Ryan, 566 U.S. 1, 132 S. Ct. 1309, 182 L. Ed. 2d 272 (2012)
- State v. Marchese, 245 Neb. 975, 515 N.W.2d 670 (1994)
- State v. Malone, 308 Neb. 929, 957 N.W.2d 892 (2021), modified on denial of rehearing, 309 Neb. 399, 959 N.W.2d 818
- State v. Edwards, 294 Neb. 1, 880 N.W.2d 642 (2016)
- State v. Jackson, 275 Neb. 434, 747 N.W.2d 418 (2008)
- Christeson v. Roper, 574 U.S. 373, 135 S. Ct. 891, 190 L. Ed. 2d 763 (2015)
- Jennings v. Purkett, 7 F.3d 779 (8th Cir. 1993)
- State v. Galindo, 315 Neb. 1, 994 N.W.2d 562 (2023)
- State v. Lotter, 311 Neb. 878, 976 N.W.2d 721 (2022)