



Attorney General Jon Bruning

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# NEWS RELEASE

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## State Prepared for Hotz Retrial

LINCOLN - Attorney General Jon Bruning today issued a statement on the Nebraska Supreme Court (NSC) decision to reverse and remand the case of Joseph Hotz of Dawes County. In January, Hotz was sentenced for the December 2008 death of his roommate, 22-year-old Kenneth Pfeiffer of Sebastian, Fla.

“The Court’s decision to remand this case on a technicality does not change the fact that Mr. Hotz stabbed and killed his roommate,” said Bruning. “We will retry this case and bring him to justice.”

Today’s decision said that Hotz was “deprived of a fair trial due to irregularities in the proceedings.” The Court also pointed out that “as a matter of law, voluntary intoxication is not a complete defense to a crime, even when it produces the sort of psychosis or delirium Hotz claims to have suffered.”

In January, Sen. Colby Coash of Lincoln introduced LB 100 as part of the Attorney General’s annual legislative package. LB 100 would eliminate the “not guilty by reason of insanity” defense in situations where the defendant was *voluntarily intoxicated or high* when he or she committed the crime.

Although the NSC concluded that voluntary intoxication is not a proper basis for an insanity defense, it does not eliminate the need for LB 100. Under LB 100, unless the defendant first proves by clear and convincing evidence that the intoxication was not voluntary, intoxication cannot be utilized as a defense to negate the intent element of a criminal charge.