After Shooting, ConAgra Gets Restraining Order Reinstated

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(AP) — A man charged with shooting at window washers outside food company ConAgra's headquarters in Omaha in 2012, and later acquitted, must stay away from the company's property, the Nebraska Supreme Court has ruled. In late 2012, Douglas County Court granted ConAgra a temporary restraining order against Ryan Zimmerman, who had been charged with several felonies in the November 10, 2012 shooting outside the ConAgra building, where his estranged wife worked. No one was injured in the shooting, and Zimmerman was acquitted by a jury in August of the charges after his attorneys were able to raise doubts about witness testimony.

Douglas County District Judge James Gleason had denied ConAgra's request to extend its restraining order against Zimmerman for another year.

In a 4-2 decision Friday with one justice not participating, the Nebraska Supreme Court reversed the lower court's ruling, ordering it to issue the one-year injunction against Zimmerman. The majority reasoned that the lower court was wrong to exclude evidence of Zimmerman's lengthy criminal history, reports showing he had harassed his wife at ConAgra and of protection orders issued to keep Zimmerman away from his wife. That evidence provides "relevant connection between the past actions of Zimmerman and the likelihood he will trespass again, while also demonstrating his flagrant disregard for the criminal law," Nebraska Supreme Court Justice Michael McCormack wrote for the majority.

In a dissent, Justices William Cassel and Kenneth Stephan said the majority opinion goes against more than 100 years of court precedent and wrongly speculates that Zimmerman will commit a crime on ConAgra property. They also said that ConAgra, as a large and successful corporation, was getting special treatment as a result of the Supreme Court ruling. ConAgra has already issued a letter to Zimmerman barring him from being on ConAgra property and can be arrested for criminal trespass if he does, the dissent said. State law provides restraining orders for victims of domestic abuse or harassment, it said.

Zimmerman's attorney, Michael Wilson, said it's unclear from the opinion whether the one-year extension becomes effective this year or will commence from the date of the lower court's original order — making it moot, as a year has already passed since then.

Dan Hare, a spokesman for ConAgra, said the company is pleased with the majority opinion. "We are committed to maintaining a safe work environment for our employees," Hare said.

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