

Simants acquitted by reason of insanity

By Shelley Smith

Exactly four years after he killed six members of a Sutherland family, Erwin Charles Simants, 33, once sentenced to die in Nebraska's electric chair for the crimes, was found innocent by reason of insanity.

Simants, in 1976, was found guilty by a Lincoln County jury of sexually assaulting three members and murdering six members of the James Henry Kellie family of Sutherland.

However, because Lincoln County Sheriff Gordon "Hop" Gilster was accused of playing cards with

sequestered jurors during the trial, the Nebraska Supreme Court overturned the decision and ordered a new trial.

Many jurors appeared to be tired and upset as the clerk read the verdicts. Defense attorney David T. Schroeder grasped Simants' hand, and wept in his other hand while listening to the decision before embracing Lincoln County Public Defender Scott Helvie. Simants sat quietly and motionless.

"It was an ordeal for everybody," juror Douglas Leigh, 32, said outside of the courthouse.

Leigh, managing editor of *The Voice of Southern Lancaster County*, said, "Anybody who hasn't experienced any of this, I would question what right they have to criticize."

JUDGE HUGH STUART, after the verdicts were given, told the jury, "it was a long and strenuous case. I'm sure you were aware of the tensions involved therein."

The jury deliberated 18 hours during three days to reach its decision, which Helvie said he knew was a "proper verdict."

"The first trial was determined by factors other than the circumstances it was tried for," he said.

Schroeder said he agreed. "I'm happy, very happy," he said.

"There was more evidence presented for them (jury members) to make a decision," he said.

The fact that Simants committed the murder and assaults never was a question during the trial. Jurors, early in the trial, listened to a tape-recorded confession Simants gave police the morning after he killed the Kellie family Oct. 18, 1975—four years ago today.

Defense attorneys had asked the jury only to consider evidence regarding Simants' sanity when he murdered and assaulted the Kellies.

"THERE WAS NO question he (Simants) committed a series of hideous crimes. It's unfortunate the law didn't give us any room," Leigh said.

Prosecuting attorney Marvin Holscher, visibly shaken, said he was "extremely disappointed" with the decision.

"I have no right of appeal," he said. According to state statute, Simants' case will be heard by the Lincoln County Mental Health Board, and the board will decide if Simants is a potentially dangerous patient, and will act accordingly.

"He (Simants) doesn't belong back out in society at this time. He's going to be in the Regional Center for a long time I expect," Schroeder said.

"The only problem now is the judicial system loses control of it (the case) completely," Schroeder said.

Tuesday, it appeared the jury might have completed its deliberation when jury foreman Katherine Tyler, 41, of Lincoln handed a note to the bailiff which asked if the jury could "read a unanimous statement of jury feelings either prior or subsequent to the rendering of a verdict."

Leigh explained the question was asked as "an attempt for everybody to negotiate."

HOWEVER, JUDGE Hugh Stuart denied the jurors' request and directed them to decide the case according to previous instructions.

"Judge Stuart wasn't fair in not letting us comment," Leigh said.

Leigh said any further comments he had concerning the case might be printed in his newspaper—"copyrighted."

On Monday afternoon the jury received supplemental instructions from Judge Stuart directing jurors not to share any professional knowledge about psychology.

Leigh reportedly has taken graduate college courses in psychology. However, when asked if he was one of the jurors Stuart was referring to, Leigh said "no comment."



Photo by Mike Swraney

Recovery from severe burns requires time, patience, and will power once the itching sets in. The above patient at St. Elizabeth's Burn/Trauma unit, hospitalized since he was burned two months ago, hopes to leave soon under his own power.

Burn unit 'miserable way of life'

By Mary Kay Wayman

The head of the only burn/trauma unit in Nebraska said he is alarmed to hear of students playing with fire at late night bonfires.

"It horrifies me to think of a young individual trying to run through a bonfire," Dr. Robert Gillespie, head of the St. Elizabeth Hospital Burn/Trauma Unit, said. "Some of those people ought to see some of our patients, because they are inviting this."

"I'd sure as hell hate to see a young kid throwing away his career or whatever is in his future," he said.

Once a patient enters the burn/trauma unit it is "not a pleasant environment," Gillespie said. "It's a pretty miserable way of life," he said.

The burn/trauma unit is unique in that it was one of the first established without federal funds or any support other than that of St. Elizabeth's Hospital.

The Lincoln burn/trauma unit services a wide area which includes all of Nebraska, South and North Dakota, and parts of Kansas, Iowa and Colorado.

FALL IS THE beginning of the burn season, he said, but even before the cooler weather began the burn/trauma unit had been flooded with cases.

The ten-bed unit had fourteen patients at one time. Because some of the patients were children, more beds could be fit in the unit.

The difference between burns and most other injuries is that patients spend such a long time in recovery, Gillespie said. Burns on both arms, chest and neck could keep a patient in the hospital for three months with a year of treatment, he said.

Working with patients on a one-to-one basis for a long time is a strain on the burn/trauma unit personnel as well as the patients, he said.

Continued on Page 14

Library hour cut draws criticism

By Barb Richardson

Students should not let University officials limit library time any further, according to ASUN Sen. Dale Wojtasek.

Wojtasek, speaking to the Senate during Wednesday night's meeting, said the library is not serviced adequately now and any further cuts would be unreasonable.

UNL officials have suggested that closing the library would help cut operating costs.

ASUN Second Vice President Kim Weiland said earlier in the day that plans for limiting library time include closing an hour earlier every night and closing the library on Saturdays.

"We will not stand for the library to be closed weekends, nights or ever," Wojtasek said. It is time for the senate to take action, Wojtasek added.

In open forum, Union Board President John Kreuscher,

said students should not have to pay an increase in student fees to pay for the Union's utilities.

Recently it was found that the Union, and Health Center health costs cannot be paid by the state because they are still bonded projects.

Kreuscher said utilities could be paid for from a student fee increase, a cut in Union programs or from University funds.

"I believe that the Regents will not increase student fees to pay for the shortage," he said. ASUN President Bud Cuca commented later in the meeting that he also did not think that the Regents would approve the increase.

Kreuscher said the Regents may cut into the Fund A present budget but "that is something that nobody wants."

"The students have already paid their fair share, it's time for the University to pay their share," he said.

Continued on Page 14

inside thursday

Women politics: Family life and American politics can mix. . . . Page 10
Spencer Ward: Band plays its original music. . . . Page 10
Split end record: Tim Smith may gain 1,000 career yards in receptions this Saturday and has a chance at Guy Ingle's all-time Nebraska record. . . . Page 12