

Juror defends jury's decision in recent Simants retrial

By Lynn Mongar

A juror in the Erwin Charles Simants retrial said that Judge Hugh Stuart owes a public apology to the jurors for his statements made after the trial.

Stuart, who presided over the retrial, in which Simants was found innocent by reason of insanity, said the jury "shirked from its responsibility," and "didn't decide the case according to the evidence presented and they didn't follow the law."

The juror, who wanted to remain anonymous because of the harassment she said other jury members had received following the retrial, said Stuart's comments were "outrageous."

"How can he say this about us when we were in there for two weeks and deliberated for as long as we did?" she asked.

The juror also said, "I wonder if Judge Stuart considered that the system could be damaged by reckless statements from judges who should know better."

SHE WENT ON to say, "I understand that people can make mistakes under pressure. I would hope he realizes what he has done."

She said she thought Judge Stuart would not comment when he declined immediately after the verdict had been announced.

"I thought that was great. He should've never commented on it at all," she said. The juror also said that

Stuart had to believe "strongly" that Simants was guilty and sane to make statements about the jury's decision. "He had already made up his mind."

The juror was especially shocked by Stuart's statements, because "we were even told by the judge that we weren't supposed to consider what happens to him (Simants) afterwards."

However, she admitted that Simants' being "set free" or being "killed" was hard to keep out of her mind. "Both of those bothered me."

She said that it should be remembered that the jury in the retrial was not offered the option of "guilty, but insane." That is what she would have chosen if the jury had been given the choice, she said.

THE DELIBERATION PROCESS took about 18 hours, according to the juror. The second day of deliberation was "pure hell," she said.

"We were all tired."

The jury deliberated from 8 a.m. until 6 p.m. and then returned at 7 p.m. for another hour of discussion. She said that when 12 people have to work at determining a verdict there is "a lot of debating and a lot of discussion. It's an emotional issue and everyone got upset."

The jury sent a note to the judge the second morning of deliberation stating that there was a hung jury, and the judge told the jurors to deliberate longer she said. The last hour of deliberation on the second day was the most important part of reaching the verdict, she said.

"Things were said which really opened up the verdict of insanity."

There was no one thing which made her decide that Simants was insane, she said.

"You have to look at the whole picture of what he was before and after the crime," she said.

Many things could have caused a "psychotic break," described by defense attorneys, the juror said.

THE PEOPLE WHO were having trouble deciding "couldn't divorce what had happened from what the jury needed to decide." She said Simants confessed to the murders, so the question concerned his sanity.

She denied that jury members were ever coerced. "No juror was pushed into a decision," she said in reference to statements another juror made to the Lincoln Journal.

"That's what we were there for, and that was our responsibility," she said.

The juror said, "I would think that the person who thought she was being coerced would be embarrassed to admit it."

The juror said that Simants should never be released into society again.

"He is mentally ill, and he has problem that he is dangerous once."

She said that she didn't think people had a right to criticize the jury's decision because it is unpopular.

"They weren't there. They didn't hear all the evidence or deliberate with us," she said.

She said he was proud of her decision and the jury's performance.

"We followed the law," she said, "and we read that (jury instruction) sheet over and over again."

Poisoning...

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"There is no reason for any scare on this thing," he said.

Weed said he visited the Chi Omega house Monday. Although some of the girls were upset and wanted to know what had happened, Weed said there were no remains of the prepared food items to study and test.

Weed said he had met with the people involved with the preparation of both meals and reviewed the menus, preparation, storage, and handling methods used to see if unhealthy preparation or serving methods had been used. None were found, he said.

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