

Daily Nebraskan

Wednesday, October 10, 1984

University of Nebraska-Lincoln

Vol. 84 No. 34

John Joubert sentenced to death in electric chair

By Judi Nygren

Daily Nebraskan Senior Editor

John J. Joubert, with head bent and eyes cast downward, sat silent as the presiding district judge sentenced the confessed child-killer to the electric chair Tuesday in Papillion.

More than 100 observers, ranging from sleeping babies to a woman who smothered her sobs in a handkerchief, remained completely still as Judge Ronald Reagan read the sentence. The observers had lined up outside the courtroom at 8:30 a.m., one hour before the sentencing began.

Reagan, after consulting with two panel judges — District Judges Robert Finn and Theodore Carlson — sentenced Joubert to die for the murders of Danny Joe Eberle, 13, and Christopher Walden, 12. In making their decision, the judges considered testimony given in a June hearing and September's three-day hearing, Joubert's guilty pleas and a letter from the defendant's mother. This evidence was weighed against the Nebraska Supreme Court's guidelines for determining a life sentence in prison or death.

After examining the evidence and guidelines, the judges concluded that Joubert, a 21-year-old radar technician in the U.S. Air Force, knew murder was wrong, but nonetheless chose to carry out his plans — plans, psychiatrists said, he had worked out in his "superior" mind since the age of 6. The judges said evidence proved both Eberle and Walden gave Joubert opportunities to turn back. Joubert considered these offers, they said, but after thinking about the consequences, chose to kill the boys.

According to testimony, Eberle pleaded for freedom after Joubert had forced the paperboy to strip down to his underwear and inflicted the first stab wound. At that point on Sept. 18, 1983, Eberle told Joubert he would not turn Joubert in if the man would take him to the hospital. Joubert said he did not believe the boy.

Walden, who was kidnapped while walking to school on Dec. 2, 1983, began crying as he lay on the car's floorboard. Joubert testified that he thought about releasing the boy, but decided he would get caught.

Both boys bled to death as a result of multiple stab wounds. Pathologists who conducted the autopsies said the boys lived for a few minutes after the stabbings, making the deaths cruel and painful.

Although psychiatrists said Joubert was not insane, the judges said anyone who could kill two boys in this manner "must, of necessity, have some mental or emotional disturbance." They concluded though, that Joubert's mental illness did not cause the defendant to lose control of his actions.

Considering Joubert is sane, has control over his actions and knows right from wrong, the judges said the death penalty is not "excessive or disproportionate to the penalty imposed in similar cases."

Under Nebraska law, cases involving the death penalty automatically go before the state Supreme Court for review.

Joubert's lawyer, James Miller, said the Supreme Court may overturn the decision, "but we're not optimistic." While Joubert is prepared for a fight, Miller said, the defendant was not surprised by Tuesday's sentence.

Although the observers left silently, some expressed support of the decision. Among these supporters was Gene Anderson a salesman who has attended all of Joubert's hearings. Anderson said he expected a death sentence.

"Life in prison is almost too good for him," he said. "But that doesn't mean he'll actually die."



Mark Davis/Daily Nebraskan

John Joubert

Deaths spur uphill battle against drunken drivers

By Brad Kuhn

Daily Nebraskan Senior Reporter

Editor's note: This is the third article in a four-part series examining various issues on alcoholism and its effects on students. This series is in conjunction with National Collegiate Awareness Week, through Friday.

Picture a university student, as he staggers out of a local bar and pours himself behind the wheel of his trusty, rusty 1974 Montego. As he careens home straddling the center line on Ninth Street, a police officer pulls him over to chat.

Following a brief conversation, the officer asks the student to do a few tricks. First he has the stu-

dent stand on one leg. No problem. Then he asks him to walk a straight line, turn and come back. Not even a checked step. Then he asks him to stare at a pencil.

A pencil? Sounds easy, but ac-

Alcohol Awareness Week

cording to the U.S. Department of Transportation, of the three tests, the pencil is most accurate, boasting 77 percent accuracy, compared to 68 percent for the walk and turn, and 65 percent for the

one-leg stand.

Here's how it works. When a person looks out of the extreme corner of the eye, the eye begins to jerk. When a person has had too much to drink, however, the jerking — called "gaze nystagmus" — sets in much sooner.

The method tested by the D.O.T. last year in Virginia, Maryland and North Carolina, is now used in Nebraska. Los Angeles police, pioneers in this new method, have used it successfully for almost five years.

The Nebraska Office of Highway Safety said these eye games are partly responsible for this year's decrease in the number of alcohol-related fatalities.

This year in Nebraska only 39 alcohol-related fatal crashes were reported as of July 31, down 30 percent from 48 during the same period last year. Fred Zwonechek, a spokesman for the Nebraska OHS, credits the decrease to better enforcement of drunken driving laws and a trend toward "smarter drinkers."

"People these days are thinking more about how they're going to get from one place to another when they go out to drink. People are finally beginning to do something to stop drunken driving."

The evidence backs Zwonechek. Take for example Lincoln's newest night spot, The Lucky Lady. A sign, prominently posted, offers a ride home for anyone too drunk to drive, but sober enough to

read.

Last year, P.O. Pears began its "I'm driving" club in which a button-wearing member is entitled to free soda pop, with the condition that they abstain from the alcohol and drive their drinking buddies home at the end of the evening.

It's been an uphill battle. Although Americans have long given lip service to the idea that it's bad to drive drunk, it was not until Candy Lightner, founder of Mothers Against Drunk Driving, and others like her began expressing anger about tragedy and needless killing that anyone began to do anything about it.

In Nebraska, it took two major

tragedies to get the ball rolling. In 1981, a UNL student, leaving a fraternity party in Sprague, drove his car through a crowd of friends, killing two of them. In Omaha, a van full of Creighton University students crossed a median and hit another car head-on. In both accidents, the drivers had been drinking. It hit close to home with students as well as parents.

Since then, alcohol-related fatal crashes have plummeted 61 percent and the trend, Zwonechek said, is toward even lower death counts.

"The trend is toward responsible drinking," Zwonechek said. "Maybe the attitude change is permanent I certainly hope so."

Drivers face fines, jail

DWI Laws

First offense:

Seven days in jail and \$200 fine (may be suspended in favor of probation) — minimum 60 days license suspension.

Second offense:

30 days in jail and \$500 fine (may be suspended after 48 hours in jail in favor of probation) — minimum six months license suspension.

Third and any subsequent offense:

Three to six months in jail and \$500 fine (may be sus-

pended after seven days in jail in favor of probation) — lifetime license revocation (or one year suspension for persons placed on probation).

Driving with a suspended or revoked license is a felony, punishable with a maximum of five years in jail and a \$10,000 fine.

Under probation, a person may be required to attend at their expense, an alcoholism treatment program. This can cost more than \$3,000.

Anyone refusing to submit to a chemical test faces a one-year driver's license suspension.



Lou Anne Zacek/Daily Nebraskan