

Testing the Scales of



Chief Justice Norman Krivosha



State Sen. Ernie Chambers



Defendant Robert Edward Hunt Jr.

Courtesy of Associated Press

By Judith Nygren
Staff Reporter

It sent shock waves through the state. It stirred public anger — first against the murderer, later against the state's highest court. Robert Edward Hunt Jr.'s crime, it seemed, threatened the very idea of Nebraska's "good life."

Hunt's crime was sexually motivated. It was violent. It was chilling. It was heinous.

But was it "especially heinous"?

Three judges serving on the District Court of Madison County thought so. They sentenced Hunt to die in the electric chair.

The Nebraska Supreme Court thought differently. When the Hunt case came before the high court on an automatic appeal, four of the seven justices overturned the lower court's decision, reducing death to life in prison.

Reaction was quick and damning.

Syndicated columnist Mike Royko labeled the decision "dumb." A Nebraska minister called for the ousting of Chief Justice Norman Krivosha. Nebraska newspapers statewide bombarded the high court with criticism. A Maryland Supreme Court judge pointed to the decision as an example of injustice in the American legal system.

"What these four judges did was look at this case and understand they were going to make a decision that was very unpopular, that would be condemned. But based on their understanding of the law they made the decision they had to make."

— Omaha Sen. Ernie Chambers

Citizens have even hurled threats against the justices and their families. Some have suggested that judges' wives and daughters should suffer the same fate as Hunt's victim.

It is a vicious wish.

Beverly K. Ramspott had wonderful plans last spring. Joyous plans. She ran her engagement picture in the Norfolk Daily News only to share that joy.

But Hunt saw it as something else — fantasy turned reality.

Hunt, now 29, repeatedly fantasized about having sex with dead women. Ramspott's engagement picture again stirred that desire.

On April 12, 1984, two days after Ramspott's photo ran in the newspaper, Hunt shoplifted a BB gun, several pairs of women's panties and some nylons.

He then drove to Ramspott's mobile home, where he kept vigil as he leafed through sex magazines.

He continued his watch for 20 minutes. Finally, he gathered his wares and knocked on Ramspott's door.

Ramspott came to the porch. Hunt threatened her with his BB gun and forced his way in.

Within minutes Ramspott lay on the kitchen floor, her hands and feet bound with a rope.

"Take my car," Ramspott pleaded. But before she could utter another plea for life, Hunt stuffed the panties down her throat.

After dragging his victim into the living room, Hunt wrapped a nylon stocking around Ramspott's throat. During testimony, he said that he pulled "down tighter and tighter, trying to render her unconscious."

His victim stilled, Hunt moved her to the bedroom, undressed her and pulled down his pants. He masturbated over the body, ejaculating onto the victim's stomach. At some point, Hunt also performed oral sex on the body.

His fantasy complete, Hunt felt his victim's pulse. He felt something, he thought.

He dragged Ramspott to the bathtub and stuck her head into a foot of water. The body shook and twitched.

....

Hunt confessed his crime to police in a series of interrogations and was sentenced to death by the district court.

On Aug. 9, 1985, the Supreme Court ruled that these deeds failed to justify a death sentence.

In the majority opinion, the justices stated: "Although the method by which the defendant achieved sexual gratification may be accurately described as exceptionally heinous and atroc-

ious, and as manifesting exceptional depravity by ordinary standards of morality and intelligence, the murder itself, given the inherent nature of a killing, cannot."

Public fury has raged ever since. Anger once directed at a murderer has twisted into a personal and emotional vendetta against the state's high court. But long after fury gives way to calm, Nebraskans still will have to sift through the Hunt decision, decipher its meaning and contend with its many implications:

- Already some argue it means fewer death sentences in a state that traditionally supports capital punishment.

- Others, mostly those who oppose the death penalty, only hope the Hunt case abolishes capital punishment.

- Some argue the state will need to enact new legislation; laws that better define "especially heinous and atrocious."

- And still others say it has no implications; the decision followed law.

But most are like Assistant Attorney General J. Kirk Brown. They really don't know what the decision means for Nebraska.

"Hunt may just stand for itself . . . I just don't know what to make of it," Brown said.

Brown said his uncertainty comes not so much from the Supreme Court's interpretation of the law, but from its interpretation of the facts.

Under Nebraska law, the courts must determine the aggravating and mitigating circumstances in each case. Once determined, the circumstances are weighed against one another. Only when the aggravating circumstances outweigh the mitigating circumstances beyond any reasonable doubt can the death penalty be imposed. At least two aggravating circumstances are required for death.

In the Hunt case, the lower court ruled that two aggravating circumstances existed: (1) The murder was committed in an apparent effort to conceal the commission of a crime or to conceal the identity of the perpetrator of a crime. (2) The murder was especially heinous, atrocious, cruel, or manifested exceptional depravity by ordinary standards of morality and intelligence.

The Supreme Court later ruled neither of these aggravating circumstances existed. In its opinion, the high court said Hunt's deliberate and premeditated intentions to kill Ramspott were inconsistent with the concealment circumstance.

The opinion states: "There is no question but that the murder was not committed for the purpose of concealing the commission of the crime. Nor does the evidence establish that it was committed for the purpose of concealing