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UNIVERSITY OF NEBRASKA


Broyhill Plaza

April 20-21, 11a.m. - 5p.m.

April 22, 10a.m. - 4p.m.

presented by: 

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Baldwin

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restrictive environment at Madonna Rehabilitation Center.

Baldwin answered the telephone at Davidson's house Tuesday night. Davidson said Baldwin had been allowed to visit her home on occasion, but he couldn't stay for extended periods of time.

Davidson told the Daily Nebraskan Tuesday evening the ruling was a positive sign for Baldwin's future.

"It will be much better for Scott and I," she said. "Living in an institution for over two years is difficult for anybody."

"I think it will be really nice that he can have somewhat of a normal life where he can come home."

Davidson, who has known Baldwin for five years, said the lack of true information publicized about Baldwin had been frustrating throughout the ordeal. He is not a danger to the public, she said.

"His balance is not real good right now," she said. "The scare of him beating me up, which is what the prosecution says, is almost an impossibility."

"If Scott were to take a swing at me, he

— 66 —

I think it will be really nice that he can have somewhat of a normal life where he can come home.

— Davidson
Baldwin's girlfriend

would fall out of his chair," Davidson said. "He is not a real threat to me or anyone else."

Lancaster County Attorney Gary Lacey, who has prosecuted the entire case, refused to comment Tuesday night.

During previous hearings, Lacey said the independence plan presented for Baldwin was too vague.

"They have a plan that is so vague and imprecise ... it is not consistent with public safety," Lacey said during the March 31 hearing.

Merritt said his ruling also required Baldwin to undergo counseling sessions twice a week and physical therapy once a week. Merritt said Baldwin also must take medication and undergo frequent testing by the regional center.

Open forum to focus on parking

From Staff Reports

A proposed parking garage and the recent increase in parking fees at UNL will be the focus of ASUN's open forum tonight.



Roland Pinto, a University of Nebraska-Lincoln sophomore, said he and members of the Residence Hall Association had organized a protest against the 100 percent increase in parking permit fees and were expecting at least 100 people at the meeting tonight.

Pinto said the lack of publicity about a recent Parking Advisory Committee meeting where the increase was discussed wasn't fair to students.

"We need an opportunity to give our input," Pinto said. "We're not here to have the univer-

sity sneak fees by us."

Andrew Loudon, president of the Association of Students of the University of Nebraska, said he took calls from many students Tuesday and was expecting many students protesting the price increase.

Loudon said Ken Cauble, UNL police chief, also would attend the meeting to discuss the issue of safety in and around the proposed parking garage. Paul Carlson, associate vice chancellor for business and finance at UNL, is scheduled to speak on the positive aspects of the facility.

Loudon said no legislation dealing with either parking issue was planned for tonight's meeting, but a bill could be brought up on emergency status.

He said Kristi Weinberger, an ASUN senator who also is a member of Alpha Phi Sorority, neighbor of the proposed garage, opposed the plan in concern for safety.

Endacott

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Biography

Endacott, a Detroit native who was appointed by former Gov. Charles Thone to the district judge position in 1979, has presided over a handful of first-degree murder cases.

He graduated Phi Beta Kappa from the University of Kansas in 1955 and from Harvard Law School in 1960, after serving as a Marine Corps officer.

As a district judge, Endacott was assigned to many civil cases. But in first-degree murder cases, he has both served as part of a three-judge sentencing panel and determined sentences alone. None of those cases received the amount of press coverage the Bjorklund case has attracted.

Previous cases

According to Lincoln Journal-Star and Associated Press reports, some of Endacott's previous decisions include:

- Asa Carter. Carter was sentenced on Aug. 6, 1993, to life in prison for raping and suffocating 9-year-old Neomi Lilly. A three-judge panel, including Endacott, determined that while Lilly's death was "especially cruel or heinous" — an aggravating circumstance — it did not warrant a death sentence, because it was not as cruel as other murders committed by those sentenced to death in Nebraska.

- Larry Young. Endacott sentenced Young to life in prison on March 8, 1988, for the April 1987 shooting of Sharon McCollough. Young pleaded guilty to the murder and the state, in a plea bargain, did not seek the death penalty.

- Herman Buckman. Buckman was sentenced to life in prison on March 2, 1989, for killing Denise Stawkowski. Prosecutors introduced two aggravating circumstances in an effort to get the death penalty: Buckman's prior criminal history and the fact he committed the murder to conceal a crime or the perpetrator of the crime.

Endacott said the motive was ambiguous. Other factors he considered were Buckman's role as a father and husband before he got involved with drugs and that Stawkowski did not suffer long, dying immediately after being shot.

- Stanley Ruyle. Ruyle was sentenced to life in prison for the arson-related death of Robert Scott in August 1987. Endacott was part of a three-judge panel that determined that Ruyle's age should favor a life sentence rather than death. Defense attorneys said Ruyle, 29, was mildly retarded and operated at the emotional level of a 10-year-old.

- Marvin Searles. On Aug. 27, 1982, Searles was sentenced to life in prison for killing Peggy

Ann Baker, who was stabbed in the chest with a butcher knife. Searles and Baker lived at the Organized Unit Responsibility home for the psychiatrically disabled.

Endacott and two other district judges on the sentencing panel concluded Searles' capacity to appreciate the wrongfulness of his conduct was "sufficiently impaired as a result of mental illness and defect."

- Cornelius Blackbonnette. Blackbonnette was sentenced on Aug. 24, 1982, to life in prison after pleading guilty to the first-degree murder of Bessie Irvine. Endacott ruled that although the murder was committed to conceal Blackbonnette's identity, an aggravating circumstance, mitigating factors outweighed it.

The judge cited Blackbonnette's intoxication at the time of the murder and the defendant's previous record of good character. Blackbonnette was a decorated Vietnam veteran who served in the U.S. Navy. His only prior felony conviction had been for fraudulent use of a credit card.

Endacott also noted the 87-year-old woman's death was not a "lingering, agonizing death" and that no sexual abuse was involved.

Character

One district judge from Red Cloud, who worked with Endacott on the three-judge sentencing panel for the Ruyle case, commended Endacott's work on the panel.

"I enjoyed working with him," Bernard Sprague said. "He was very well-organized and professional in his approach, and he led a number of our discussions. He did a good job."

Sprague said the uniqueness of each first-degree murder case demanded a lengthy weighing of each aggravating and mitigating circumstance.

Key circumstances

Since the conclusion of Bjorklund's presentencing hearing on March 24, Endacott has been doing just that to determine whether the death penalty is appropriate in Bjorklund's case according to Nebraska law.

Defense attorneys are arguing a number of mitigating factors, including the unconstitutionality of the death penalty, sexual abuse Bjorklund faced as a child and his roles as a caring husband and father.

Bjorklund's attorneys also maintain the death penalty would be unfair, because prosecutors are not seeking the death penalty against Scott Barney, the other man convicted in Harms' murder.

Prosecutors are arguing Harms' murder was especially heinous, that Bjorklund has a prior record of assaultive criminal behavior and that the murder was committed to conceal the identity of the perpetrators.