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OCTOBER 12, 1994

Special prosecutor to probe Renteria death

By Brian Sharp
Senior Reporter

Lancaster County Attorney Gary Lacey requested Tuesday that a special prosecutor be appointed to investigate the death of Francisco Renteria.

Renteria, 29, had a confrontation with police on Sept. 30. Following the confrontation, he had a seizure and went into a coma. He died Oct. 1. The request for a special prosecutor is being considered by Lancaster County District Judge Donald Endacott.

Lacey said he requested the independent prosecutor because too many people were questioning his office's

objectiveness in prosecuting the case. Many of the complaints were targeted at his association with Lincoln and university police, Lacey said.

"If there are those who are going to say at the end of the investigation that I could not be fair... then I don't think that the public good will be served," he said.

Charges of bias in the county attorney's office are unfounded, he said. But Lacey said he was obligated to make sure the public had confidence in the judicial process.

Endacott, presiding judge of district court, received Lacey's request early Tuesday morning. Endacott said he met with four other district judges

Tuesday and will meet again today at 8 a.m. The judges will determine who the prosecutor will be, Endacott said.

Endacott said it was unusual to have five judges help select the prosecutor, but that the case deserved special attention. A Lincoln attorney will be selected for the job, he said. Although the judges had some candidates in mind, Endacott declined to release their names.

Lacey said Tuesday he would not release the report on Renteria's autopsy, but would leave that action to the special prosecutor.

"I become someone in left field," Lacey said.

Parts of the autopsy still are in-

complete, he said.

Lacey said Renteria's death certificate had not been signed because the medical cause and manner of death had not been determined. Manner of death can be one of four things: accident, homicide, suicide or natural causes, he said.

Regardless of the autopsy and investigation, Lacey said, final judgment about possible wrongdoing in the case should be reserved to the 19-member grand jury.

State law requires that a grand jury hear all cases in which someone dies while in police custody.

"It's not going to be a public trial," he said. "The grand jury is secret. I

don't see any purpose in having a complete trial in the press."

Lacey called a letter sent Monday by State Sen. Ernie Chambers of Omaha to U.S. Attorney Thomas Monaghan inappropriate. The letter described alleged details of the Sept. 30 incident and the autopsy.

"Senator Chambers has his own agenda," he said. "And he's never been known, at least to me, to be a paragon of fairness."

Lacey would not comment on the validity of Chambers's statements.

Lincoln Police Chief Tom Casady had a one word reaction to Cham-

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Opening the closet



Shaun Sartin/DN

University of Nebraska-Lincoln students look at chalk drawings at Broyhill Plaza Tuesday afternoon during an open-microphone session about homosexuality.

UNL homosexuals celebrate identities

By Paula Lavigne
Senior Reporter

Thomas Caramagno stepped up to a microphone in front of the Nebraska Union on Tuesday.

Amid cheers and applause, the University of Nebraska-Lincoln associate English professor introduced himself and said, "I'm a bisexual."

Gay, lesbian and bisexual students and faculty members at UNL celebrated National Coming Out Day on Tuesday.

Students and faculty members read informational pamphlets and shared their coming-out stories.

The open microphone was sponsored by members of the UNL Gay/Lesbian Student Association, who spoke to people passing the union and invited any gays, lesbians or bisexuals still "in the closet" to come to the microphone and reveal their sexuality.

Caramagno read from a letter he wrote to the Daily Nebraskan in response to a column chastising homosexuality in Tuesday's newspaper.

As he spoke, people walked and glanced at chalk messages on the sidewalk that said, "Do you know where the nearest bisexual is? — Look over your shoulder" and "God loves me just as I am."

Caramagno said the prejudice against

homosexuals and bisexuals was similar to the hatred shown toward the Jews in Nazi Germany.

The Nazis said Jews were carriers of disease, he said. Gay bashers make similar accusations against homosexuals.

"The stigmata of disease is a favorite tool of fascists everywhere," he said.

Caramagno referred to the U.S. Constitution, saying the rights of life, liberty and the pursuit of happiness were inalienable.

"When one group's rights can be revoked," he said, "all of our rights are in danger."

During the speeches, members of the gay and lesbian group passed out pink triangles — a symbol of acceptance — to students sitting near Broyhill Fountain.

Meanwhile, members of Victory Fellowship Church passed out sheets of pink paper that condemned sodomy and cited passages from the Bible.

Rev. Mike Wooten said he wanted people to know "what God says about sodomy and sin."

"I want to warn them of the consequences," he said, "and the consequence of sin is death."

The speakers have the right to voice their opinions, Wooten said, but opinions don't matter.

"Homosexuality is a sin," he said. "God

will judge sin.

"Sinners don't have to remain homosexuals. Jesus can make a man out of a homosexual, and he can make a woman out of a lesbian."

Scott Roewer, a senior music education major and a member of the Gay/Lesbian Student Association, took some of the church's pink warnings and tore them into shreds.

Roewer also told his coming-out story. He said his mother knew he was "different" since he was 9 years old, but his father struggled with the news.

"My dad took it really hard. He expected me to carry on the bloodline," he said.

Chris Pavao, president of the Gay/Lesbian Student Association, also told his coming-out story. He said he revealed his sexuality to his mother in the parking lot of a department store.

"She went numb. She cried," he said. "... I told her the house, picket fence and all that stuff can happen, but not with a woman."

Pavao, a senior English major, said Tuesday's event honored the first gay and lesbian march on Washington, D.C., that occurred on Oct. 11, 1987.

"We're promoting visibility," he said.

See DAY on 3

Joubert's sentence overturned

By Matthew Walte
Senior Reporter

A U.S. District Court judge overturned Tuesday the death sentence of John Joubert, convicted in 1984 for the kidnapping and murder of two Nebraska boys.

In an 132-page decision, Judge William Cambridge said arguments used to determine Joubert's sentence were unconstitutionally vague. He ordered the state to resentence Joubert within the next 60 days.

Joubert, 31, was sentenced on Oct. 9, 1984, for the 1983 murders of Danny Joe Eberle, 13, and Christopher Paul Walden, 12, both of Sarpy County.

The two boys were abducted in Bellevue, where Joubert had been stationed at Offutt Air Force Base. Eberle disappeared on Sept. 18, 1983, and Walden disappeared on Dec. 2, 1983.

Joubert later was convicted of the 1982 murder of a third boy in Maine.

Attorney General Don Stenberg said Nebraskans would be "justifiably angry" with Cambridge's decision.

"John Joubert confessed and pleaded guilty to brutally murdering two young boys in Nebraska," Stenberg read from a prepared statement. "John Joubert deserves the death penalty, and I intend to vigorously pursue this case until the sentence is carried out."

In overturning Joubert's sentence, Cambridge pointed to a 1991 decision by the 8th U.S. Circuit Court of Appeals in the case of Carey Dean Moore.

The appellate court ordered the state to resentence Moore, who originally was sentenced to death for the 1979 killings of two Omaha taxi drivers. In the case, the appeals court said the term "exceptional depravity" was vague.

Judges who sentenced Joubert cited "exceptional depravity" as an aggravating circumstance that helped them decide on the death penalty.

The Joubert case, he said, was different from the Moore case, because in the Moore case, the state used only one of several circumstances that warrant the death penalty.

Stenberg said Joubert's crimes were not only exceptionally depraved but also exceptionally heinous, atrocious and cruel, which is another circumstance that warrants the death penalty.

J. Kirk Brown, the state's attorney in capital cases, said the term "exceptionally heinous, atrocious and cruel" had been tested in federal court and upheld.

Mark Weber, Joubert's attorney, said the state's decision to appeal didn't surprise him. He said he had talked to Joubert Tuesday about the decision.

"We were pleased with the decision to overturn the death penalty," Weber said.

The Associated Press contributed to this report.