

Bjorklund asks court for new trial

By Jeff Zeleny
Senior Reporter

Two days short of the third anniversary of discovering Candice Harms' body in a shallow grave east of Lincoln, her killer requested a new trial.

Roger Bjorklund's attorney asked the Supreme Court Monday for a new first-degree murder trial because the jury in his 1993 trial was influenced by prayers led by District Court Judge Donald Endacott.

Chief Deputy Lancaster County Public Defender, Scott Helvie, said the prayer, which jurors recalled as being similar to "God be with us," set the tone for the entire trial. Helvie said if jurors had God on their minds during the four-week trial, Bjorklund's First Amendment rights were violated.

"It affected the whole framework of the trial," Helvie said. "There's no question that God was part of the trial."

Bjorklund was sentenced to death Sept. 20, 1994, for the brutal 1992 slaying of Harms. The UNL

freshman was missing for about 12 weeks, and authorities had no solid leads until Scott Barney led police to her grave.

Barney, who was arrested with Bjorklund in a string of Lincoln robberies, also was convicted in Harms' death. Barney was sentenced to life in prison after making a plea bargain with prosecutors.

Chief Deputy Lancaster County Attorney John Colborn said Endacott's prayer was a "harmless error" and did not bias the jury. Bjorklund referred to God many times during the trial, Colborn said.

Minutes into Helvie's opening statements, Supreme Court Judge D. Nick Caporale asked defense attorneys why they didn't challenge Endacott before he said he was going to make remarks to the jury after they were selected in Sidney.

Caporale said that any judge praying and hugging jurors is "unprecedented, if not bizarre," but it should have been stopped by defense attorneys at the time — not three years later.

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SCOTT HELVIE

Chief Deputy Lancaster County Public Defender

"Isn't the general rule that you can't gamble on the rights and then complain about it later?" Caporale asked Helvie.

In hindsight, Helvie said, he should have asked Endacott to make his remarks on the record after the jury was selected in Cheyenne County. Helvie said the 12-member jury, the judge and bailiff Joyce Willey had a personal relationship.

"They called the bailiff mom and hugged the judge and planned a gift exchange and a summer picnic in Sidney," Helvie said.

In the state's remarks, Colborn also said the Supreme Court did not

have jurisdiction in this appeal because the motion for a new trial was filed before Bjorklund's conviction. The Supreme Court can only hear cases that have been decided.

"If this court were to hold otherwise, it would create chaos in our criminal justice system," Colborn said.

Because Bjorklund was sentenced to death, a mandatory appeal was filed upon his conviction. This appeal could be heard as early as February.

The Supreme Court did not rule on the appeal for a new trial. Colborn said the decision could take months.

Gambling operation disrupted

By Ted Taylor
Staff Reporter

Four men, including two UNL students, have been arrested on suspicion of running an on-going gambling operation.

Lincoln police served a search warrant Sunday at 1414 S. Ninth St. after a two-month investigation into the bookmaking operation, which handled bets for college and professional football games.

Police seized bettor lists containing about 150 names, spreadsheets, business cards, \$2,254 in cash, a Toshiba 54-inch, big-screen television, two cellular phones, two digital pagers, telephones and recording equipment all thought to have been used to promote the alleged gambling.

Andrew Shipshock, a senior agricultural science and natural resources major, and Gary Relic, 29, were at the home when the Technical Investigation Unit entered the house at 2:45 p.m.

Investigator Alan Townsend said Relic was taking bets over the phone when police entered the house.

For the next 15 minutes after police entered the home, he said, Investigator Dennis Duckworth took two or three more calls involving more than \$1,000 in bets.

Blaine Goocher, 25, also was arrested when he arrived at the home later, Townsend said.

Mark Ostransky, a sophomore business administration major and member of Delta Upsilon fraternity, was notified of the warrant and turned himself in to police Monday morning.

Delta Upsilon President Bret Bailey, who is Ostransky's roommate, would not comment on the case. He said no action would be taken against his roommate at this time.

Townsend said police were still searching for a fifth man believed to be involved in the operation. They also are investigating similar operations and may be questioning those whose names appear on the bettor lists obtained Sunday.

Lincoln Police received a CrimeStoppers tip about the operation in October and had been monitoring phone calls to and from the house since then.

Police also had obtained trash from the house that provided enough evidence for the warrant to be served, Townsend said.

Goocher and Relic were charged with promoting gambling, a first-degree misdemeanor, and released.

Shipshock and Ostransky also were released after being charged with second-degree misdemeanors.

The first-degree misdemeanor carries a possible one-year prison sentence and \$1,000 fine with a conviction. The second-degree misdemeanors carry a six-month sentence and \$1,000 fine with a conviction.

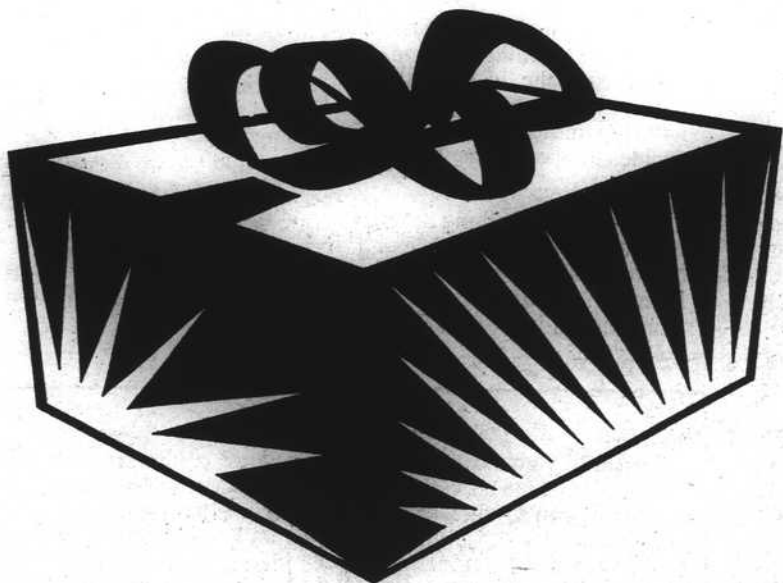
Jayne Wade Anderson, director of Greek Affairs, said she had not heard about the incident and could not comment pending a further investigation.

Vice Chancellor for Student Affairs James Griesen said that if the off-campus violation directly affected the educational interests of UNL students, the case could fall under university jurisdiction.

"If a number of patrons of that operation were students, I would be very concerned," he said.

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