

UNK policies won't change despite federal case ruling

KEARNEY (AP) — The University of Nebraska at Kearney will review the exceptions it makes to a policy requiring freshmen to live in campus residence halls.

UNK officials commented on Monday in the wake of Friday's federal court ruling that favored Douglas Rader, a UNK freshman from Trumbull who challenged the policy.

Barbara Snyder, UNK vice chancellor for student affairs, said she was encouraged that U.S. Magistrate David Piester's ruling "refers to Douglas Rader only and does not refer to the policy."

Piester's ruling said the UNK policy requiring freshmen to live on campus was unconstitutional insofar as it applied to Rader, who said dormitory life would expose him to influences contrary to his Christian lifestyle. Rader wanted to live in an off-campus house for Christians. UNK's policy forbids full-time freshmen

from living off campus unless they are living with parents or legal guardians and are commuting from within the Kearney community, are at least 19 years old or are married.

In his decision, Piester noted that UNK also had granted exceptions to students for various reasons.

Piester noted when the exemptions were taken into account, only about 1,600 of the 2,500 freshmen attending UNK were required to comply with the policy.

Snyder said as a result of Piester's ruling, UNK will look at the exceptions it grants. She said given the tenor of the judge's ruling, it was "safe to say" the policies wouldn't become less strict.

"The judge referenced all those exceptions as being fairly liberal, and questioned why we weren't, therefore, more liberal in terms of Mr. Rader's request, given that we're already making routine exceptions," Snyder said.

Judges will decide whether murderer gets death penalty

OMAHA (AP) — A three-judge panel will decide whether an Omaha man convicted of first-degree murder in a drive-by shooting will be sentenced to death or life in prison.

Charles Duncan, 22, was convicted in January of shooting Robert Flowers in a gang-related incident June 7, 1995. Flowers died two days later.

A decision from District Court Judges Michael Amdor of Omaha, Ronald Reagan of Papillion and John Whitehead of Columbus is expected April 23.

In first-degree murder cases, sentencing judges must consider factors that would justify the death penalty and factors that would mitigate it.

Prosecutor Don Kleine told the judges Tuesday that one aggravating factor existed. In committing the crime, Duncan risked killing several people. There were four people

in the car.

Defense attorney Andrei Howze asked the judges to consider the mitigating factor that Duncan was intoxicated. He said Duncan, who also had smoked marijuana, was unable to control his impulses.

Howze also asked the judges to consider Duncan's environment and state of mind at the time of the shooting; Duncan grew up in a culture of violence and had to deal with gang warfare.

"The defendant basically was doing what he felt he had to do in order to save his own life," Howze said.

Duncan testified he fired at the car to scare Flowers.

Duncan's mother, Michelle Fowler, said her son had been threatened, and he feared for his life. His brother, Edward Duncan, said his brother expressed remorse after the shooting.

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