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## Prosecutors file for execution of Reeves

By **JOSH FUNK**  
Senior staff writer

The Nebraska Supreme Court should execute Randy Reeves' 18-year-old death sentence, the state argued in a brief filed Friday.

Prosecutors want the court to put an end to nearly two decades of litigation by denying Reeves' second appeal for post-conviction relief after the State Supreme Court hears oral arguments May 7.

In January, the court stayed Reeves scheduled execution to consider this appeal less than a week after the district court had flatly denied it.

Assistant Attorney General Kirk Brown, who filed the brief in answer to Reeves' claims, was out of the office this week and could not be reached for comment.

Reeves' attorney, Paula Hutchinson refused to comment on the matter.

"My general policy with court documents is to let them speak for themselves," Hutchinson said.

In her brief, filed three weeks ago, Hutchinson argued that Reeves' sentence should be commuted to life in prison.

Reeves was sentenced to death for the 1980 murders of Janet Mesner and Vicki Lamm, who were both killed in the Lincoln Quaker meeting house.

The state charged Reeves with two felony murders on the basis that both were committed during the sexual assault of Mesner.

Brown argued primarily that all of the claims in Reeves' appeal could have been raised earlier and therefore should not be considered now.

In the appeal Hutchinson argued three main points: Execution would violate Reeves' equal-protection

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**PAULA HUTCHINSON**  
Reeves' attorney

rights because he was denied certain safeguards, death sentencing and execution are racially biased and electrocution is cruel and unusual punishment.

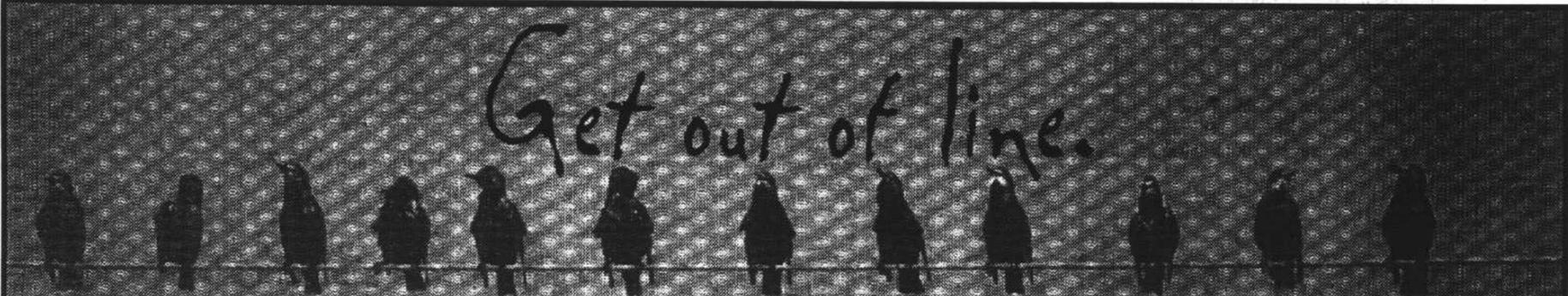
The equal-protection claim, which is based upon an amendment to the state constitution adopted last year, is not valid, Brown said, because post-conviction proceedings consider only errors in judgment.

Brown dismissed both the racial discrimination and cruel and unusual punishment claims as frivolous.

"Reeves did not climb through Mesner's window in the dead of night, obtain a knife, ascend the stairs to her bedroom, cut Janet's phone line, assault Janet with that knife and his penis, and murder Lamm for good measure because the state of Nebraska had previously determined it was statistically 'equitable' for a Native American to commit such a crime," Brown wrote.

In her brief Hutchinson used statistics from other states to argue that electrocution is cruel and unusual punishment, which Brown said disqualified the claim in Nebraska.

In summation Brown asked the Court: "What is the effect of a judgment of conviction our courts cannot enforce at all?"



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