

Court finds no bias in sentencing

■ Despite a 'lack of judicial professionalism,' judge's ruling for death sentence upheld.

BY JAKE BLEED
Senior staff writer

The Nebraska Supreme Court affirmed the death sentence against cult leader Michael Ryan on Friday. The court ruled the convicted

murderer's constitutional rights were not infringed in a pre-sentencing meeting between his sentencing judge, Robert Finn, and the families of his victims.

"Judge Finn's actions do not show actual bias but, rather, a lack of judicial professionalism," Chief Justice John Hendry wrote in the opinion.

In separate trials in 1986, Ryan was found guilty of murder in the deaths of James Thimm and Luke Stice, two members of Ryan's cult, which was located on a farm outside Rulo.

Ryan and members of his cult tortured Thimm for three days before Ryan killed Thimm by stomping on his chest.

Stice, the 5-year-old son of another cult member, was shaken to death by Ryan.

Finn presided over both cases as a Richardson County court judge and, court documents said, met with members of the Stice and Thimm families after sentencing Ryan to life in prison for Stice's death.

Finn did not remember he had met with both families until 1997.

Ryan had been found guilty of murder in the death of Thimm when the meeting took place but, the court decision said, had yet to be sentenced for the death.

In 1986, one of Ryan's attorneys, Richard Goos, filed a motion asking Finn to disqualify himself before sentencing Ryan for the murder of Thimm because of Finn's meeting with the Stice family.

Finn overruled the motion, stating his discussion with the Stice family encompassed only Stice's murder and defendants other than Ryan involved in the trial.

In October 1986, Finn sentenced Ryan to death for the murder of Thimm.

Friday's opinion upheld a 1997 ruling of the Richardson County District Court, which overruled Ryan's second motion for post-conviction relief from the death penalty. Finn was questioned in the 1997

hearing and initially testified his meeting with members of the Thimm family did not take place.

A letter from Thimm's cousin, Daneda Heppner, confirming that the meeting did take place, prompted Finn to acknowledge the meeting.

Judge Gerald Moran ruled Ryan's lawyers should have known about the meeting during the post-conviction direct-appeal process.

Friday's opinion concluded Moran was wrong to assume Ryan's lawyers should have known about the meeting, but that Ryan did not suffer any actual prejudice as a result.

Friday's opinion was Ryan's third appearance before the Supreme Court.



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Walk participants: AIDS fight not over

AIDS from page 1

AIDS. Last year, \$4,200 was raised. Linderholm said she hopes this year's walk will see even greater proceeds. As of Sunday night, the proceeds had not been calculated.

Participants paid \$40 to register for the event and collected pledges from friends, family or co-workers before Sunday to raise additional money.

In hopes of informing more people about the dangers of HIV and AIDS, members of the Nebraska AIDS Project have recently spoken to college students, including UNL fraternity and sorority members.

"Talking to (the students) was real good and made them start thinking about safer sex practices. Some have even raised money for the Nebraska AIDS Project," Linderholm said.

Chenoa Mason and Julie Martin, UNL students and members of Alpha Xi Delta Sorority, participated in the Nebraska AIDS Walk as volunteer work for their sorority.

"I chose to participate in this because it is such a good cause," Mason said.

"If people don't come to these things, people won't keep doing these things."

Greg Keller, a journalism and yearbook teacher at Lincoln High School, also participated in the walk.

"I have a good friend who is involved in the Nebraska AIDS Project," Keller said. "My newspaper staff and I decided to do this as a team and to challenge other Lincoln High groups to participate."

Keller said two other Lincoln High groups chose to participate in the walk as a result of the challenge.

Three more AIDS walks will be held Oct. 3., in Kearney, Norfolk and Scottsbluff.

Sunday's walk in Lincoln was held in conjunction with an AIDS walk in Omaha.

Those interested in learning more about services the Nebraska AIDS Project has to offer or wishing to volunteer can call (402) 484-8100.

Alternatives to parking examined

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librarian, quoted the Nebraska driver's manual as saying cyclists have the same rights and responsibilities as drivers.

"I find no mention in the driver's manual or in state statute of sidewalks," Stein said. "The absolute lack of any clear information leaves us vulnerable when riding around town."

Stein said city ordinances designating where bikers can ride left a virtual maze for riders.

He encouraged students to learn what was expected of them when riding.

"Know what your rights are," Stein said. "Then you can responsibly exercise those rights."

Dan Lutz, president of ProRail Nebraska, said commuter students may have more transportation options if a plan to provide commuter rail service between Lincoln and Omaha goes through.

He said students should voice their concerns and suggestions at meetings of the Nebraska Transit Rail Advocacy Committee, a state board charged with studying the proposed service.

"American transportation must have options," he said.

ASUN president Andy Schuerman reminded students that in the past, ASUN had successfully championed students' transportation issues.

Schuerman said ASUN's lobbying was influential in the decision to move the first proposed parking garage's location from 14th Street and Avery Avenue to 17th and R streets.

As a result, he said, no student parking will be lost during construction.

Schuerman said students should tell ASUN representatives about any problems or proposals related to biking or bus services.

"ASUN has worked to ensure students voices are heard," he said.

It's time we all reach out 4 something new. That means U 2.

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