

# Reeves to face resentencing

REEVES from page 1

In a 1984 Nebraska Supreme Court review the court acknowledged that in 1981 the sentencing panel incorrectly evaluated the circumstances of the crime, however it maintained Reeves' death sentence.

Brown said that the Court had repeatedly upheld the power of appellate review.

In 1990 the U.S. Supreme court ruled in an unrelated case that appellate review of aggravating and mitigating factors was permissible if state law allowed appellate resentencing.

A year later the State Supreme Court agreed that it could reweigh aggravating and mitigating circumstances and impose new sentences.

Brown said that during two other Reeves appeals, one in 1990 and another in 1991, and two other cases not concerning Reeves, the Nebraska Supreme Court said it had the power of appellate reweighing.

But Friday's decision could

*"No one has said he got a fair shake in his original sentencing."*

**Paula Hutchinson**  
Reeves' attorney

undercut that power.

Reeves is the only inmate on Nebraska's death row who could be affected by appellate reweighing, Brown said.

Brown also said that the ruling did not affect Nebraska's death penalty; it only affected the Reeves case.

The case will go back to the Lancaster County attorney's office, and resentencing could possibly begin within a year, Brown said.

Reeves remains convicted of first-degree murder and is still on death row. He will be resentenced to either death or life in prison without parole, the only two possible punish-

ments for felony murder under Nebraska law, Brown said.

If Reeves is sentenced to life in prison, the attorney general's office will have to decide whether to appeal the decision.

If Reeves is resented to death, an automatic review by the State Supreme Court will begin.

If Reeves is sentenced to life, and the attorney general's office doesn't appeal, Reeves will be put into the general prison population and serve a life sentence without parole.

A court mandate will be issued 10 days from Friday, making the opinion official.

# Bjorklund's appeal denied by state court

By **Michelle Starr**  
Staff writer

The Nebraska Supreme Court denied death row inmate Roger Bjorklund his appeal in an opinion released Friday.

Bjorklund was convicted of first-degree murder and use of a weapon to commit a felony in the 1992 murder of Candice Harms, who was an 18-year-old freshman at the University of Nebraska-Lincoln.

In his appeal, he claimed, it was wrong and inappropriate for Lancaster County District Judge Donald Epdacott to pray with jurors before deliberations and that his death sentence was disproportionate to the life sentence of his accomplice, Scott A. Barney.

Barney, while in custody for possession of a stolen vehicle in 1992, told police he and Bjorklund had kidnapped, raped and murdered Harms and led them to her body.

The opinion indicated this showed Bjorklund told police that he and Barney were equally responsible for the crime.

Bjorklund filed that a new trial

should be granted. The court did not agree.

The court ruled that "Bjorklund suffered no prejudice from the overruling of his motion for a new trial ... we determine that no substantial right of Bjorklund was affected" by denying him motions for retrial in 1993 and 1994.

The court also found Bjorklund's second argument, that the death penalty was not warranted in this case, was without merit.

"Obviously we're pleased with the result," said Lancaster County chief deputy attorney John Colborn.

Assistant Attorney General Kirk Brown agreed.

Bjorklund's case has been in the court system for five years, and it was good that there was a ruling, Brown said at a press conference Friday.

"Whether we win, lose or draw, the court should move them along," Brown said in a press conference Friday afternoon.

Bjorklund's attorneys were not available for comment.

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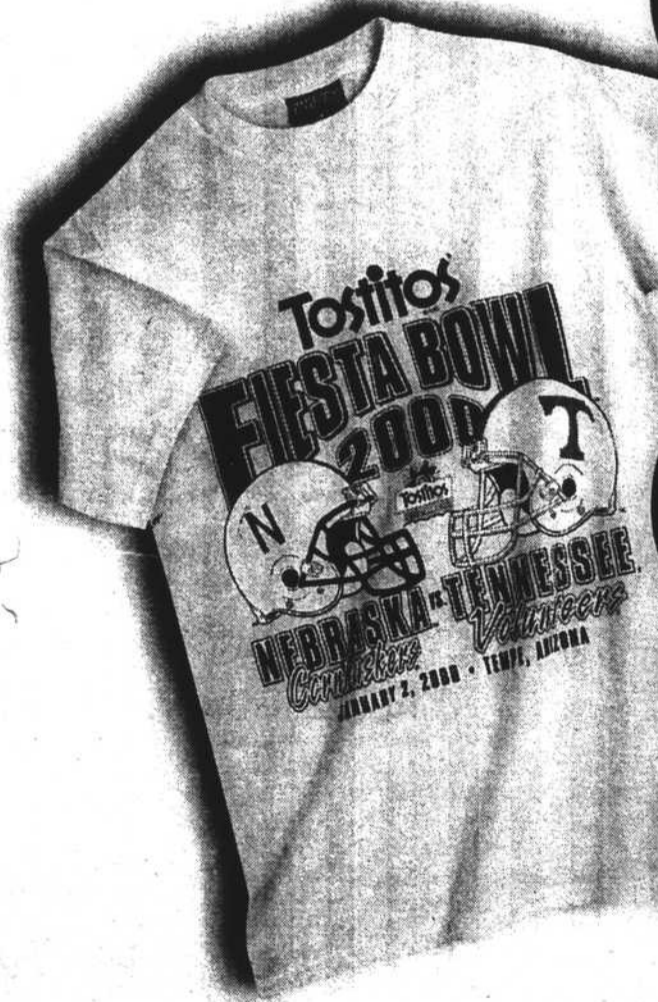
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