

Legislature *Notbook*

Bill aiding recruitment of minority faculty nears passage

A bill that would give the university half a million dollars to improve its minority and women faculty recruitment is closer to being passed by the Legislature.

LB1217, an appropriations bill, advanced to final reading Wednesday and will be submitted to Gov. Mike Johanns for him to either sign into law or veto.

The bill, introduced Jan. 12 by Sen. Doug Kristensen of Minden, includes an amendment by Sen. Roger Wehrbein of Plattsmouth that would give the University of Nebraska \$500,000.

"I think (the university) is working hard, and this gives them additional funds to help them move forward," Wehrbein said.

Sen. Ardyce Bohlke of Hastings said she was concerned because the \$500,000 is not a part of this year's budget.

Bohlke, one of the three senators

who voted against the amendment, said it would take money away from other bills on the floor this session.

Liquor, gambling bill advances in floor debate

A legislative bill dealing with taxes on imported liquor and the possession of illegal gambling devices advanced to the second stage of floor debate Wednesday.

LB973, introduced Jan. 5 by the General Affairs Committee, would require that taxes be paid on any alcohol brought into the state.

Sen. Ray Janssen of Nickerson said in a committee hearing it was common for people to order wine over the Internet and not pay taxes in Nebraska or in the state in which the alcohol was shipped.

The bill also contains an amendment introduced by Sen. Jim Jensen of Omaha that would allow the Liquor Control Commission to impose a 30-day suspension of the alcohol license of establishments

found with an illegal gambling device.

Those convicted of possession of illegal gambling devices, which include video poker machines commonly found in bars, also would have the option of paying a fine instead of having their liquor licenses suspended, he said.

Jensen said a second offense within four years would allow for the cancellation of the liquor license.

There are three indications that suggest an illegal gambling device: the customer must pay to play, no skill is involved and there is the possibility to win something, such as money or a free game, he said.

Jensen said the amendment is necessary because people who are in possession of illegal gambling devices have the opportunity to earn money without having to pay taxes or a licensing fee.

Compiled by staff writer Jill Zeman

Retrial ordered in murder conviction

■ Court finds that jury in district court was not instructed properly.

By Michelle Starr

Staff writer

The Nebraska Court of Appeals ordered a retrial for a second-degree murder conviction for a 1997 murder in Omaha.

According to court documents, Alandus Warren, 22, of Omaha feared for his life when he shot and killed Randall Blake, 19, Oct. 17, 1997; Warren told the court he acted in self-defense.

On Tuesday, the state court of appeals ruled that the trial court, Douglas County District Court, in November 1998 did not instruct the jury properly that the prosecution had to disprove Warren's claim of self-defense, according to state law.

Thomas Riley, head of the Douglas County Public Defender's office, said without the specified instruction, the jurors were not informed fully.

The Nebraska Court of Appeals agreed with Michael Anderson, the attorney in Riley's office who handled the appeal for Warren.

Marilyn Hutchinson, assistant attorney general who worked for the state in the appeal, said she was somewhat surprised but hopeful that the conviction might be maintained.

"They would not have recommended it for a new trial if they had not found the evidence provided for a conviction," Hutchinson said.

According to Warren's testimony in court on Oct. 17, 1997, he and a friend smoked marijuana, and the two then got a ride from another friend in an attempt get more marijuana.

When they crossed the intersection of 40th and Bedford streets, Warren said he saw Blake and two other men less than 15 feet from the car and pulled a gun.

"(Blake) started throwing gang signs and reached and pulled out a gun," Warren said. "I just closed my eyes and started shooting because I was scared."

"It was either me or him the way it looked to me. And I didn't know what to do."

Tuesday's decision marks Warren's direct appeal to his conviction and 20- to 25-year sentence for second degree murder and five to 10 years for use of a deadly weapon to commit a felony.

Riley said the attorney general's office will decide the direction of the case from now on.

The state could ask the state's high court to review the appeal court's decision, or it could allow the case to go back to the Douglas County District Court for retrial. From there, the court could make many decisions, Riley said.

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