

Court set to re-sentence Reeves

■ A three-judge panel will reweigh the evidence of the 1980 murder of two women.

BY JOSH FUNK

Because the Nebraska Supreme Court reversed its 1991 decision early this year, convicted murderer Randy Reeves will begin the sentencing process anew today for the 1980 murders of two women in Lincoln.

Lancaster County District Judge Karen Flowers, head of the three-judge panel, will hear motions dealing with the sentencing process this morning.

The other two judges on the sentencing panel are Lincoln County District Judge Donald Rowlands and Douglas County District Judge Richard Spethman.

Reeves was convicted of two counts of felony murder for the stabbings of Janet Mesner and Vicki Lamm at the Quaker meeting house in Lincoln because there was evidence of sexual assault.

In January the state Supreme Court ruled that Reeves' case should have been sent back to district court for re-sentencing when errors were found in 1991.

Instead the Nebraska Supreme Court re-sentenced Reeves to death itself. That action effectively eliminated an appeal because every death sentence handed down by Nebraska's courts is automatically reviewed by the state High Court, and the court could not review its own re-sentencing.

Of the defense's three motions, only one, which asks that a separate judge be appointed to hear procedural motions, is expected to be con-

tested.

The two other motions filed by Reeves' lead attorney, Paula Hutchinson, ask that all proceedings be held in open court on the record, and that Reeves be present for all hearings.

Lancaster County Attorney Gary Lacey, who was one of the original prosecutors in Reeves' case, said not only would he support the motion to have everything on the record, "I insist on it."

During the sentencing process, the three-judge panel will weigh all the evidence much like a jury would, which is why Hutchinson has asked for a fourth judge to hear other motions.

Because the three-judge panel will serve as a kind of jury, Hutchinson said a fourth judge is needed to rule on procedure, just as a judge in a jury trial would.

Lacey said another judge was unnecessary and compared the panel's role to that of a judge in a bench trial. In that setting, judges always rule on both the facts and legal procedure.

"I can't find any authority in the statutes or in case law for it," Lacey said. "They've got three judges and now they want a

fourth."

Lacey said he did not plan to present any motions for the state today.

Lacey would not say Wednesday whether he will seek the death penalty again.

The court is also expected to set a schedule for the sentencing process today.

Whether or not the court will be able to re-sentence Reeves before the end of the year will depend on the number of motions filed and the schedules of everyone involved. Reeves' other attorney, Tim Ford, is from Seattle, so the schedule may have to work around his travel.

Also, the 19-year-old presentence investigation will have to be updated, if not redone.

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