

Anti-Death Penalty Group Outlines Human Costs of Nebraska's Capital Punishment

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Photo By Eric Gregory, Journal Star

As the clock ticks down to Nebraska voters' decision on whether to retain the Legislature's repeal of the death penalty, both sides of the issue are stepping up efforts to inform voters.

The anti-death-penalty campaign on Tuesday morning zeroed in on wrongful murder convictions.

In the afternoon, two Nebraska senators debated the issue at the University of Nebraska-Lincoln student union.

Retain A Just Nebraska, the organization that wants voters to replace the death penalty with life in prison for first-degree murder convictions, held a morning news conference with a member of the wrongfully convicted Beatrice 6.

Ada JoAnn Taylor, along with attorneys Jeff Patterson, Bob Bartle and Herb Friedman, who represented five of the Beatrice 6, talked to reporters about the human costs of the death penalty.

Taylor and five others spent a collective 70 years in prison for the 1985 murder and rape of Helen Wilson of Beatrice before they were exonerated by DNA evidence in 2008. One of the six, Joseph White, died while working at an Alabama steel mill in 2011.

Taylor's son was 14 months old when she was taken away in the middle of the night after a cold-case investigation led to her arrest in 1989. She didn't see him again until 10 months ago. And she has never seen her grandchildren.

In a federal civil rights trial in June, jurors heard evidence of what caused the wrongful convictions -- and about everything they lost when they were sent to prison, Patterson said.

"This evidence led a jury to award our clients over \$28.1 million," he said. "It was compensation to right a wrong of the worst miscarriage of justice in Nebraska history."

The productive years from age 25 to 45, when many people start careers, get married, watch children grow, were stolen from Taylor and co-defendant Tom Winslow when they were convicted of second-degree murder and from White, who was sentenced to life for first-degree murder.

"Money cannot possibly make up for the human cost of a wrongful conviction," Patterson said.

Taylor, Winslow and three others -- Debra Shelden, Kathy Gonzalez and James Dean -- entered pleas in the case. White pleaded not guilty and was convicted after a trial.

"The threat of the death penalty was terrifying and overwhelming," Taylor said Tuesday. "I came to believe that I must have been guilty even though I had nothing to do with Mrs. Wilson's murder."

Taylor, who spent 19 years, seven months and 26 days locked up, told her story for TV and online ads. At the news conference, she said she was told nearly every day she was in the Gage County jail that she would be the first woman on death row unless she pleaded guilty.

She had a mental illness, borderline personality disorder, she said, and she began having dreams and visions at the time that she was involved in a crime she knew nothing about. Ultimately, she developed a delusion that she was the one who suffocated Helen Wilson.

In fact, said Patterson, some of those delusions are still present.

With enough pressure, he said, everybody has a breaking point. The county attorney and the Gage County sheriff knew Taylor was at risk for psychotic lapses when under stress, he said.

Dean, who was sentenced to 10 years for aiding and abetting second-degree murder and released after serving about five years, insisted at the time he was innocent, the attorneys said Tuesday.

But he was so nervous and distraught -- and having anxiety attacks because of the threat of the death penalty -- that a reserve sheriff's deputy who was also a psychologist was brought in to counsel him.

The deputy told Dean he was repressing his memory, and if he just relaxed, his recollection of what happened in Wilson's home would come back to him in dreams, Patterson said.

"Almost immediately, James started having dreams about a murder he knew nothing about," he said Tuesday.

Gonzalez and Winslow also knew they weren't guilty, but they entered guilty pleas in the case, Patterson said.

"Threatening suspects with execution may resolve cases, but is it the kind of resolution we can afford?" he asked.

Taylor is 53 now and said she is speaking out for those who don't have a voice. She is still trying to reconnect with family members with whom she lost contact.

"Just trying to be a typical, normal housewife, per se," Taylor said.

Despite her exoneration, some people continue to believe she and the others are guilty, she said. "It's hard."

The five living people who were convicted of killing Wilson felt they were being tried again during the federal trial accusing Gage County, Deputy Sheriff Burdette Searcey and Reserve Deputy Wayne Price of violating their civil rights, Patterson said.

"All of them felt the trial exonerated them from Mrs. Wilson's murder, as much as it did convict the Gage County authorities for what they did," he said.

Tuesday afternoon, Sens. Colby Coash of Lincoln and Beau McCoy of Omaha answered the questions of students and teachers for more than an hour. The debate, attended by about 150, was part of the Thomas Sorensen Policy Seminar Series.

The first question: Why is the wording on the ballot so confusing? Was it a policy play?

Both senators said no one was trying to fool voters. McCoy, who voted against repealing the death penalty, said it was important the wording is clear so voters know they were choosing to affirm what the Legislature did or to reject it.

"As confusing as it is, it's basically backwards, no one's trying to confuse anyone," he said.

Other questions were about whether it was acceptable that taxpayer dollars would go toward paying for an execution, whether crowding in the prisons and the potential escape of Nebraska's

most dangerous criminals was a factor in the death penalty decision, and whether the death penalty deters crimes.

On crowding in the prisons, Coash, who helped lead the Legislature's repeal effort, said the prisons have a lot of problems. And if the state executed the 10 inmates on death row tomorrow, it would still have crowding, lack of enough corrections officers and culture problems.

Getting rid of the death penalty would allow the state to better focus on solving the prison problems, he said.

But McCoy said the state cannot have killers who are serving a life sentence have no additional punishment available for killing again while in prison.

On the moral question of the death penalty, Coash said it shouldn't be up to him or any of us to decide when somebody takes their last breath.

"I believe we can keep citizens safe without the death penalty," he said.

McCoy said the state has a moral obligation to protect innocent life. And the men who sit on death row are not innocent.

McCoy said he's heard opponents of the death penalty say the vote in November won't change anything. The state still will not be able to carry out an execution.

"I respectfully disagree. Because I don't think we can ever go wrong in the state of Nebraska when the people of Nebraska get the opportunity to weigh in and make their voices heard," McCoy said.

At the end of the 90-minute session, moderator Fred Knapp of NET reminded those attending that voter registration in Nebraska closes Friday.