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**JON BRUNING**  
ATTORNEY GENERAL

For Immediate Release:  
June 30, 2004

Contact: Holley Bolen  
Phone: (402) 471-3888

## **Attorney General Bruning Secures \$23,395 in Grant Funding for Translation**

(LINCOLN, NE)-Attorney General Jon Bruning announced today that the State has secured \$23,395.00 from the Sears Consumer Fund Grant to produce consumer education brochures in Spanish.

The Nebraska Attorney General's office will use the grant funds to translate and produce consumer information materials about: Senior Fraud, Identity Theft, Safety on the Internet, Shopping on the Internet, Consumer Fraud, and Sweepstakes Scams.

According to the U.S Census Bureau, Nebraska's Hispanic population grew to 94,425 in 2000, an increase of 150% since 1990.

"Nebraskans whose primary language is Spanish are often targeted by scam artists," said Bruning. "The bottom line is that the Department of Justice is here to protect all Nebraskans, and anything that can help make our services more accessible is a win for the State."

"It is important that Latinos be better informed and aware of fraudulent scams and the resources available to resolve them," said Cecilia Olivarez Huerta, Executive Director of the Mexican American Commission. "Fraud or identity theft can be a very frustrating situation with which to deal, but more so when lack of information and language are also issues."

The Consumer Protection and Education Fund, administered through the Massachusetts Attorney General's office, was established as a result of the 1997 settlement of a fifty-state enforcement action against Sears, Roebuck and Co.



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**JON BRUNING**  
ATTORNEY GENERAL

Attorney General Jon Bruning  
Guest Column: June 25, 2004  
Contact: Christina VanVliet (402) 471-2594

As we head into the long, summer days many Nebraskans will head out on their summer vacations. This is also a time of year where many fraudulent offers for free or discounted vacations come along. When planning a trip, watch out for the following:

- If you call a 900 number for information, you will be charged for the call whether you buy the tour package or not.
- Companies often fail to disclose fees which eventually make the price of the “discounted” package higher than if you had gone to a travel agency and arranged the vacation yourself.
- Beware of inquiries about your income; the trip may actually be part of a pitch to sell time-share properties.
- Do not give out your credit card number or even the expiration date. If you do, you may see unexpected charges on your credit card bill.
- If you go on the vacation, you may find that the hotel where you thought you were staying is unavailable, but you can “upgrade” for an additional fee. There may be restrictions on the dates you can travel and substandard accommodations when you arrive at your destination.
- You may find that the “Cruise to the Bahamas” is a 4 – 5 hour ferry boat ride with poor quality food and no “luxury” state rooms.
- The worst case scenario is that the consumer arrives at the airport or hotel to find there are no reservations.

Here are some steps you can take to avoid becoming the victim of a vacation scam:

- Before you sign up, find out exactly what is covered in the price such as airfare, hotel, and meals as well as how many people are included. Is this the final price or are there additional charges?
- Get the name, address, and phone number of the hotel and check the facility in a travel guide.
- Ask the company to put the offer in writing. Remember, you cannot prove what someone told you on the phone, so you must have it in writing.

For more information on vacation scams, call the Consumer Protection Division of the Nebraska Attorney General’s Office at (800) 727-6432 or (402) 471-2682. En Espaniol: (402) 471-3891 or llamada gratis 1-888-850-7555 or online at [www.ago.state.ne.us](http://www.ago.state.ne.us).



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cc:  
Subject: REVISED NEWS RELEASE - U.S. Supreme Court Ruling Won't Send  
Death Row Inmates Back for Resentencing

For Immediate Release:  
Contact: Holley Bolen  
June 24, 2004  
471-3888

Phone: (402)

## U.S. Supreme Court Ruling Won't Send Death Row Inmates Back for Resentencing

Attorney General Jon Bruning announced today that a ruling issued yesterday by the U.S. Supreme Court won't affect Nebraska death row cases. The U.S. Supreme Court ruled that a previous decision in *Ring v. Arizona*, requiring a jury to determine aggravating circumstances in death penalty cases, does not apply retroactively to cases that are already final.

"This decision confirms our position and the position of the Nebraska Supreme Court that *Ring* does not apply retroactively." Attorney General Bruning said. "The justice that has been served by our judicial system will stand."

Yesterday's ruling reversed the Ninth Circuit Court of Appeals' decision in *Shiro v. Summerlin*. In *Summerlin*, the Ninth Circuit concluded that the 2002 ruling in *Ring* must be applied retroactively to all Arizona death penalty cases tried before the *Ring* decision was announced. The U. S. Supreme Court reversed the Ninth Circuit's *Summerlin* decision, holding that *Ring* does not apply retroactively.

It was the Supreme Court's *Ring* decision which required a special session of the Nebraska Legislature to modify Nebraska's death penalty sentencing procedures. Those changes now permit a jury to determine if aggravating circumstances are present in a first degree murder case. Between 1973 and 2002, that decision had been placed by Nebraska statutes in the hands of a judge or judges.

**A *Summerlin* ruling against Nebraska's position would have affected those sentenced under the old statute:**

**Nebraska has 7 men on death row, 5 would have been affected by a *Summerlin* ruling making *Ring* retroactive.**

- **David Dunster - received the death penalty for his third murder. The last two murders were committed while Dunster was incarcerated for his first murder.**
- **John Lotter - Triple murder, one of the victims was the victim of a prior sexual**

assault by Lotter and the other two victims were innocent bystanders

- Cary Dean Moore - double murder - murder of two cab drivers for money
- Charles Jess Palmer - murder of bound/gagged coin shop operator during robbery
- Michael Ryan - torture/murder of fellow cult member

Two men on death row that would not have been affected:

- Raymond Mata - murder and dismemberment of girlfriend's 3 year old son. A Summerlin ruling against Nebraska's position would not have affected Mata because following the Ring decision, Mata was sent back for resentencing.
- Arthur Gales - double murder - rape/murder of 13 year old girl and murder of her 6 year old brother, following the attempted murder of their mother. A Summerlin ruling against Nebraska's position would not have affected Gales because he was sentenced under the new statute that the Nebraska Legislature passed in November of 2002, following the Ring decision.

Radio actualities are available on our website at the following link:

[http://www.ago.state.ne.us/content/sound\\_bits.html](http://www.ago.state.ne.us/content/sound_bits.html)

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Holley Bolen  
Chief of Staff  
Attorney General Jon Bruning



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**JON BRUNING**  
ATTORNEY GENERAL

For Immediate Release:  
June 24, 2004

Contact: Holley Bolen  
Phone: (402) 471-3888

## **U.S. Supreme Court Ruling Won't Send Death Row Inmates Back for Resentencing**

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In November of 2003, Bruning took the lead among Attorneys General, drafting and filing a brief with the U. S. Supreme Court supporting the position that *Ring* does not apply retroactively. Fifteen other states signed onto Nebraska's brief. Bruning was also recently published in the *Stanford Law & Policy Review* for his article that addresses the debate on whether judges or juries should determine the penalty in potential death-sentence cases.



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**JON BRUNING**  
ATTORNEY GENERAL

For Immediate Release:  
June 17, 2004

Contact: Holley Bolen  
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**Bruning Announces Win in Cody Case**  
**Cody Found Guilty of Conspiracy to Commit First Degree Sexual**  
**Assault on a Child in Online Enticement Case**

(Lincoln, NE) Attorney General Jon Bruning announced today that his office successfully argued and won a conviction against Ronald Cody for Conspiracy to Commit First Degree Sexual Assault on a Child. Douglas County District Judge Gregory Schatz issued the ruling yesterday and sentencing will be held on August 17 in Douglas County Court.

The case involves an electronic conversation between Cody and a Nebraska State Patrol officer posing as a 14-year-old girl. During the chat session, Cody agreed to meet the presumed 14-year-old for the purpose of having sex. Cody arrived at the agreed upon time and location and was arrested.

"It's heartbreaking to know there are people in our communities looking for the opportunity to prey on our children," said Attorney General Bruning. "The anonymity of the Internet gives predators a new tool to trap their victims and we must be even more diligent in educating our kids about the potential dangers."

Last session the Legislature passed LB 943 that effectively eliminated existing legal loopholes. It also created penalties for online enticement of a child under 17 years of age, making it a Class IIIA felony for a first offense and Class III felony if the perpetrator was previously convicted of assault, child enticement, kidnapping or false imprisonment.

"The heart of this case was the entrapment defense. The new enticement law passed by the legislature eliminates that as a defense and will allow us to better protect our kids," said Bruning.

Since taking office Bruning has traveled the state educating middle school students about online dangers. He offers the following tips for kids to avoid becoming a victim:

- Never give out personal information that identifies you or could lead a predator to you. This includes information containing your address, phone number, or your school.
- Tell your parents about anything you find online that makes you upset or uncomfortable.
- Never meet anyone in person that you've met online without telling your parents.

(MORE)

- If you do have permission from your parents to meet an online friend in person, do this only in a public place and with your parents present.
- Do not respond to messages and bulletin board items that are sexually suggestive, belligerent, obscene, threatening, or that make you feel uncomfortable. Show these messages to your parents and have them send a copy to your Internet service provider.
- Never send pictures of yourself to anyone online, unless you tell your parents and get their permission.



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**JON BRUNING**  
ATTORNEY GENERAL

Attorney General Jon Bruning  
Guest Column: June 4, 2004  
Contact: Holley Bolen (402) 471-3888

Nebraskans take a lot of pride in supporting our local law enforcement and firefighters through charitable donations. As we pull together as a community to help those who protect us everyday, we want to be sure that our hard-earned dollars are getting to the right place. That's why, when making a donation, it's a good idea to do your homework. In many cases, professional fund raising companies will take up to 90% of the funds collected to cover administrative costs and only send 10% to the charity for its programs.

Often, telemarketers purportedly raising funds for law enforcement and firefighters' organizations may not be directly affiliated with the organization for which they are calling. With a few precautions, you can make sure your money will go to the charity you would like to support.

When you are contacted, ask what type of organization is soliciting (e.g. charity, fraternal group, union), if any local police or firefighters are involved and what specific program(s) the donation will support.

Don't be pressured into an immediate donation. A legitimate charity will take your donation tomorrow or next week. Ask that information be sent to you in the mail. Do not allow a "runner" to pick up your donation. Contact your local police, fire or state patrol office to see if they are, in fact, conducting a fund raising effort.

Do not give personal information such as credit card, social security or bank account numbers over the phone to an unknown person.

For additional information, contact the Attorney General's Consumer Protection Division at: (402) 471-2682 or (800) 727-6432. En Espaniol: (402) 471-3891 or (888) 850-7555 or visit us on-line at [www.ago.state.ne.us](http://www.ago.state.ne.us).

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**JON BRUNING**  
ATTORNEY GENERAL

For Immediate Release:  
June 4, 2004

Contact: Christina VanVliet  
Phone: (402) 471-2594

## Attorney General Bruning Target of Email Scam

(LINCOLN-NE) Even the head of Nebraska's Department of Justice isn't immune from being a target of a scam. In May, Attorney General Jon Bruning received an e-mail message, claiming to be from Citibank, that requested his personal banking information.

The e-mail, peppered with typos and spelling errors, asked the recipient to click on a link and enter his ATM card and pin numbers. The link routed to a site composed entirely in Russian. Even without being fluent in Russian, the State's chief law enforcement officer could quickly deduce that the e-mail was fraudulent for several reasons, including the fact that he doesn't have a Citibank account.

The Attorney General's office is Nebraska's primary defender against consumer fraud, giving the e-mail a striking sense of irony. When asked for comment, Bruning said, "If I could find this guy, I'd advise him to move out of his parents' basement and find an honest line of work," said Bruning. "It just goes to show that anyone can be a target of these types of scams, and it's a global problem."

"While this scam artist's lack of polish made him a dead giveaway, many perpetrators of these types of scams are smooth and incredibly convincing," said Bruning.

The best way to avoid this type of scam is to protect your information. Never give identifying information over the Internet to someone you don't know. The best advice is to use the contact information provided on a billing statement from your company and call to verify the information. For more information or to file a complaint, please contact the Consumer Protection Division of the Attorney General's Office at 1-800-727-6432 or visit us on-line at [www.ago.state.ne.us](http://www.ago.state.ne.us).

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The 3<sup>rd</sup> page contains the information provided in the e-mail's link.



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**Date:** Wed, 12 May 2004 09:17:06 -0400

**To:** "Jonbruning"

**From:** "Citibank-Online" [Add to Address Book](#)

**Subject:** CitibankOnline |Email| Verification -

\_Dear OnlineCitibank \_Members\_

This \_email\_ was se-nt \_by the Citibank-Online severr to veerify \_your\_ E-mail address \_.

You must complete this process by clicking on the \_link bellow and enteering in the smmall \_window\_ your Citi Atm \_Card Number and card pin that you \_use in local ATM. That \_is done for your protection -p- becouse some of our \_members\_ no \_longer have access to their E-Mail addresses and we must verify it.

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To verify \_your\_ E-mail adderss and akcess your \_citibank\_ account, klick on \_the link below.

DOgWt3Qha0cmtrYB aJn4fT2Zg2a8f FORu5OY9Gfi

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