

2003 Press Releases

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November 2003

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JON BRUNING
ATTORNEY GENERAL

For Immediate Release:
November 24, 2003

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

Bruning to Announce Decision in Treasurer Case

Attorney General Jon Bruning will hold a press conference tomorrow, November 25, to announce whether or not charges will be filed against Treasurer Lorelee Byrd. The press conference will be held at 10:00 a.m. in the state capitol, room 2115.

To participate remotely, call 866-247-0709 and enter pin number 4024712682.

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JON BRUNING
ATTORNEY GENERAL

For Immediate Release:
November 20, 2003

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

Nelson Pleads Guilty to 2nd Degree Murder in
Killing of Two-Year Old

Lincoln, NE – On Wednesday, Demetrius Nelson pled guilty to 2nd degree murder and the use of a firearm to commit a felony in the death of two-year old Curtavius Boykins of Omaha. Boykins was at a birthday party on August 16, 2002 when he was shot and killed by a bullet intended for a gang member.

Members of the South Family Gang were approaching the birthday party when remarks were made about a blue hat being worn, signifying Crips Gang affiliation. Gunshots ensued. Boykins and his aunt, Judy Stewart, were both shot. Stewart survived but Boykins did not, and Demetrius Nelson was arrested and charged with 1st degree murder, 1st degree assault, and use of a firearm to commit a felony.

The case, prosecuted by Don Kleine, former Chief Deputy of the Douglas County Attorney's office, is one of many recently turned over to the Attorney General's office from Douglas County due to conflicts of interest with newly appointed Douglas County Attorney Stu Dornan. By handling the cases, the Attorney General's office will save Douglas County taxpayers hundreds of thousands of dollars that would have been spent on special prosecutors.

"The taking of innocent lives is absolutely intolerable," said Bruning. "We'll go to the ends of the earth to bring criminals like this to justice and Don Kleine is here to make sure that happens. We're lucky to have the state's top prosecutor working to protect Nebraskans and fighting for justice for victims and their families."

On November 19, Nelson pled guilty to 2nd degree murder and use of a firearm to commit a felony. The sentences, which must be served consecutively, range from 20 years to life for 2nd degree murder, and from one to 50 years for use of a firearm to commit a felony. Nelson's sentencing is scheduled for January 14, 2004.



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JON BRUNING
ATTORNEY GENERAL

FOR IMMEDIATE RELEASE
November 19, 2003

Contact: Holley Bolen
(402) 471-3888

BRUNING ORDERS STATE TO RESUME
PAYMENTS TO SOTO FAMILY

LINCOLN—Attorney General Jon Bruning today ordered the State of Nebraska to resume workers compensation payments to the family of James Soto, a former Nebraska Department of Roads employee who was killed on the job in 1999. Bruning also directed the State to withdraw its appeal of a Lincoln County Court decision that was preventing a trial in another court from taking place.

“This is a sad situation. Nobody wins when a state employee tragically dies,” said Bruning. “This has been difficult for the Soto family. They deserve to have a resolution to the legal issues in dispute here. It’s time to move forward and allow the case to progress,” Bruning added.

Withdrawing the state’s appeal in the Court of Appeals will ensure that the trial set for December 15th in the District Court of Lincoln County will go forward as scheduled.



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JON BRUNING
ATTORNEY GENERAL

For Immediate Release:
November 17, 2003

Contact: Holley Bolen
(402) 471-3888

Bruning to Host Smithfield-Farmland Meeting

LINCOLN – Nebraska Attorney General Jon Bruning will host Attorneys General Phill Kline of Kansas and Larry Long of South Dakota at a meeting today to discuss the recent merger of Smithfield Foods, Inc. and Farmland Industries, Inc. The meeting will be held at the State Capitol in room 1525 from 9:00 a.m. to 11:00 a.m.

The meeting agenda includes remarks from Smithfield representatives and Crete Mayor, Judy Henning. A question and answer period will follow the presentations for any members of the public who wish to attend.

“I’m eager to provide an open forum for Nebraskans to ask questions and voice their concerns,” said Bruning. “Farmland is important to Nebraska’s economic well being, and it’s essential that we look into the merger’s economic impact on Nebraska and our surrounding states.”

“I am delighted that Smithfield-Farmland has decided to address questions about how this acquisition will benefit South Dakota and surrounding states,” said South Dakota Attorney General Larry Long.

“I join Generals Bruning and Long in their hope that the Smithfield-Farmland merger will have a positive impact on the citizens of our respective states,” said Attorney General Phill Kline. “Our meeting today, and subsequent meetings, have been planned to ensure just that.”

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All three Attorneys General will be available for comment immediately following the meeting at 11:00 a.m. in the State Capitol, room 1525.



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JON BRUNING
ATTORNEY GENERAL

For Immediate Release:
November 14, 2003

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

Bruning Announces Impaired Driving Task Force Summit

Lincoln, NE – Today at a press conference at the Holiday Inn in downtown Lincoln, Attorney General Jon Bruning announced the four directives recommended by the Impaired Driving Task Force. The directives focus on witness fees, seatbelts, judicial training, and treatment and evaluation.

The task force was charged with finding ways to raise awareness and reduce incidents and fatalities related to impaired driving on Nebraska's roads. "Unfortunately, we haven't seen a reduction in alcohol-related injuries and fatalities in Nebraska in recent years," said Bruning. "We can do better. That's why we're working with folks from across the state to combat this problem."

The task force activities were aided by a \$10,000 grant from the National Highway Traffic Safety Administration. Members include: county attorneys, law enforcement representatives, MADD, various state agencies, and business and community leaders from across the state.

Bruning and members of the IDTF announced the four directives of the task force at a press conference preceding the IDTF Summit held today from 9:30 a.m. to 3:30 p.m. The summit includes national speakers focusing on law enforcement, prosecution, adjudication, and issues related to impaired driving and underage drinking.

"The goals created by the task force are the result of hard work and commitment by the IDTF members," said Bruning. "I look forward to working with Nebraska communities to implement our plan to reduce Nebraska's impaired driving incidents."

"It is important that our communities make strides in reducing the prevalence of alcohol-related injuries and deaths. It is essential that the Task Force continues what it has set out to achieve - saving lives," added Simera Reynolds, Executive Director of MADD Nebraska.



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JON BRUNING
ATTORNEY GENERAL

For Immediate Release:
November 13, 2003

Contact: Holley Bolen
(402) 471-3888

Bruning to Host Smithfield-Farmland Meeting

LINCOLN – On Monday, November 17, Nebraska Attorney General Jon Bruning will host Attorneys General Phill Kline of Kansas and Larry Long of South Dakota at a meeting to discuss the recent merger of Smithfield Foods, Inc. and Farmland Industries, Inc. The meeting will be held at the State Capitol in room 1525 from 9:00 a.m. to 11:00 a.m.

Monday's meeting agenda includes remarks from Smithfield representatives and Crete Mayor, Judy Henning. A question and answer period will follow the presentations for any members of the public who wish to attend.

"I'm eager to provide an open forum for Nebraskans to ask questions and voice their concerns," said Bruning. "Farmland is important to Nebraska's economic well being, and it's essential that we look into the merger's economic impact on Nebraska and our surrounding states."

"I am delighted that Smithfield-Farmland has decided to address questions about how this acquisition will benefit South Dakota and surrounding states," said South Dakota Attorney General Larry Long.

"I join Generals Bruning and Long in their hope that the Smithfield-Farmland merger will have a positive impact on the citizens of our respective states," said Attorney General Phill Kline. "Our meeting on Monday, and subsequent meetings, have been planned to ensure just that."

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A press conference will be held immediately following the meeting at 11:00 a.m. in the State Capitol, room 1525.



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JON BRUNING
ATTORNEY GENERAL

For Immediate Release:
November 12, 2003

Contact: Holley Bolen
(402) 471-3888

Bruning to Meet with New York
Attorney General Eliot Spitzer

NEW YORK, NY - Today Nebraska Attorney General Jon Bruning will meet with New York Attorney General Eliot Spitzer to discuss consumer protection issues, including the Enron scandal.

“Thousands of Americans have lost their life savings because of corporate fraud,” said Bruning. “Attorney General Spitzer has been a one-man, Wall Street clean-up crew, and I look forward to discussing what we can do to increase prosecution of offenders and protection of consumers.”

In addition to meeting with Spitzer, Bruning is scheduled to meet with members of the American Israeli Friendship League and visit with former Nebraska Governor and U.S. Senator Bob Kerrey.

Bruning will be available to comment via a conference call scheduled for 1:30 p.m. CST. To access this conference call, media may be connected by dialing 877-229-1563 and entering code 11120359#.



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JON BRUNING
ATTORNEY GENERAL

For Immediate Release:
November 11, 2003

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

Bruning Announces Impaired Driving Task Force Summit

Lincoln, NE – Attorney General Jon Bruning announced today that the Impaired Driving Task Force Summit will be held on Friday, November 14th at the Holiday Inn downtown in Lincoln. The summit is the culmination of this summer’s task force meetings which Bruning chaired.

The task force was charged with finding ways to raise awareness and reduce incidents and fatalities related to impaired driving on Nebraska’s roads. “Unfortunately, we haven’t seen a reduction in alcohol-related injuries and fatalities in Nebraska in recent years,” said Bruning. “We can do better. That’s why we’re working with folks from across the state to combat this problem.”

The task force activities were aided by a \$10,000 grant from the National Highway Traffic Safety Administration. Members include: county attorneys, law enforcement representatives, MADD, various state agencies, and business and community leaders from across the state.

Bruning and members of the IDTF will announce the four directives of the task force at a press conference at 9:00 a.m. in Salon A and B at the Holiday Inn. The press conference will immediately precede the Summit held from 9:30 a.m. to 3:30 p.m. and will include national speakers focusing on law enforcement, prosecution, adjudication, and issues related to impaired driving and underage drinking.

“The goals created by the task force are the result of hard work and commitment by the IDTF members,” said Bruning. “I look forward to working with Nebraska communities to implement our plan to reduce Nebraska’s impaired driving incidents.”

“It is important that our communities make strides in reducing the prevalence of alcohol-related injuries and deaths. It is essential that the Task Force continues what it has set out to achieve - saving lives,” added Simera Reynolds, Executive Director of MADD Nebraska.



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JON BRUNING
ATTORNEY GENERAL

For Immediate Release:
November 10, 2003

Contact: Holley Bolen
(402) 471-3888

Bruning to Host Smithfield-Farmland Meeting

LINCOLN – On Monday, November 17, Nebraska Attorney General Jon Bruning will host Attorneys General Phill Kline of Kansas and Larry Long of South Dakota at a meeting to discuss the recent merger of Smithfield Foods, Inc. and Farmland Industries, Inc.

Monday's meeting agenda includes remarks from Smithfield representatives and Crete Mayor, Judy Henning. A question and answer period will follow the presentations for any members of the public who wish to attend.

"I'm eager to provide an open forum for Nebraskans to ask questions and voice their concerns," said Bruning. "Farmland is important to Nebraska's economic well being, and it's essential that we look into the merger's economic impact on Nebraska and our surrounding states."



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JON BRUNING
ATTORNEY GENERAL

For Immediate Release:
November 7, 2003

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

Bruning Files Amicus Brief in Death Penalty Case
Before U.S. Supreme Court

(Lincoln – NE) Attorney General Jon Bruning filed a brief today with the United States Supreme Court in a death penalty case that could have nationwide effects.

The brief supports the State of Arizona's request that the Supreme Court review the decision of the Ninth Circuit Court of Appeals in *Schriro v. Summerlin*. In that case the Ninth Circuit court held that the Supreme Court's 2002 ruling in *Ring v. Arizona* must be applied retroactively to all Arizona death penalty cases tried before the *Ring* decision was announced.

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.

"The Nebraska Supreme Court, the highest courts of five other states and two other federal circuit courts have recently considered the *Ring*-retroactivity issue and ruled exactly the opposite of the Ninth Circuit court." Attorney General Bruning said. "The Nebraska Supreme Court got it right. We will continue to fight against efforts to interpret *Ring* in a way that will require Nebraska to re-try every case on death row."

The brief, written by Solicitor General J. Kirk Brown, was joined by the Attorneys General of twelve other states including; Colorado, Delaware, Michigan, Missouri, Montana, Nevada, Ohio, Oklahoma, South Dakota, Tennessee, Texas and Utah.



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JON BRUNING
ATTORNEY GENERAL

For Immediate Release:

November 4, 2003

Contact: Holley Bolen, Attorney General's Office (402) 471-3888

Deb Collins, Nebraska State Patrol (402) 479-4985

Arrest Made in Atlanta Elevator Investigation

(Holdrege, NE) – Today Attorney General Jon Bruning and Phelps County Attorney Tim Hoefft announced that felony theft charges have been filed against Bill White, former owner of Atlanta Grain Elevator. A 2 ½ year investigation by the Nebraska State Patrol into the operation of the Atlanta Grain Elevator in Phelps County, led to the arrest. White was taken into custody today at his Lincoln residence. White was arrested on nine charges of felony theft, in connection with his handling of grain and soybeans stored in the Atlanta elevator at the time he was owner/operator.

"I'm grateful for Tim Hoefft's commitment to the case and the Patrol's diligence in the investigation," said Bruning. "Nebraskans won't tolerate fraud in any form. It's good to know that working together, we have the tools and dedication to see that justice is served."

"Fraud can have a particularly large impact in rural Nebraska and it's vital that state and local officials work closely together to combat this type of crime," said Hoefft.

The Nebraska State Patrol's investigation began in March of 2001 at the request of the Phelps County Attorney, Timothy Hoefft. Mr. Hoefft was concerned about possible criminal misconduct by White at the elevator located about six miles southwest of Holdrege. At that time, search warrants were served on the elevator and the home of White by the Nebraska State Patrol and the Phelps County sheriff's office. Three computers and numerous receipts, scale tickets and other paperwork detailing the daily operations of the Atlanta Elevator were seized.

White operated the elevator from 1998 until he voluntarily surrendered his Nebraska Public Service Commission's (PSC) license in March of 2002 when federal and state audits at the elevator revealed a major shortage of grain and soybeans. To date, the PSC has approved over one and a half million dollars in claims against the elevator.

The Nebraska State Patrol was assisted by the Phelps County Attorney's office along with the Phelps County Sheriffs Department in its investigation.



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JON BRUNING
ATTORNEY GENERAL

For Immediate Release:
November 4, 2003

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

Attorney General Bruning to visit Scottsbluff-Gering;
Will Visit with Latino residents about Consumer Fraud

SCOTTSBLUFF-GERING – On Tuesday, Attorney General Jon Bruning will visit with Latino residents in Scottsbluff and Gering about the dangers of consumer fraud. His schedule includes presentations at the Junior High School in Scottsbluff and the Gering High School law class. Additionally, a reception is planned in Scottsbluff at Our Lady of Guadalupe Center at 1103 12th Avenue. The reception is from 3:30-4:30 and will be hosted by Western Nebraska Community College.

The Department of Justice's new bilingual staff member, Renee Martinez-Junck will accompany the Attorney General. Martinez-Junck serves as the Latino Outreach Coordinator, and her duties include assessing the consumer protection needs of Latino communities across the state and educating Latino consumers on fraud and scams.

"Safeguarding Nebraskans from fraud is a critical component of our consumer protection goals," said Bruning. "I'm interested in protecting Nebraskans from scams and we're getting the word out that we're here to serve all communities across Nebraska."

Martinez-Junck received a Bachelor of Arts Degree in history from Yale University and a Juris Doctorate from the University of Michigan Law School.

"I am especially concerned about the well-being of our ethnic communities who are often targeted because of language barriers," said Martinez-Junck. "I look forward to working more toward increasing consumer protection and awareness in Nebraska."

According to the U.S Census Bureau, Nebraska's Hispanic population grew to 94,425 in 2000, comprising 5.5% of Nebraska's total population.



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JON BRUNING
ATTORNEY GENERAL

For Immediate Release:
November 3, 2003

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

Attorney General Bruning to Visit
with Grand Island Latino Students

GRAND ISLAND – On Tuesday, Attorney General Jon Bruning will visit with area Latino students about the dangers of consumer fraud. His schedule will include a presentation to students at the Walnut Middle School in Grand Island.

The Department of Justice's new bilingual staff member, Renee Martinez-Junck will accompany the Attorney General. Martinez-Junck serves as the Latino Outreach Coordinator, and her duties include assessing the consumer protection needs of Latino communities across the state and educating Latino consumers on fraud and scams.

"Safeguarding Nebraskans from fraud is a critical component of our consumer protection goals," said Bruning. "I'm interested in protecting Nebraskans from scams and we're getting the word out that we're here to serve all communities across Nebraska."

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JON BRUNING
ATTORNEY GENERAL

For Immediate Release:
November 3, 2003

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

Attorney General Bruning to Visit
with Lexington Latino Students

LEXINGTON – On Tuesday, Attorney General Jon Bruning will visit with area Latino students about the dangers of consumer fraud. His schedule will include a presentation to students at the Lexington Middle School.

The Department of Justice's new bilingual staff member, Renee Martinez-Junck will accompany the Attorney General. Martinez-Junck serves as the Latino Outreach Coordinator, and her duties include assessing the consumer protection needs of Latino communities across the state and educating Latino consumers on fraud and scams.

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