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'I am the person who shot and stabbed Teena Brandon. I am the person who shot Phillip DeVine. I am the person who shot Lisa Lambert.'

— Marvin Thomas "Tom" Nissen, in an affidavit he gave to an attorney representing Lotter in federal court appeal



Nissen recants

Lotter, on death row in 1993 slayings, wants new trial on grounds that former friend lied.

BY JOE DUGGAN
© Lincoln Journal Star

Tom Nissen says he shot and killed three people in a Humboldt farmhouse nearly 14 years ago, a stunning reversal of court testimony that put his former drinking buddy on death row.

John Lotter wants a new trial on the grounds that Nissen lied on the stand.

Lotter, 36, has maintained his innocence in the Dec. 31, 1993, killings, despite being convicted of three counts of first-degree murder. He has lived on death row for 11 years pending appeals.

Separate juries found Lotter and Nissen guilty of killing Teena Brandon, a 21-year-old transgendered person from Lincoln who lived as a man; Lisa Lambert, 24, of Humboldt; and Phillip DeVine, 22, of Fairfield, Iowa.

The case shocked Nebraska and inspired the 1999 film "Boys Don't Cry," which earned Hilary Swank an Academy Award for her portrayal of Brandon.

Marvin Thomas "Tom" Nissen recanted his testimony in a 2½-page affidavit he gave July 23 to an attorney representing Lotter in a federal court appeal.

"The testimony I gave regarding the person who fired the gun was false," the affidavit says. "I am the person who shot and stabbed Teena Brandon. I am the person who shot Phillip DeVine. I am the person who shot Lisa Lambert. I was in possession of the gun and fired all of the bullets that inflicted the gunshot wounds to those individuals."

The affidavit is the primary exhibit in a motion asking for a new trial for Lotter. Lincoln attorney Paula Hutchinson filed the motion late Wednesday in Richardson County District Court in Falls City.

See NISSEN RECANTS, Page 2A



Tom Nissen in a 1994 appearance several days after his arrest on murder charges. Nissen now says he pulled the trigger in the murders of three people in a Humboldt farmhouse Dec. 31, 1993.

Journal Star file photo

Nelson: Johanns would abandon farmers

Democratic senator: Ag secretary's decision to resign to run in '08 comes at important time for farm bill.

BY DON WALTON
Lincoln Journal Star

Nebraska's 2008 Senate battle began Wednesday.

Mike Johanns appears ready to "quit his job while farmers and ranchers need him most" so he can pursue political office, Sen. Ben Nelson said in launching the initial artillery barrage.

"This is a critical juncture for agriculture with the new farm bill not completed," the Democratic senator said.

"This is a tough time for farmers and ranchers, and they shouldn't take a back seat to elections and politics."

Nelson's carefully aimed shots during a telephone news conference from Washington opened fire on Johanns for his decision to resign as U.S. Secretary of Agriculture to enter Nebraska's 2008 Republican Senate race.

Johanns quietly informed supporters Tuesday he plans to leave the Cabinet and come home to pursue the Senate seat being vacated by Republican Sen. Chuck Hagel.

The Senate has not yet considered a new farm bill to replace the

See JOHANNS, Page 2A

Johanns expected to step down today

Agriculture Secretary Mike Johanns is expected to resign today to clear the way for a Senate campaign.

Johanns will be joined by President Bush to make an announcement about his future this morning, the secretary's spokeswoman, Terri Teuber, said Wednesday, not commenting on what Johanns would say.

But state Republicans, who spoke on condition of anonymity, said Johanns intends to seek the seat held by retiring Sen. Chuck Hagel.

— The Associated Press

The Humboldt murders: A timeline

November 1993: Teena Brandon, a transgendered Lincolnite who lived as a man, leaves Lincoln to escape legal problems and ends up in Richardson County.



Teena Brandon (left) with Lana Tisdell, who Brandon was dating before Brandon's murder.

Dec. 24-25, 1993: Brandon, who had been using the name Brandon Teena and dating women in the Falls City area, is stripped at a party in Falls City by Marvin Thomas "Tom" Nissen and John Lotter to reveal Brandon's biological gender. The men then kidnap, beat and rape Brandon for deceiving them and their friends. Brandon reports the rape to authorities.

See TIMELINE, Page 2A

Nissen speaks about his decision to recant

BY JOE DUGGAN
© Lincoln Journal Star

Tom Nissen, an admitted murderer and rapist, can now add another admission to his list: He, not John Lotter, pulled the trigger that killed three people in a Humboldt farmhouse nearly 14 years ago.

Nissen now says he lied on the stand during Lotter's 1995 trial, which played a major role in convicting Lotter and putting him on death row for the past 11 years.

In a signed affidavit obtained by an attorney representing Lotter, Nissen says he's the one who shot Teena Brandon, Lisa Lambert and Phillip DeVine on Dec. 31, 1993.

Nissen's cooperation with prosecutors in 1995 also helped him get three life terms instead of a death sentence.

Nissen, 35, is in solitary confinement at the Lincoln Correctional

'There's somebody sitting on death row now who doesn't deserve to be'

Center for attempting to strike a prison staff member late last year. He spoke recently to the Journal Star about his decision to recant.

LJS: The affidavit doesn't say if John Lotter was there. What role, if any, are you now saying he had in the killings?

Nissen: "He obtained the firearm and the knife. During the murders, just as I testified, when the gun jammed, he repaired the gun — unjammed it, or however you want to put it — and then handed it back to me. He had the gun in his hand several times during the murders,



LOTTER in 1996



LOTTER in 2004

but he didn't kill anybody."

LJS: Why are you doing this?

Nissen: "Well, I think the death penalty is used arbitrarily. Obviously, it's unfairly used. There's somebody sitting on death row now who doesn't deserve to be."

LJS: Why now?

Nissen: "I don't know. I guess it took me that long to come to terms

See NISSEN SPEAKS, Page 2A

UNL sophomore to bring Goodall's environmental message to U.N.

Former Lincoln East student is among speakers that include Muhammad Ali and Michael Douglas.

BY KEVIN ABOUREZK
Lincoln Journal Star

He met her drinking coffee at a Lincoln art gallery.

They talked. Youth, she told him, give her reason for hope.

He left the gallery three years ago knowing youth can make a difference.

Now Mitch Paine, 19, will take the message renowned environmentalist Jane Goodall shared with him and share it with a global audience.

"It's going to be a great experience for me," the University of Nebraska-Lincoln sophomore said. "I've never

been to New York."

He'll speak Friday in New York City during the United Nations International Day of Peace. The former Lincoln East High School student will join such "heavyweight" speakers as boxing legend Muhammad Ali and actor Michael Douglas.

The Day of Peace takes place Sept. 21 every year, with celebrations of world peace in more than 200 countries.

Paine will talk about Roots & Shoots, a Goodall-founded international organization dedicated to the environment. He is on the group's College Lead-

ership Council.

He also plans to talk about his efforts to save the endangered Salt Creek tiger beetle near Lincoln.

"It represents the attitude of our community toward the environment," Paine said of the beetle.

His father, Rick Paine, said it didn't surprise him to learn his son was going to speak before hundreds of people from around the world.

"Nothing really surprises us with Mitch," he said. "He's involved in so many things."

Voted by his Lincoln East classmates as most likely to win a Nobel Peace Prize, Mitch Paine is an environmental activist and gifted musician who once composed a piece about Sept. 11 that the East wind ensemble performed.

He met Goodall during his freshman year of high school when she spoke at Nebraska Wesleyan University. Seeking her autograph, he found her in the gallery near campus.

They talked, and Mitch Paine's life changed, his father said. He has worked with Goodall on various projects since.

"Her mind and her hope for the future is just so inspiring," Mitch Paine said of Goodall. "Being involved in Roots & Shoots is such a great thing because I can spread that hope."

Sara LeRoy-Toren, a science teacher at Lincoln Public Schools' science focus program, said Paine started a Roots & Shoots chapter at the school and continues to help the group. The chapter has grown to 20 members, she said.

"Our entire school has 104 (students)," she said. "This is like a fifth of the school."

At the International Day of Peace, he'll speak on an international youth panel after a presentation by the U.N. Messengers of Peace. They include author and Holocaust survivor Elie Wiesel, jazz great Wynton Marsalis, Goodall, Douglas and Ali.

Before he leaves the U.N., Paine is expected to spend time with the boxer once dubbed "The Greatest," his dad said.

"He's got specific orders to get Muhammad Ali's picture and autograph for me, or he has to walk back from the airport."

Reach Kevin Abourezk at 473-7225 or kabourezk@journalstar.com.



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Charges could put Simpson behind bars for life



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