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DEATH PENALTY

Seminal moment

Church and state collide during debate

DON WALTON
Lincoln Journal Star

As Nebraska hurtles toward a solemn moment it has not experienced in 21 years, its public officials — and citizens — confront what may be tension between their personal views and the tenets of their religious faith.

Sometimes, they conflict. Or may appear to do so.

Sometimes, they require a choice to be made.



Ricketts

In America, the separation of church and state has established that the government is sovereign in settling that argument if and when it reaches the governing stage.

But for individuals, including officeholders, the choice remains personal, individual, less clear, sometimes more unsettling and intense.

Occasionally, and sometimes dramatically, it all plays out on the public or political stage.

When Gov. Ben Nelson sat in the second-floor family quarters at the Governor's Residence one July night in 1996 fielding phone calls from the State Penitentiary at midnight, it was a solemn and virtually solitary moment.

Nelson was alerted to each stage of John Joubert's walk to the electric chair, from an 11:15 p.m. call informing the governor of the contents of Joubert's final statement to a 12:04 a.m. call alerting Nelson that Joubert was being escorted to the electric chair.

At 12:16 a.m., the phone rang and the governor was told that the death sentence had been carried out.

Please see **DEBATE**, Page A4



ERIC GREGORY, JOURNAL STAR

David Moore holds a photo of his brother, Carey Dean Moore, that was taken during an interview in prison by a news photographer. David Moore said he has always wondered what question had been asked of his brother before the picture was taken.

■ **Inside:** Family members remember men killed by Moore, say legal wrangling has gone on too long. **Page A5.**

Brother of Moore: 'He would just like to die'

LORI PILGER
Lincoln Journal Star

If the state executes Carey Dean Moore next week as planned for killing two men in 1979, his twin brother will be there with him.

"It will not be easy, no," said 60-year-old David Moore of Lincoln. "But Dean wants me there, so I have little choice. Sometimes none of us have a choice in things. Swing with the punches and come up kicking."

David Moore always has called his brother Dean, even after others started calling him Carey. There's nothing he wouldn't do for him, he said. Same as a lot of brothers. Maybe even more so with twins.

And 34 years ago, David Moore showed how far he would go when he swapped places with his brother and put himself on death row in a spur-of-the-moment escape attempt so that his brother might get to breathe fresh air again.

"Imprisoned twin brothers switch places" read the headline in the Lincoln Journal on Oct. 4, 1984.

It took several hours before Carey Dean Moore reported to his brother's job in the prison kitchen and the supervisor noticed it wasn't David.

They were 26 then. David Moore was serving four to six years for burglary. Carey Dean Moore was on death row for the murders of two Omaha cab drivers, Reuel Van Ness Jr. and Maynard Helgeland.

"Back then we were both animals. We weren't fit to be allowed in society, I guess," David Moore

Please see **MOORE**, Page A4

Lincoln priest removed from ministry

He reportedly had nonsexual relationship with 19-year-old man

EMILY CASE
Lincoln Journal Star

A Lincoln priest has been removed from the ministry after he had an "emotionally inappropriate, nonsexual" relationship with a 19-year-old man, the Catholic Diocese of Lincoln said Saturday.

Last year, Bishop James Conley received report of a relationship

the Rev. Charles Townsend, pastor of St. Peter's Catholic Church, developed with the 19-year-old, Conley said in a statement.

According to Conley, the relationship involved alcohol.

In response to the report, Conley withdrew Townsend from the diocese and sent him to a religious center in Texas. At the time, priests and parishioners were told



Conley

Townsend left for health reasons, and he returned several months later. The 19-year-old's parents were not informed of the report at the time.

While Conley said he regrets a "lack of transparency" about the incident, he said he did not intentionally withhold any information.

"Despite reports to the contrary, I did not oblige anyone to keep silent about this matter," he said. "I made no effort to 'cover-up' any element of this situation, and I tried to address

it with integrity.

"However, I did not encourage transparency. I did not encourage an open discussion about this situation with our priests, with parishioners, or with those involved.

"Even though we were not legally obligated to report the incident, it would have been the prudent thing to do."

The news about Townsend comes on the heels of a recent report of sexual misconduct by a former vocations director who retired in 1998 and died in 2008,

and allegations that he assaulted college students and seminarians.

A diocesan review board is evaluating information in both cases, and Conley said he is committed to ensuring that the "high standards of chaste behavior" expected of priests and other church officials are fulfilled.

The Rev. Craig Doty will replace Townsend as pastor at St. Peter's.

Reach the writer at 402-473-7223 or ecase@journalstar.com.

DISCOVER DIGITAL



■ 18 insider wedding tips for a stress-free day, from invites to the open bar

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52 PAGES



Hit up the farmers markets for the nutty, sweet flavor of butternut squash

LOOK INSIDE



Nebraska death row inmates' victims

Carey Dean Moore

Maynard Helgeland, 47, of Omaha, Happy Cab driver. He was shot three times in the head on Aug. 26, 1979, by Moore. His body was found on the front seat of his cab on a street near downtown Omaha adjacent to a vacant lot. He had picked up Moore on a Sunday night. Helgeland was known as a very dependable driver and a nice, positive person. He and his son, Kenny, had operated the cab since July 2.

Reuel Van Ness Jr., 47, of Omaha, Safe-way Cab driver. He was shot four times by Moore in 1979 when he reached back for Moore's gun as Moore tried to rob him. His body was found sprawled face-down in a desolate park road intersection at Standing Bear Lake in northwest Omaha. Van Ness had worked for an Omaha construction company and part-time as a cab driver for 17 or 18 years. He was a Korean War veteran and father of 10 children.

John L. Lotter

Brandon Teena, 21, of Lincoln. The transgender man was killed in 1993 near Humboldt by Lotter and Marvin Nissen. They killed Teena to silence him after he told police the two men had raped him.

Philip Devine, 22, of Fairfield, Iowa, died in 1993. John Lotter was convicted of shooting Devine twice in the head because he witnessed the killing of Teena.

Lisa Lambert, 24, of rural Humboldt, a nurse's aide. She died in 1993. Lotter was convicted of killing Lambert, a single

mother of a 9-month-old boy, because she witnessed the murder of Teena, who was staying in the one-story farmhouse Lambert rented.

Raymond Mata

Adam Billie-Gomez, 3, of Scottsbluff. Adam, the son of Patricia Gomez, was killed by Mata and dismembered in December 1999. Parts of his body were found in a freezer and a dog bowl, and bone fragments belonging to him were found in Mata's dog's stomach.

Arthur L. Gales

Lalara Chandler, 13, and **Tramar Chandler, 7**, of Omaha. In 2001, police found Lalara's body, nude from the waist down, in a bedroom at the apartment of her mother, who had been found in another location severely beaten by Gales. Tramar's body was found face-up in the bathtub, with his legs outside the tub. Autopsies revealed that Lalara died as a result of manual strangulation and that Tramar died as a result of drowning and manual strangulation.

Erick F. Vela

Lisa Bryant, 29, of Norfolk. Bryant was the mother of a 9-year-old son and a step-daughter and had been married just weeks when she was killed at the U.S. Bank branch in Norfolk on Sept. 26, 2002, by Vela during a botched robbery.

Jorge Galindo

Lola Elwood, 43, of Norfolk, assistant

branch manager at U.S. Bank for 14 years. Elwood was shot and killed by Galindo during the botched robbery on Sept. 26, 2002. She was married and the mother of two children.

Jose Sandoval

Samuel Sun, 50, of Norfolk, a teller at U.S. Bank for eight years. The father of two sons, he was shot and killed at the Norfolk bank by Sandoval on Sept. 26, 2002.

Jo Mausbach, 42, of Humphrey, a bank teller at U.S. Bank for 17 years. She was shot and killed at the Norfolk bank by Sandoval. She was married and the mother of a daughter and a son.

Evonne Tuttle, 37, of Stanton. A bank customer, she was shot and killed by Sandoval in Norfolk during the botched robbery. She was the mother of three daughters.

Jeffrey Hessler

Heather Guerrero, 15, of Gering. Heather was a newspaper carrier who was kidnapped, raped and shot in the head by Hessler in February 2003. Her body was found in an abandoned farmhouse.

Roy L. Ellis

Amber Harris, 12, of Omaha. Amber was kidnapped after she got off her school bus in November 2005 and headed home. Her remains weren't found in an Omaha park for six months. Ellis kidnapped and killed the seventh-grader by hitting her in the head with a blunt object.

Marco E. Torres

Edward Hall, 60, and **Timothy Donohue, 48**, both of Grand Island. The two men were killed by Torres in 2007. Torres bound Hall, who owned the house in which Torres was living, with an electrical cord, gagged him with a bathrobe belt and shot him three times. He then shot and killed Donohue, who lived in an upstairs room in Hall's home. The men were killed to conceal a robbery.

Nikko Jenkins

Curtis Bradford, 22, of Omaha. Bradford was killed in August 2013 by Jenkins, who he met when both were in prison.

Jorge Cajiga Ruiz, 29, and **Juan Uribe-Pena, 26**, both of Omaha. They were killed in August 2013 by Jenkins, both shot in the head while sitting in a pickup after being lured to a park under the pretense of having sex with two women.

Andrea Kruger, 33, of Omaha. Kruger was found shot to death and left lying in the street in west Omaha. Jenkins was convicted in her August 2103 death as the result of a random attack when she was on her way home from work. She left behind a husband and three children, ages 2 to 13.

Patrick Schroeder

Terry Berry Jr., 22, of Scottsbluff and Steinauer. Berry was strangled to death in April 2017 by convicted killer Schroeder in a cell he shared with the inmate at Tecumseh State Correctional Institution. Berry was serving up to three years for forgery and assault.

Moore

From A1

said.



In 1979, David Moore was in prison in Washington when he heard about Carey Dean and their 14-year-old brother, Donald Moore, getting arrested for the killing of Van Ness during an armed robbery, and Carey Dean for the killing of a second cab driver, Helgeland, four days later.

At the time, "I was shocked and yet I wasn't shocked," David Moore recently told the Journal Star. "We both had a sensation that there was something or somebody coming after us. Me? I took off. But Dean decided to stay around, and he ended up serving a lot more time."

They had a pretty rough childhood in north Omaha, he said. They were two of 11 siblings. There never was enough money. Lots of times they sat down to the table and had nothing to eat. If they stole food, they'd get a spanking from Mom and a beating from Dad.

They did what they had to to survive, David Moore said.

Back in those days, it seemed like everyone was against them, they just didn't know why, he said.

"It was get them before they can get you," David Moore said. "Unfortunately, we didn't learn to respect people before something really bad happened."



On Aug. 20, 1979, Carey Dean Moore bought a gun for \$50 from a driver who shared a Happy Cab with Moore's mother. Two days later, he called for a cab from a telephone booth at the Smoke Pit, planning to rob and shoot the driver. He hid nearby to see if the driver was old enough, telling police later it would be harder to shoot someone around his own age, 21.

David Moore said his brother told him when he pointed the gun at Van Ness, the driver reached into the back seat. They were playing a kind of deadly tug-of-war with the pistol when it went off.



This photo, taken near the time of the murders of Reuel Van Ness Jr. and Maynard Helgeland, is one of the few that David Moore has of his brother Carey Dean Moore.

Carey Dean couldn't really believe what he'd done, he told David Moore, so he asked 14-year-old Donald to look. Was the man really dead?

Four days later, Carey Dean Moore went to see if he could do it again, alone this time.

He called a cab to the Greyhound bus depot and asked Helgeland for a ride to the Benson area. Helgeland was found dead in his cab the next morning.

Every day since, David Moore said, his brother has wished he could take it back.

"Dean isn't like what he was," he said.



Since then, the Nebraska Supreme Court has given Carey

Dean Moore seven execution dates — Sept. 20, 1980; Aug. 20, 1982; Dec. 4, 1984; May 9, 1997; Jan. 19, 2000; May 8, 2007; June 14, 2011 — before this one, Tuesday, Aug. 14.

There were delays by attorneys and the court, some that came in his own case, some prompted by other death-row cases. There were challenges over whether the aggravating factor known as "exceptional depravity" that made his case eligible for capital punishment was unconstitutionally vague, and whether electrocution was cruel and unusual punishment. There were stays and resentencings.

In a recent email to the Journal Star from the Tecumseh State

Correctional Institution, Carey Dean Moore said June 20 marked his 38th year on death row.

It's among the longest anyone has been on death row in the country.

"And in August it will be 39 yrs since I convinced my 14 yr old brother to go with me only to rob a man who drove a Omaha cab, almost 39 yrs. Are you people listening to me?!" he wrote.

Carey Dean Moore said the American Civil Liberties Union and his attorney at the Nebraska Commission on Public Advocacy would like to fight the execution on his behalf.

"But most certainly I do not (want that)," Moore said. "If they would file a motion for my brother,

Donald, to get him off parole, which he has been on since forever, it seems like, that would be perfect for me."

Donald Moore got 10 years to life for second-degree murder. He was released from prison 10 years ago, but he could be on parole forever.

A week after the email, Carey Dean Moore learned his newest execution date.

Asked to respond, the man who found religion inside the prison walls said he marveled at how God is able to work in the hearts of people forced to grapple with pain and anger, "all because of what one man (me) had done — murdering two men. I am so sorry for what I had done to these families, even more than anyone can imagine."

He said he's thankful for God's forgiveness for his actions and sins, and prays his victims' families will forgive him.

"It is easy to cause hurt, but it takes great strength to forgive," he said.



David Moore is a couple years from retiring from Farmland, a job he's had for 26 years. He heard about his twin brother's August execution date from his daughter, but he didn't really consider it to be true until his brother told him during a visit.

"If this happens it's a relief," he said. "Dean has almost been executed six or seven times and each time you start preparing yourself for it."

So do the families. Both Moore's and the victims'. It must be tough on them, David Moore said.

His brother wants the state to go through with it this time.

"He would just like to die," David Moore said.

Carey Dean Moore admitted his guilt a long time ago, stopped his appeals, even tried to fire his lawyers.

"There's got to be a time to say stop," David Moore said. "I just hope they finally do it, stop messing around and pull the switch, give him a couple of shots or whatever. Do it instead of talking and talking about it."

Debate

From A1

Nelson, a Methodist who once considered the ministry as a career, said that night that his support for capital punishment fit into his understanding of the Bible and his Christian faith.

Yes, he said, he had prayed about it.

And, yes, he said, he would not sleep well for the second night in a row.

Gov. Pete Ricketts, a Catholic and a member of St. Margaret Mary Parish in Omaha, said he believes the Bible and church teaching do not preclude use of the death penalty.

But Pope Francis changed that teaching to fully reject any use of the death penalty with an announcement Thursday that came 12 days before the scheduled execution of Carey Dean Moore. The decision to make the change had been approved in May, according to the Vatican.

The official teaching contained in the church's Catechism now states that the use of capital punishment is "inadmissible because it is an attack on the inviolability

and dignity of the person."

Earlier, Pope Francis had described the death penalty as "contrary to the Gospel because it is freely decided to suppress a human life that is always sacred in the eyes of the Creator and, of which, in the final analysis, God alone is the true judge and guarantor."

That marked a departure from Pope John Paul II's declaration in 1995 that use of the death penalty is justified if there is no other option that would adequately protect society.

The three Catholic bishops in Nebraska recently issued a joint statement opposing the scheduled execution of Moore.

"Each time we consider applying capital punishment, Nebraska has an opportunity to respond to an act of violence with an act of mercy that does not endanger public safety or compromise the demands of justice," Archbishop George Lucas of Omaha, Bishop James Conley of Lincoln and Bishop Joseph Hanefeldt of Grand Island said.

The execution of Moore is "not necessary to fulfill justice and, for that reason, would undermine respect for human life," they stated.

Both the governor and Arch-

bishop Lucas declined to be interviewed for this story.

Ricketts vetoed the 2015 bill that repealed the death penalty in Nebraska and fought hard to have his veto sustained by the Legislature. He fell one vote short.

And then he swiftly helped launch and fund a statewide referendum drive to repeal the new law.

Nebraska voters did that in an overwhelming way in the 2016 general election: 494,151 to 320,719.

Ninety-two of the state's 93 counties voted to restore the death penalty; only Lancaster County voted to retain the new law.

The dramatic death penalty struggle divided Catholics, as well as other Christians, in the Legislature, challenging many senators to examine, or re-examine, their faith.

While the battle was led by Sen. Ernie Chambers of Omaha, who proclaims himself to be a nonbeliever while constantly challenging his colleagues with biblical quotations memorized when he was a younger man, it was a Catholic senator from Lincoln who quietly decided to sys-

tematically gather support from among his conservative Republican colleagues in the nonpartisan Legislature.

And as the debate to ultimately override the governor's veto neared its end, Sen. Colby Coash slipped into an old phone booth in the back of the legislative chamber with his grandfather's rosary in hand.

Sixteen senators who were Republicans ultimately would vote to override the veto that day.

The climactic vote on the motion to override the governor's veto was cast by Sen. Robert Hilkemann of Omaha, a Presbyterian, who had carefully listened to both sides and weighed his decision for so long that he suddenly found himself in the eye of the storm holding what would be the decisive vote.

"To be very honest with you, this has been a spiritual journey for me from the very beginning, one that reached the very depths of my soul," he said two days later as the tension began to ease.

For many members of the Legislature, it had been an emotionally challenging issue that required re-examination of both self and soul.

Perhaps the seminal moment in clearly defining the role and influence of religion, and particularly the Catholic Church, in political policy and decision-making in the United States occurred in 1960.

John F. Kennedy directly addressed the question of separation of church and state when his Catholicism had become an issue in his presidential campaign with opponents suggesting his greater loyalty inevitably would be to his church and ultimately to the Vatican.

"I believe in an America where the separation of church and state is absolute, where no Catholic prelate would tell the president (should he be Catholic) how to act and no Protestant minister would tell his parishioners for whom to vote," Kennedy declared in an address to an association of Protestant ministers in Houston.

That is an America "where no public official either requests or accepts instructions on public policy from the Pope, the National Council of Churches or any other ecclesiastical source," Kennedy said.

"I do not speak for my church on public matters," he said, "and the church does not speak for me."

Family members remember men killed by Moore

MARGARET REIST
Lincoln Journal Star

Lori Helgeland-Renken spent the evening of Aug. 26, 1979, reading "Amityville Horror" in her Council Bluffs, Iowa, duplex, turning the pages well into the early morning hours, oblivious of the real-life horrors to come.



Lori Helgeland-Renken



Steve Helgeland

The 19-year-old woman had never heard the name Carey Dean Moore, had no clue the 22-year-old man had gone to the Greyhound bus station in Omaha with evil on his mind. She couldn't know her father would be sitting in the only cab at the taxi stand there, that Moore would crawl in, direct the driver she loved to a downtown alley and shoot him. Not until her phone rang.

Nearly 39 years later, the memory remains vivid: The Omaha police detective wouldn't tell her why he was calling, and asked her to meet him in a nearby high school parking lot because he was having trouble finding her apartment. She took her best friend with her and learned in the back of a police cruiser that her father, Maynard Helgeland, was dead.

She blames the state of Nebraska for causing her grief to bubble to the surface once more. "It's like reliving it all over. Like it was brand-new," she said recently in a telephone interview from her home in Mount Vernon, South Dakota.

In 1980, Moore was sentenced to death for murdering Helgeland and — four days earlier — another cab driver, Reuel Van Ness Jr.

Moore is scheduled to die by lethal injection Aug. 14, the first person executed in Nebraska in 21 years.

He's been on Nebraska's death row longer than anyone else and is among the longest-serving death



COURTESY PHOTO

Maynard Helgeland was shot and killed by Carey Dean Moore in his Omaha taxi cab. As the state prepares to execute Moore this month, families of the victims say they are having to relive the dark days. "I feel like my father and Mr. Van Ness have kind of been forgotten in this," Lori Helgeland-Renken said.

row inmates in the country. He's said he no longer wants to fight the execution.

Helgeland's children are angry and tired and not at all sure it will happen.

For the first decade, Helgeland-Renken said, she thought the death penalty was the right sentence.

"It was like, he needs to pay for what he did. It was planned and deliberate and just horrible," she said. "But as time goes on ... after all this time, what's the point? I just think if he doesn't like being on death row I'd like to just leave him there."

Her younger brother, Steve Helgeland, who was 13 when their father was killed and now lives in Rapid City, South Dakota, said he just wants Moore off the front page of the paper. But the state's been dragging its feet for nearly 40 years, he said, and he's doubtful it will happen this time.

"After this long, it's as much farce as it is justice," he said.

And who's gotten lost in all the legal wrangling, say the family members, are the victims.

"I feel like my father and Mr.

Van Ness have kind of been forgotten in this," Helgeland-Renken said.



Both men were fathers and Korean War veterans. They'd both worked construction in addition to driving cabs.

Van Ness, a native of Omaha, was married and had 13 children.

Tom Rinabarger, a stepson who lives in Omaha, works construction like his dad. That work, he said, makes him think of him daily.

"Everything I do in life reminds me of my dad," said an emotional Rinabarger in a brief interview. Other family members couldn't be reached.

Maynard Helgeland was born during the Depression in a small town near Mitchell, South Dakota, to a single mom.

It wasn't easy to be an unmarried mother in those days, but her father welcomed his grandson.

"He said there's always room at the table for one more, so she brought him home," said Steve Helgeland.

As a teen in the late 1940s, Maynard Helgeland took up boxing and competed in numerous Golden Gloves tournaments.

He joined the Air Force during the Korean War, and later married and had three children — Kenny, Lori and Steve. Around 1970, the family moved to Council Bluffs so Helgeland could work construction at a friend's business.

His youngest son remembers his dad buying him bicycles and teaching him to shoot BB guns.

Their dad loved Billy Graham and animals and was a generous and accepting man, his children said.

"If he had two bucks and you needed two bucks, he'd give you two bucks," Helgeland-Renken said. "If (Moore) had just wanted money dad would have given him anything."

Once, in his boxing days, Helgeland went to an out-of-town tournament with other boxers, his youngest son said. The hotel wouldn't allow blacks to stay there, so one boxer had to stay at the YMCA. Helgeland stayed

with him.

As the kid of a single mom in the '30s, Steve Helgeland said his dad could relate to being an outsider.

"He understood what it was like to be ostracized," he said.

He also battled depression and an alcoholism addiction that would cost him dearly. His marriage ended, and one winter night sometime later he fell asleep in a car and suffered such severe frostbite his feet and a portion of his legs had to be amputated.

But that incident was a catalyst, Helgeland-Renken said, and her father quit drinking.

"That's just what it took to turn his life around," she said. "Because he really did turn his life around."

Kenny, the oldest son, moved in with his dad and both drove cabs. The night Maynard Helgeland died, Kenny was supposed to be in that cab, but got an invitation from friends to go to the racetrack in Lincoln instead.

Helgeland-Renken was close to her dad, but lived in a duplex with two good friends and worked as a cashier at the nearby Sapp Brothers.

Steve Helgeland moved to Wisconsin with his mom and stepdad shortly before his dad died. He remembers clearly his mom and the school secretary pulling him out of class to tell him what had happened.

He never had the chance to fix things with his dad, he said.

"Mr. Moore stole that opportunity," he said. "My kids have never met their grandfather. Mr. Moore got another 40 years."



After their father's death, Kenny moved back to South Dakota, and his sister soon followed. Eventually, their mom, stepdad and younger brother moved there, too. Their mom died two years ago.

Steve Helgeland "banged around for a while" after high school, then got married and earned a degree in education. Today, he has three children, one grandson and is director of special education at a South Dakota school district.

Much of his anger has subsided over the years, he said, but he thinks the loss of his dad had something to do with his interest in education.

"Growing up without a father, I wanted to help young men in the same situation," he said.

His older brother and sister both live across the state in Mount Vernon, near where their dad grew up.

Kenny is self-employed and nearing retirement, his younger brother said.

Helgeland-Renken has been married 28 years, raised three children and now spends time with three grandchildren.

The drawn-out legal fights over Moore's sentence have caused so much heartache, she said, for their family and the Van Ness family. She knows Moore's family has suffered, too.

In 2007, when the state came within a week of executing Moore, her husband was going to be a witness. He doesn't want to now, but it bothers her no one from the state has reached out to family members. Other than a call from a Douglas County official telling them the date had been set, they've heard nothing, she said.

But both boys will be in Lincoln for the execution, though Steve said he has no desire to witness it. Kenny couldn't be reached for comment, but his brother said they both want to be there to honor their dad.

Helgeland-Renken isn't coming.

Instead, she'll be meeting her newest grandson.

When they found out her pregnant daughter was scheduled to be induced the same day as the execution, her daughter offered to change it.

Helgeland-Renken told her it wasn't necessary, that she'd chosen to look at it differently.

"What a blessing God is giving me," she said. "That's why I won't be in Lincoln with my brothers."

Reach the writer at 402-473-7226 or mreist@journalstar.com. On Twitter @LJSreist.

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