

talk, to give all the information that he has so that he would be granted full immunity and if he would not and later testimony could be found that would convict him of the same offense, then he would be convicted or would go to court. The second problem with the present transactional immunity is that in an instance where two people conspired in the same crime and one of those people receives immunity and testifies against the other, under present law one of these conspirers could get a harsh penalty while the other one just could walk off without any possible prosecution. To me that is wrong. And if there is evidence that is found that could prosecute him, he should be prosecuted. These are problems with the present transactional immunity offered in the statute. The use immunity offered in LB 525 would change this because an offender could be prosecuted. Obviously, the more such a person tells the better situation this offender will be in his own trial due to his or her cooperation. In other words, if he gives all the information he will be granted immunity. He talked about Robert Blakey. He is the National Association of Attorney Generals Association and this is what he says. With transactional immunity all the witness has to do is mention the transaction. He does not have to fill in the details. So his attorney can tell him to just mention it and then say, "I don't remember." But with the use statute a smart attorney advises his client to tell all he knows because the more he tells, the less can be later used against him. So use statute encourage fuller disclosure by witnesses and that is what they are really all about. I'd like to give you an example. You will remember the prosecution of Ronald Abboud, a murder case in Omaha, four years ago. In that case two defendants were charged with the first degree murder of Ronald Abboud. As a result of the immunized testimony of the third conspirator in the case under the present law the third conspirator could not be prosecuted even if the county attorney could have established guilt beyond a reasonable doubt independently of the conspirator's own testimony. The proposed amendment would permit prosecution of immunized witness if the county attorney could develop sufficient evidence independent of the witness' own testimony or leads developed from the witness' testimony. With transaction immunity all the witness has to do is mention the transaction. He does not have to fill in the details. So his attorney can tell him just to mention it and then say, "I don't remember, but with a use immunity or a use statute, a smart attorney advises his client to tell all he knows because the more he tells, the less can be later used against him. So use statutes encourages fuller disclosure by witness and that is what this is really all about. So you can't say that he is not getting immunity. He is still getting immunity but not on the transaction but on what he says and I feel this is a proper bill and a proper law. And as far as