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SENATOR BRASHEAR: Excuse me. I'm sorry, Mr. President, I didn't hear you. I apologize.

PRESIDENT MAURSTAD: Thank you, Senator Brashear. Senator Dwite Pedersen.

SENATOR Dw. PEDERSEN: Give my time to Senator Brashear.

PRESIDENT MAURSTAD: Senator Brashear.

SENATOR BRASHEAR: Mr. President, members of the body, thank you, Senator Pedersen. For people who approach this subject simplistically, and they're entitled to approach it any way they want to but I don't think that's how the members of the body approach it, but for the citizenry at large, if they simply want to cap a death penalty and if they want to say they believe in the death penalty, they want their politicians to say they believe in it and they don't care how often, when, where, why, under what circumstances it's applied and what circumstances it is not, this debate will be of no value. But this is not...I'm going to keep coming back to the focus, the majority of the Judiciary Committee supports capital punishment, but your Judiciary Committee is required day after day after day, as you all are in your respective areas of committee service, to focus upon the facts and the circumstances in these cases, and I have, since my...the beginning of my service there, I have been able to feel the discomfort and the concern. And whether we could articulate it as justice or not, it was fairness. It's what's right. It's, are we doing our duty? And when I began to research the subject then it simply becomes more and more evident. Going to return to an examination of some cases. Don't know how long I'm going to do that, but if we, the lawmakers of the state of Nebraska, don't care about what our Supreme Court has written for us to examine, as they have told us that they can't do the job of studying proportionality the way it needs to be done and have suggested that we act, if we the lawmakers aren't interested in these issues then no one else will be. In State v. Scott, the defendant and the victim had been living together for approximately four years. On the evening of the murder the defendant had gone out with a friend and the victim had gone out with a girlfriend and left the