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I believe that the study should go forward. Implementing or executing the death penalty when the system, itself, is under scrutiny, if not in question, would leave this legislative body vulnerable to the charge that it has a closed mind and refuses to examine its conscience for the system that administers justice. I will not support the Bruning amendment, and before I offer the rest of my time to Senator Brashear, I would too like to thank the Judiciary Committee for its leadership on an issue that I think is politically difficult and very sensitive. I would particularly like to thank the Chairman of the committee, Senator Brashear, and if you would like the rest of my time, Senator, you may have it.

PRESIDENT MAURSTAD: Senator Brashear, a little less than three minutes.

SENATOR BRASHEAR: Thank you, Mr. President, colleagues and, Senator Schimek, thank you very much. I would like to continue with the review of the second degree murder cases in which there was never ever a threat of the imposition of capital punishment as set forth in State v. Palmer. State v. Sell, the defendant admitted that he first hit the victim and then took her out to the country where he killed her. He inflicted two deep puncture wounds, one to the neck and one in the right side of the chest. There were also 15 to 20 small cuts around the neck and many bruises in the vaginal area; second degree murder, no threat of the death penalty being imposed. State v. Hardin, defendant and victim were husband and wife and had been separated for several months. On the evening in question, defendant went to his wife's home, ostensibly to obtain some clothing which was stored there. The parties had an argument. The defendant walked back to where his car was parked, got in, and drove the car through the house aiming it at the victim's bedroom. The defendant then emerged from the car uninjured, withdrew his weapon, and fired five times.

PRESIDENT MAURSTAD: One minute.

SENATOR BRASHEAR: His wife later died from four bullet wounds received from the shooting; second degree murder, no threat of the death penalty.