

Nearly six years after **T eena** Brandon was stabbed and shot in a rural Humboldt farmhouse, Richardson County was ordered to pay her mother \$17,360.

But JoAnn Brandon will likely appeal the award in her wrongful-death lawsuit. Her attorney called the figure "so insignificant that it tends to trivialize the whole matter."

**T eena** Brandon, 21, was stabbed and shot Dec. 31, 1993, by two men she had accused of rape six days earlier. At the time she was living as a man and dating women in Falls City.

Her life and death sparked national scrutiny, but Thayer County District Judge Orville Coady's ruling Monday generated little interest in Falls City.

"Nobody's said a word," said Scott Schock, editor of the Falls City Journal. "I think people are just tired of the whole thing."

Coady's findings offered mixed results for both sides in the lawsuit. In his ruling, filed in Richardson County District Court, the judge:

Said former Sheriff Charles Laux "should apologize to **T eena**'s family, her friends and to his community" for referring to Brandon as an "it" while interviewing her in the rape investigation. Still, the judge found Laux, now a Richardson County commissioner, did not inflict intentional emotional distress on Brandon during what her family called a rude and abusive interrogation.

Disagreed with JoAnn Brandon's claim authorities should have made arrests more quickly after her daughter's Dec. 25, 1993, beating, kidnapping and rape.

Ruled Richardson County should have provided protective custody for Brandon after the rape. Given that Brandon feared for her safety, the county should have at least transported her to Lincoln and the relative safety of her family.

Awarded \$80,000 to JoAnn Brandon, of which Richardson County must pay 14 percent, or \$11,200, plus funeral expenses. The judge ordered 85 percent of the award be paid by Marvin Thomas Nissen and John Lotter, both convicted of killing Brandon and two people who witnessed the murder. The judge found **T eena** Brandon 1 percent responsible for her own death, subtracting \$62 from the \$6,223 in funeral expenses awarded to her mother.

JoAnn Brandon's attorney, Herbert Friedman of Lincoln, called the ruling a legal and moral victory for his client. But he had argued for an award of several hundred thousand dollars.

"She's disappointed," Friedman said. "We're leaning toward appeal."

Friedman criticized the judge for requiring Lotter and Nissen to pay 85 percent of the award when they weren't named in the lawsuit. He also questioned the judge's decision to essentially let Laux off the hook.

Lincoln attorney Richard Boucher, who represented Richardson County and Laux, declined to comment, saying he must first meet with county officials to discuss whether to appeal the case or pay the judgment.

Reached at his home Tuesday, Laux said he had not yet read the ruling. It was not discussed at Tuesday's county board meeting, he added.

"Until I read it or talk to my attorney, I haven't got no comment," Laux said.

The ruling is a milestone in JoAnn Brandon's long effort to affix responsibility on authorities. Richardson County judges twice dismissed the lawsuit before the Nebraska Supreme Court ruled in 1997 she should be given a chance to prove her allegations. During three days of testimony in late September, law officers who worked with Laux questioned his decision not to arrest Lotter and Nissen before the murders of Brandon, Lisa Lambert, 24, and Phillip DeVine, 22.

One investigator also characterized Laux's interview of Brandon as "intimidating and abusive."

Lotter, 28, is on death row for the murders. Nissen, 26, testified against his friend in exchange for a life sentence.

In Falls City some people still think authorities should have arrested Lotter and Nissen before the murders. After watching two days of testimony, Mayor Marshall Maddox said he was convinced "there was enough evidence to put them in jail."

Even that, he said, might not have prevented the killings. "Maybe after a time in jail they would have got out and killed her anyway."

Still, six years later, Falls City is waiting to put the controversy behind.

"It was a real unfortunate situation," Maddox said. "I just hope the mother has closure at this point. She was the one most affected."

## TIMELINE

A timeline of events leading to Monday's ruling in the Richardson County wrongful death lawsuit:  
Dec. 25, 1993: Teena Brandon, a woman who has been living as a man and dating women in Falls City, is kidnapped at a party in Falls City by Marvin Thomas Nissen and John Lotter. The men then kidnap, beat and rape her as punishment for deceiving them and their friends. Brandon immediately reports the rape to law enforcement authorities.

Dec. 31, 1993: Having been interviewed by law officers about the rape, Lotter and Nissen decide to silence Brandon. They drive to a rural Humboldt farmhouse where she is staying and shoot her, Lisa Lambert and Phillip DeVine. They leave Lambert's infant son in the house.

Dec. 20, 1994: Brandon's mother, JoAnn Brandon, files a wrongful-death lawsuit against Richardson County and Sheriff Charles Laux. Richardson County judges twice dismiss the lawsuit.

1994: Separate juries convict Lotter and Nissen of murder.

1997: Nebraska Supreme Court rules that lower courts erred in dismissing JoAnn Brandon's lawsuit. High court orders Richardson County District Court to hear the case.

Sept. 22, 1999: Wrongful-death trial starts in the same Falls City courtroom where Lotter and Nissen were convicted of the murders.

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