

BRANDON TEENA MURDERER SENTENCED

(February 21, 1996, Falls City, Nebraska) John Lotter, convicted of 3 counts of 1st degree murder for the deaths of :Brandon Teena:, Lisa Lambert, and Philip DeVine was sentenced to death this morning in Falls City, NE's county courthouse. Lotter's accomplice, Marvin Thomas Nissen, cut a deal for life imprisonment against Lotter. The victims' families feel that the sentence is appropriate.

Brandon Teena, whose birth name was Teena Brandon, was originally from Lincoln, Nebraska, and moved to nearby Humboldt in 1993, shortly after beginning to live full-time as a man in preparation for eventual sex-change surgery. Brandon passed easily as a man in Humboldt, but was discovered to be biologically and legally female by local police who arrested him on a misdemeanor check forgery charge two weeks prior to his slaying. Police then publicly released this information to the local newspaper, the Falls City Journal. One week later, on Christmas Day 1993, Brandon was raped and assaulted at a Christmas party by two men, whom he identified to local police as Nissen and Lotter, despite the fact that they had threatened to kill him if he reported the incident to the police.

However, charges of rape and assault were not filed against Nissen and Lotter until after Brandon's slaying despite the fact that his sister Tammy Brandon had called Richardson County sheriff Charles B. Laux four days before the slaying to ask why Lotter and Nissen had not been arrested even though Brandon had identified them as his attackers. According to Tammy Brandon, Sheriff Laux had responded to her inquiry by telling her that "he didn't need [her] to be doing his work." Laux, who has also been quoted as stating of Brandon that "you can call it *it* as far as I'm concerned" has claimed that he had been "pursuing" the rape charges at the time of Brandon's death. During preliminary hearings, Sheriff's deputies testified that they were convinced that Lotter and Nissen had committed the rape and sexual assault, but had been directed by Sheriff Laux not to arrest them. Laux was defeated in his bid for re-election as Sheriff in November 1994.

Local authorities have denied that their outing of Brandon in any way contributed to his killers' motives, and have declined to classify it as a hate crime. However, Lotter's sister has confirmed that both Lotter and Nissen were enraged after learning that Brandon was anatomically female, but had been living as a man and was even dating a local woman, Lana Tisdale. Witnesses for the prosecution at Thomas Nissen's trial testified that both Nissen and Lotter were enraged at and resentful of Brandon after learning that he was anatomically female but had been living as a man. Testimony during that trial also revealed that the Sheriff's office had interviewed dozens of people and prepared an extensive report on Brandon's rape and sexual assault during the week between the rape and the murder. After learning Brandon had reported the rape, Lotter and Nissen coldly and calculatingly plotted and searched Brandon out for an entire week to kill him. They drove to Lincoln (2 hours from Falls City) looking for him. They carried rope and a hatchet in their car, along with a change of clothes for each of them, because of the blood splattering they anticipated. When they finally found Brandon at the farmhouse, he was hiding under a blanket -- totally defenseless. After killing Brandon, they allowed Lisa Lambert to put her baby in a crib before they shot and killed her. Philip DeVine was pleading for his life when they put the gun to his head and killed him.

Marvin Thomas Nissen, 22, also of Falls City, has been convicted of one count of first degree murder in the death of Brandon Teena and two counts of second degree murder in the deaths of Lisa Lambert, whom Brandon was living with at the time, and Phillip DeVine, a friend who was visiting them on the night of the murder. Nissen was also convicted on one count of first degree burglary. Nissen was convicted on Friday; 3 March 1995, following eighteen hours of deliberation over the course of two days, by a jury of ten women and two men, all from Omaha, Nebraska, and sequestered in Falls City throughout the course of the trial. According to reports in the North Platte Telegraph, even Nissen's supporters felt that he was guilty.

John Lotter plead not guilty to involvement in the murders, claiming that although he was with Nissen on the night they were committed, that he was outside asleep in the car while Nissen was committing the murders. Lotter's attorney stated in his opening arguments on 15 May that all of the evidence linking Lotter to the murders was circumstantial, and sought to prevent Nissen from testifying against him. .

The small (pop. 5200) farming community of Falls City has had to pay \$488,000 in court costs, with more in store because of the endless appeals process whenever the death sentence is handed down. When the news interviewed Thomas Nissen after Lotter's sentencing, he said some pretty interesting things. He talked about knowing Brandon as a friend and said he didn't know what went wrong the night of the murders. He kept calling Brandon "he" and said he had no idea that "he" was a woman. "We went drinking together, talked about girls, and even wrestled together!". When one is willing to kill a "friend" who violates the gender binary system, it makes one realize how strong it is.

Leslie Feinberg, along with the New York City Gay and Lesbian Anti-Violence Project has called upon the United States Justice Department to investigate possible violations of Brandon's civil rights by local authorities due to their failure to arrest Nissen and Lotter prior to Brandon's death. "It's fair to ask if Brandon Teena would still be alive today if authorities and the local newspaper had not forcibly outed him after he had successfully passed as a male in a small town," Feinberg stated.

Transgender activists are also concerned because there are people proceeding with book and movie projects on this case who see Brandon Teena as girl who liked to dress up like a boy. Aphrodite Jones, who is writing a book called All She Ever Wanted called him "Teena Brandon" throughout the memorial service sponsored by the transgender community in Kansas City. Riki Anne Wilchins of Transexual Menace says "He died for the right to be a man -- to be Brandon Teena -- and members of the Menace, FTM International, the Menace Men and the Lesbian Avengers have vowed to do everything they can to honor his memory and his sacrifice."

(Reporting from Davina Anne Gabriel, Janeway)