

Jury finds Lopez guilty

By Carol Bryant

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Hall County Attorney Ellen Totzke said she won't seek the death penalty for Norma Lopez, who was found guilty Thursday of first-degree murder.

In a first-degree murder conviction, the only alternate penalty is life imprisonment.

"The ultimate decision rests with the panel of (district court) judges," Totzke said.

Hall County District Court Judge James Livingston has requested two additional judges be designated for sentencing purposes. He made the request Thursday in a letter to William C. Hastings, Nebraska Supreme Court chief justice.

Lopez, 28, was convicted of fatally shooting her 27-year-old boyfriend, Sotero Gandarilla, with a high-powered rifle March 25 at the Alda trailer home where they lived.

She also was found guilty of using a weapon to commit a felony. A sentencing date was not set Thursday but will be established by the court within seven days, Totzke said.

In order to pursue the death penalty, "aggravating and mitigating circumstances" must be present, Totzke said. She doesn't believe there are sufficient conditions to merit the death penalty in the Lopez case.

Defense attorney Jerry Piccolo said he was surprised by the verdict.

"I was hoping for less," he said. "Her (Lopez's) reaction was very calm."

Piccolo said Thursday afternoon he had not yet spoken to Lopez about appealing the case.

"I think we're going to appeal. That's what Norma would want to do," he said.

A decision to appeal will be made after sentencing and must be within 30 days of that date. The appeal would be filed in district court and then go to the Nebraska Supreme Court, he said.

When asked if she was surprised by the verdict, Totzke said, "Not really." She added if she didn't feel it was a first-degree murder case, "I wouldn't have charged it that way." However, she said one never knows what a jury might decide.

Totzke said a plea bargain was offered before the case went to trial. "I really can't talk about what we offered," she said. Piccolo said he could not discuss whether a plea bargain had been considered.

He said jurors were not allowed to hear some statements Tuesday from forensic consultant Bud Deats Jr. of Omaha that would have supported the lawyer's theory that Gandarilla was shot during a struggle with Lopez.

While jurors were outside the courtroom Tuesday, Deats said the rifle barrel was two feet above the floor when fired. Piccolo said that, at the time, Lopez was sitting in a 16-inch high chair.

The lawyer said the two-foot rifle height would "seem to support" the idea that Gandarilla was "bending over as well as yanking" the rifle.

Totzke said she was pleased Livingston limited Deats' testimony.

Jurors began deliberations at 10:40 a.m. Wednesday and stopped at 6 p.m. Totzke said she had thought if a guilty verdict was going to be delivered, the jury would have returned on the same day.

On Thursday morning, however, the deliberations went quickly. The jury convened at 8:30 a.m., earlier than the 9 a.m. time announced in court Wednesday. The verdicts were delivered half an hour later.

Lopez has five children: Norma Lopez, 12; Anastasia Ibanez, 8; Rosalinda Lopez, 6; Marycruz Meza, 5; and Angel Meza, 4. Piccolo said the children are living in Dodge City, Kan., with Lopez's sister, Maria Nguyen, and Lopez's mother.

Two of the children, Norma and Anastasia, testified the first day of the trial.

"We didn't want to put them up unless we were absolutely forced to," Totzke said. "It's a heck of an experience to have a kid relive.

"They did an excellent job. It's real hard on them," she said.

Piccolo, a Hall County public defender, said the case affected the workload in his five-attorney office because both he and Kevin Knake were involved.

"It creates an imbalance in the office when you have two people out of the office. Everyone (in the office) understands that," he said.

Totzke said she and Deputy County Attorney Mark Young worked a lot of extra hours before the trial.

"It puts a strain on the office. It tied up two attorneys for a couple of weeks of full-time work," she said.

She said the trial has affected her office's budget. For instance, one expense was bringing witnesses back for the trial.