

Lawyer Contests Constitutionality of Neb Death Penalty

TECUMSEH, Neb. (AP) - An attorney for an inmate accused of strangling his cellmate has asked a judge to declare Nebraska's death penalty unconstitutional.

Concerns over the lethal injection procedure are among the 11 arguments in a motion filed Monday by Todd Lancaster, attorney for Patrick Schroeder.

Capital punishment was repealed in 2015 but recently reinstated by voters.

The move prompted a delay in Schroeder's arraignment that was set for Tuesday.

Schroeder has been serving a life sentence for murder but now also faces a potential death sentence for allegedly choking cellmate Terry Berry Jr. to death in April at the Tecumseh State Prison.

Lancaster says the state's death penalty is racially and geographically discriminatory. He says the decision to seek it is arbitrary because it's left to individual county attorneys.

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