



## Lincoln lawyer looks for missing evidence in reopening of '55 murder case

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In one of his first official moves as Darrel Parker's new lawyer, Herb Friedman is seeking the evidence from his client's 1955 murder trial.

That could be a problem. The critical pieces vanished years ago.

"If they have it, it will be produced," Friedman said Monday of law officials. "If they lost it, it won't be produced."

Parker, 79, was working as the city's first forester in 1955 when his wife, Nancy, was found dead in their city-owned home in Antelope Park. After serving 13 years for her murder, he was paroled and pardoned. He remarried and rebuilt his life in Moline, Ill. Decades later, a man convicted of another murder reportedly confessed to two lawyers that he killed Nancy Parker.

Now Parker plans to seek \$500,000 from Nebraska under its new wrongful conviction and imprisonment law.

"He wants to be vindicated. This man was charged with murdering his wife, and that was a stigma that's been with him for the last 55 years," Friedman said. "He wants to leave this world with someone saying: 'This state made a very bad mistake.'"

Under the law, Friedman must file a claim against the state. If the state rejects the claim -- or fails to act -- he can file a lawsuit in Lancaster County District Court. The law allows for as much as \$500,000 for a wrongful conviction.

Friedman recently filed a motion seeking all records and evidence from the case.

He asked the police. No evidence there.

He asked the state Supreme Court. Not there, either.

The Lancaster County attorney and clerk of district court did uncover some records in off-site storage last month -- after the Journal Star published a story about the missing evidence.

But that file contained pleas, motions and jury instructions.

Still missing is the trial testimony and the hard evidence, including semen samples that could, with DNA testing, exonerate Parker.

"It would be fairly crucial, but nobody knows where it is," Friedman said.

Crucial, he said, because the law requires a suspect to have been pardoned and proven innocent of a crime.

His client was pardoned but never officially cleared.

The case could return Parker to a Lincoln courtroom -- 55 years after he first stood trial.

"It could be tried in front of a district judge, and the judge has to come to the conclusion that Mr. Parker was innocent of this crime," Friedman said.

If the case does reach a courtroom, the state attorney general's office would defend the state's position, said Lancaster County Attorney Joe Kelly. Attorney General Jon Bruning's office could not be reached for comment Monday.

Parker's case has found new light with the recent release of the book "Barbarous Souls" by David Strauss, a former Lincoln man whose father-in-law was one of Parker's original attorneys.

Friedman remembers the case. In 1956, he watched the trial for a couple of hours as an undergrad at the University of Nebraska.

"It was the trial of the century at that time," he said.

And about 20 years ago, he and his wife built a house near Antelope Park. From his kitchen window, he can see the wood-frame home where Nancy Parker was raped and strangled on a snowy day in December 1955.

Parker confessed to the crime after a controversial interrogation but immediately recanted and since has maintained his innocence. He served 13 years in the state penitentiary, winning parole in 1970 and a pardon in 1991.

In the late 1970s, a man on death row for a Havelock murder told a pair of lawyers he killed Nancy Parker. Wesley Peery had been a suspect early in the case and had worked with Darrel Parker in Lincoln's Parks Department.

The lawyers -- Stan Cohen and Toney Redman -- agreed not to reveal the confession until after Peery died but gathered evidence and court records in the case to confirm the story.

Peery died of a heart attack in 1988.

Parker maintains Redman still had the evidence in the 1990s. Redman recalls seeing it at some point but doesn't remember what became of it.

Last month, the police department property manager said the department had nothing in its storage and suggested it could be stored by the court.

The district court clerk said that office wouldn't keep physical evidence -- such as the semen sample -- but would store documents related to the case.

Those, too, were missing until late last month, when the district court clerk's file was found in a box stored by the county attorney's office.

"It turned up in an old box of county attorney information marked 'Darrel Parker.' They weren't supposed to have our file," said Sue Kirkland, clerk of the Lancaster County District Court. "Sadly, it wasn't the evidence they were looking for."

Friedman expects to file the mandatory claim this week. If the case returns to the courtroom, he said, the process could take 18 to 20 months.