Harold Lamont Otey was electrocuted early this morning when Nebraska carried out its first execution in 35 years.

His last hope for a reprieve vanished at 7:55 p.m. Thursday when the U.S. Supreme Court, for the eighth time in 16 years of appeals, declined to take up his case.

Otey, 43, who raped and killed Jane McManus, 26, of Omaha in 1977, was the first person executed in Nebraska since serial killer Charles Starkweather in 1959.

Shortly after midnight at the Nebraska State Penitentiary, Otey was strapped into the same electric chair used to kill Starkweather.

After the Supreme Court rejected the last appeal, Vince Powers, one of five attorneys who have represented Otey, said he knew of no further action that could be taken in Otey's behalf.

"I think it's over," Powers said. "It's a disappointment.
I don't like a human being being killed with my tax dollars.

"When I wake up tomorrow morning, Nebraska will not only have drive-by shootings, but sit-down killings.
We've made the big time." J. Kirk Brown, assistant Nebraska attorney general, told reporters about 8:30 p.m. that the Attorney General's Office remained ready in case Otey's lawyers filed a last-minute appeal.

"Our obligation is to stay with this case until the execution is completed," he said.

Brown said a Supreme Court clerk called him at 8:05 p.m. with the news that Otey's appeal had been denied.
Brown said he immediately notified Attorney General Don Stenberg, who notified the McManus family.
Jean Eden, a longtime member of Nebraskans Against the Death Penalty, said she was with Otey when he received word about 8 p.m. that the Supreme Court had declined to hear his case.

"He was called out of the room for a phone call from his attorney," Shawn Renner, said Ms. Eden, who recently moved to Madison, Wis., after living 35 years in Lincoln. "He came back, stuck his thumb down and said '6 to 2.' Everybody was pretty quiet. I hugged him." She said Otey was calm and quiet despite the news.

The only notation on the order was that Justices John Paul Stevens and Ruth Bader Ginsburg would have granted Otey's request to delay the execution. Newly appointed Justice Stephen Breyer did not participate in the ruling.

Brown said the Attorney General's Office would contact the U.S. Supreme Court and 8th U.S. Circuit Court of Appeals shortly before the execution to ensure that the courts had not issued any last-minute stays. Once the courts gave clearance, Brown said, his office would tell prison officials to proceed with the execution.

"We're just moving toward 12:01," he said. "It'll be good to have an end to it."
Otey gave his final statement to official witnesses at about 11 p.m. A four-man escort team accompanied Otey from his "death watch" cell in the prison hospital to the electric chair.

Deputy Lancaster County Attorney David Stempson, one of two independent observers appointed to monitor the execution, said he spoke with Otey for 25 minutes Thursday.

"I think personally, and it's only my gut feeling, that he was holding out high hopes for his appeals," Stempson said. But "As I looked in his eyes and saw his body posture, I had the distinct impression that he felt the appeals weren't going to work." State Auditor John Breslow, the other independent observer, said a visitor to Otey had brought a prepared will.
Otey signed the three-part document, and Breslow notarized it.

"When he signed the first signature, he said jokingly, 'Well, I don't have to write my number on this, do I? ' " Breslow said.
Otey smiled when making the reference to his inmate number, Breslow said, but otherwise was "as serious as serious can be." Otey declined his final meal, which would have been a spaghetti dinner.

Thursday afternoon Gov. Nelson reiterated his resolve to see the execution through.

"While I derive no pleasure in the taking of any human life, the death penalty is the law in Nebraska, and I support it," he said. "We're all today feeling the pain of carrying out this sentence." Meanwhile, prison officials said execution preparations were going according to schedule. That schedule included tests of the electric chair and support equipment and special visits for Otey from his family, friends and supporters.

Warden Frank Hopkins said Otey had a stream of visitors.
One visitor said there was a line of people waiting to see Otey.

Hopkins would not identify the visitors, other than to say they included Otey's attorneys.
He said he did not think members of Otey's family were present.

Four Witnesses Otey designated four witnesses to the execution: Paula Hutchinson, an attorney in Lincoln; Alim Abdullah of Lincoln, a Muslim clergyman; Joseph Munshaw; and Jessica French.
Hopkins did not have a hometown or occupation for the latter two.

"He feels a lot of pain for the visitors, who come to him and say goodbye, maybe for the last time," Breslow said.
"You can see it on his face. He kind of shakes his head." Among Otey's visitors was Lincoln radio talk show host Bonnie Coffey, who aired a half-hour recorded interview with Otey Thursday morning on Lincoln's KLIN radio station.

Ms. Coffey said Otey called her Wednesday night and asked her to come because he was interested in what people had to say about the interview.
She said he laughed at a couple of the more outrageous comments by callers.

Ms. Coffey described Otey as "cool, calm and collected." Prison officials began restricting other inmates to their cells beginning late Wednesday morning because of concerns that inmates might demonstrate.

Otey's case became a test of Nebraska's will to carry out the death penalty.
In June 1991, Otey came within six hours of the electric chair before winning a stay from the 8th U.S. Circuit Court of Appeals.

After the court granted the stay Stenberg said, "I hear laughter across the state of Nebraska.
It is the laughter of murderers who know they are safe.
It is the laughter of gang members and drug dealers who know they are safe because they can see there is always some technicality, some loophole that will keep them safe."
Otey was not the first man given a death sentence after the Nebraska Legislature reinstated the death penalty in 1973.
He moved to the front of the line through a mixture of fate and misfortune.
At least two men sentenced before him succeeded in overturning their death sentences.
A third died of a heart attack on death row.

Brown gave two other factors.
"For one thing, his case went to (federal judge) Warren Urbom, and Warren Urbom gives you decisions," Brown said.
Other judges seem to take longer than Urbom to rule, he said.

"For another, Otey never won anything," he said.
"You begin to develop a certain momentum."

Many Appeals Otey's legal battle included three state court appeals of his 1978 conviction and sentence, three federal court appeals of the conviction and sentence, a
state court action challenging his 1991 clemency hearing and a federal civil rights action over the clemency hearing.

His only success was in 1991, when Lancaster County District Judge Bernard McGinn granted a stay of execution on the Pardons Board issue.

That stay was dissolved when the Nebraska Supreme Court rejected Otey's arguments in May 1992.

The rejection of Otey's final appeal was the last decision in a 17-year story that began June 11, 1977. That day, Jane McManus' brother, John, found her battered body lying in her rented house near Ak-Sar-Ben racetrack.

She had been raped, stabbed, strangled with her belt and bludgeoned with a hammer.

After getting leads that pointed to Otey, Omaha police tracked him down in January 1978 at the Florida Downs track near Tampa, Fla.

Over the course of two days, Otey talked with police for more than eight hours. He gave a tape-recorded, detailed account of the McManus murder and told police he'd committed at least 10 rapes in six years.

On April 13, 1978, a Douglas County District Court jury found Otey guilty of first-degree murder in the commission of a sexual assault.

In the KLIN interview, which was taped Monday afternoon, Otey himself offered no predictions whether he would still be alive today.

"I'm not commenting," he said when Ms. Coffey asked him whether he still would be alive Saturday.

LOAD-DATE: March 31, 1997

LANGUAGE: ENGLISH

NOTES: World-Herald staff writers Paul Hammel, Henry J. Cordes, James Allen Flanery, David Hendee, Chris Burbach and Stephen Buttry contributed to this report.

GRAPHIC: COLOR PHOTO/1; END OF HIS LIFE: Harold Otey received the death sentence in 1978 for the murder of Jane McManus. Today that sentence was carried out., Jeff Bundy/World-Herald/1sf

Copyright 1994 Omaha World-Herald Company