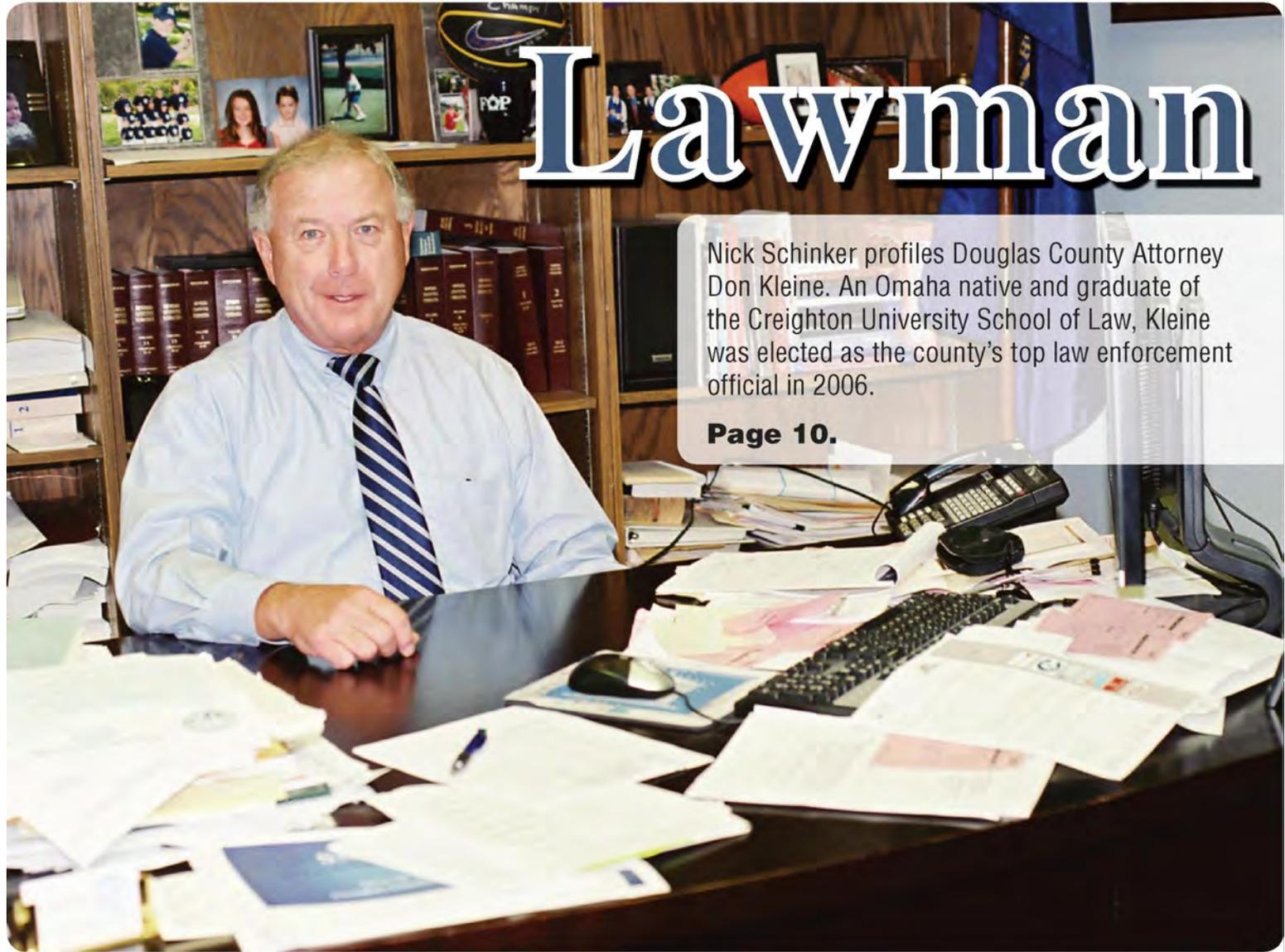


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New Horizons



Lawman

Nick Schinker profiles Douglas County Attorney Don Kleine. An Omaha native and graduate of the Creighton University School of Law, Kleine was elected as the county's top law enforcement official in 2006.

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Don Kleine making sure innocent victims have a voice

By Nick Schinker

Contributing Writer

As Douglas County Attorney, Donald W. Kleine has been able to do something never done before in a Nebraska jury trial: convict someone of murder without producing the victim's body.

In May 2006, 19-year-old University of Nebraska at Omaha student Jessica O'Grady was reported missing after going to visit her boyfriend, Christopher Edwards at the home of his aunt where he was living. Friends told police O'Grady was going to talk to Edwards because she believed she was pregnant with his child.

And though authorities did not find O'Grady – they did find evidence that helped prove their case against her killer.

When investigators searched Edwards' basement bedroom, there was blood covering an eight-square-foot section of his mattress, splattered across two walls of his room, on a television 10 feet away, and on the ceiling. They also found blood on a large sword they believed was the murder weapon.

DNA testing was done. The blood type matched O'Grady's.

Armed with the DNA evidence, prosecutors had an unusual task ahead of them,

Kleine recalls.

"Jessica had people she called on a daily basis," he says. "From the moment she got to Christopher Edwards' aunt's home, she never called anyone. She didn't use her cell phone. She never used a credit card. She didn't touch the money in her bank account. In essence, we didn't need a body to prove she was dead. We were able to prove she wasn't living."

Kleine's office charged Edwards with murder. A jury heard the evidence and found him guilty. He was given a sentence of 100 years to life.

The same year Jessica O'Grady was killed, Kleine was elected as Douglas County Attorney. He was reelected to a second four-year-term in 2010.

As the county's chief prosecutor, Kleine supervises an office with 57 lawyers in divisions that include juvenile, criminal, civil, domestic violence, bad checks, and victim assistance. His office files an estimated 3,300 felony cases a year and has had 25 murder cases pending at one time.

Despite the volume of cases, there are some he cannot forget. Cases where children and older adults are the victims are especially haunting. He remembers the names. And the faces.

"Those kinds of cases

stay etched in your brain," Kleine says. "The horrific things these children and older people went through. It's beyond belief sometimes that a human being could inflict that kind of pain and suffering on someone else, especially someone as defenseless as a child."

He remembers the things no one should ever have to see so that even in death, these innocent victims still have a voice.

"It's important when you go over this kind of terrible stuff every day to meet with the victims' families and get to know the person they knew," he says. "You have to try to keep it in perspective, to maintain a balance in life so you don't become jaded by all the violence."

It's a perspective that helps him sleep at night.

"I like to think that 99.9 percent of the people in our community are wonderful people. There's a very small percentage of people out there doing bad things."

People that he may one day meet face-to-face.

Donald W. Kleine is the son of the late Donald E. and Elizabeth "Betty" Kleine. He, his brother, and two sisters grew up in the neighborhood just south of Hanscom Park. He attended St. Adalbert Grade School, played sports with his friends, and

delivered 100 newspapers each day out of *The Omaha World-Herald's* Station D.

Kleine attended Creighton Prep High School where he ran cross country and track, and he played Catholic Youth Organization (CYO) basketball and baseball, becoming good enough as an outfielder and first baseman to earn a baseball scholarship to Kearney State (now the University of Nebraska-Kearney).

He worked his way through college in the summers as a carpenter, carman helper, and machinist's helper at the Union Pacific Railroad, where his father worked in the railyard shops.

Studying in college as a business and Spanish major, Kleine wasn't sure what his future might hold. That's when a close friend and mentor, the late James P. "Jim" Keenan, made a suggestion.

Keenan served as the longtime Acting Douglas County Coroner. He took Kleine aside and told him to sign up for the Law School



Kleine oversees an office which includes 57 attorneys prosecuting cases in a variety of divisions including juvenile, civil, and domestic violence.

Admissions Test. Kleine did – and was accepted to the Creighton University School of Law.

He earned his law degree in 1977 and clerked for the judges of the 4th Judicial District of Douglas County. In 1978, Kleine joined the Douglas County Attorney’s Office to work for then-County Attorney Donald “Pinky” Knowles.

“It was a great way to start out, and it gave me a lot of trial experience,” he says.

Five years later, Kleine entered private practice, taking cases with an emphasis on civil litigation and criminal defense. Four other attorneys and retired Judge Elizabeth Pittman eventually joined his firm.

Kleine returned to the County Attorney’s Office under the direction of Jim Jansen and in 1991 became Chief Deputy County Attorney. Twelve years later, Nebraska Attorney General Jon Bruning hired Kleine to serve as the Chief of the Criminal Bureau with the Nebraska Department of Justice in Lincoln.

In 2006, Kleine returned to Omaha, ran for county attorney, and defeated Stu Dornan, who had been appointed to fill Jansen’s shoes when he left for private practice in 2003.

“I wanted to come back to Omaha,” Kleine says. “Ever since I worked for Pinky Knowles, it was my goal to one day be the county attorney.”

And though he has been recruited by his fellow Democrats to run for other offices, Kleine says he is right where he belongs.

“I have an impact in this

job as great as any other position in public service,” he says. “To me, it is really an honor to sit in this chair, represent the people of Douglas County, and do what we do here.”

For now, he isn’t interested in a different political office or stepping across the courtroom to sit on the bench.

“I like being an advocate,” he says. “Being a judge is a different role. It’s a very important role, but I like the role I’m in right now.”

Things aren’t the same as they were in 1977. Douglas County has grown, and so has the County Attorney’s Office that serves it.

“Back under Pinky, it was half, maybe two-thirds the size it is now,” Kleine says. “The metro area is bigger, and Omaha now has some of the problems you’d find in other large metro areas.”

Kleine administers a very tight \$7.5 million annual budget. With that he has to pay salaries and a host of other costs: extradition fees, expert witnesses, DNA testing, and autopsy fees. Government grants help in some cases, as in the Nebraska Highway Commission’s funding toward drunk driving prosecutions, and the grant money that assists

with the truancy diversion program.

“The best bang for their buck the taxpayer gets is county services,” Kleine says. “I know that’s the case with our office. I know the job my staff does and I know the hours they work. We are all very fortunate to have such a dedicated group of people.”

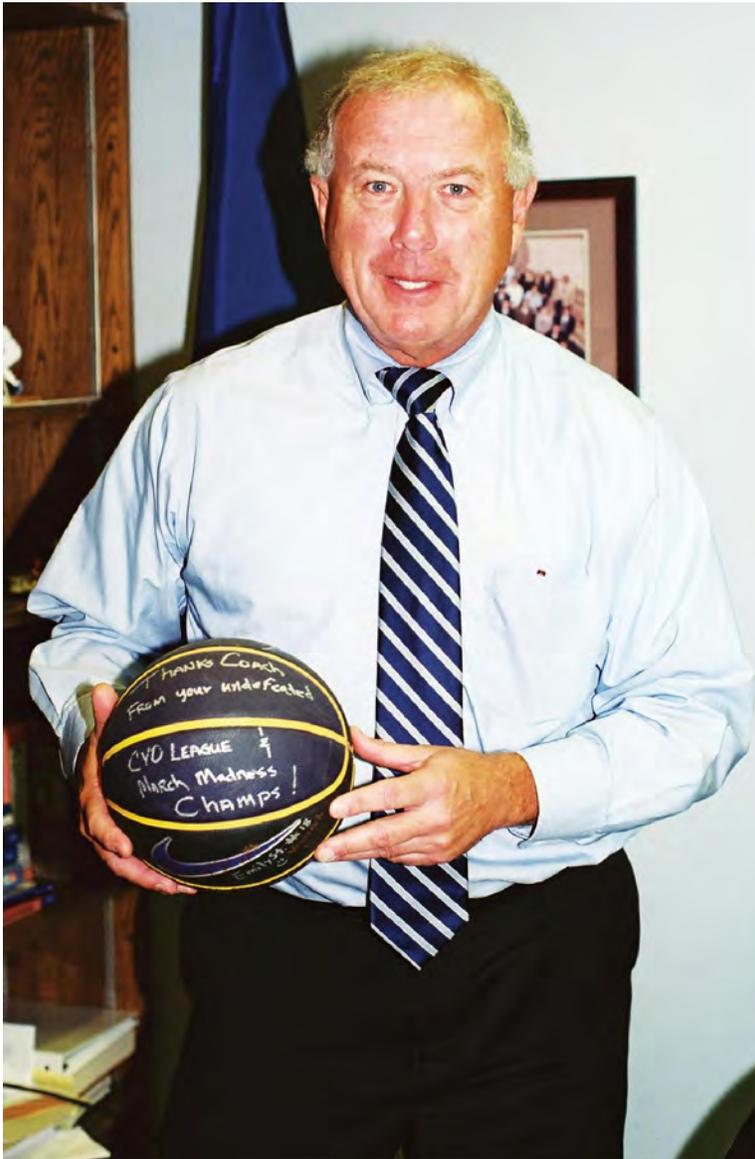
Dedication is key to public service, he says. That’s a lesson for each new attorney he hires.

“It’s a calling,” he says. “You have to have a desire to do this type of work. You have to be willing to go the extra step. Whether it’s giving someone who comes in our door directions to the office or courtroom they are looking for, or helping the family of a crime victim see that the system works for them, this office is about being a true public servant.”

Kleine’s public service goes beyond the county attorney’s office. He serves



Between stints working in the Douglas County Attorney’s office, Kleine was in private practice emphasizing civil litigation and criminal defense



The father of three and grandfather of four, Kleine enjoyed coaching his granddaughter's CYO basketball team to an undefeated season.

on the board of directors for Project Harmony (an Omaha metro area Child Advocacy Center he helped create), the Nebraska Supreme Court Subcommittee on Criminal Jury Instructions, and is a member and past president of the board of directors of the Nebraska County Attorney's Association. He is on the National District Attorney's Association's board of directors and has been named a Fellow in the American College of Trial Attorneys.

Certified as a legal instructor by the Nebraska Commission of Law Enforcement and Criminal Justice, Kleine is a faculty member at the Creighton University School of Law, where he teaches classes in trial practice and criminal prosecution.

He sees each case and trial as a new experience and an opportunity to learn. And despite what the public might think, he says trial juries get it right almost every time.

"I've personally tried maybe 200 jury trials and I marvel at the tremendous job citizens do as jurors and at how well the system works," he says. "There is a very small number of cases where we might have issues, but that is what the appellate courts are for.

"Aside from the defendant, no matter where you sit in a courtroom, you have a responsibility to the public. I don't know anyone

who takes that lightly.”

Kleine has three children. Don is an assistant United States Attorney and Philip is a deputy prosecutor in Sarpy County. Daughter Kevin Maureen serves the County Attorney’s office as a victim/witness coordinator. “They always said they didn’t want to go into trial work because they saw how stressful it was for me,” Kleine says, smiling. He also has four grandchildren: Luke, Emily, Donovan, and

Beckett.

Kleine has been married to his wife, Kim, for 19 years. A registered nurse who previously worked at Creighton’s ER and was a flight nurse; Kim is operations director for Home Care and Hospice at Alegent Creighton Health.

As a volunteer, Kleine has coached sports teams and worked with community youth programs that include the Ralston Optimists, Ralston All-American Foot-

ball, Ralston Youth Baseball, and United Soccer. He has served as a coach for his granddaughter, with a basketball signed by her team that signifies a recent undefeated season displayed proudly on his office shelf.

He also enjoys spending time with his 85-year-old mother, and focuses his attention to the community’s older residents, working to educate them in ways to protect themselves from becoming victims.

“I want my office to be eager to take on cases when our seniors are the victims. I think it’s important that the criminals who prey on these people be held accountable,” he says, “and to inform our older citizens so they can do everything possible to defend themselves and not become victims.”

When they are victimized, Kleine and his office will do all they can to be certain that justice – and the public – are served.



Kleine says aside from the defendant, no matter where they sit in a courtroom, people have a responsibility to the public.