

State Seeking Death Penalty In Tecumseh Prison Death

(KLZA)-- The State of Nebraska will seek the death penalty in a case against a man charged with the first-degree murder of his cellmate at the Tecumseh State Correctional Institution.

According to a release from the Nebraska Attorney General's office, the State intends to file a Notice of Aggravating Circumstances in the information charging 39-year old Patrick Schroeder with first degree murder and use of a deadly weapon to commit a felony in the death of Terry Berry.

Schroeder appeared in Johnson County Court Wednesday and waived his right to a preliminary hearing. He was ordered to appear in Johnson County District Court June 12 for arraignment.

A grand jury will be convened to examine the circumstances surrounding the death of Berry. In order to protect Schroeder's right to a fair trial, the convening of the grand jury will not occur until after the criminal prosecution has been completed.

Schroeder and the 22-year-old Berry were the only occupants in a cell at the prison north of Tecumseh on April 15 when Corrections personnel were alerted to respond to the cell the two men occupied. Berry was unresponsive and was transported to a Lincoln hospital where he was placed on life support and then pronounced dead April 20.

An autopsy report alleges the cause of death was asphyxia, due to compression of the neck structures. The manner of death was listed as homicide.

Schroeder is currently serving a life sentence for the April, 2006 robbery and murder of Kenneth Albers of rural Pawnee City. Schroeder lived in DuBois, when he was convicted of murder in June, 2007.