

Attorneys: John Lotter's IQ too low to execute

LINCOLN, Neb. (AP) - Attorneys for a Nebraska death row inmate whose case inspired the 1999 movie "Boys Don't Cry" say he should be found ineligible for execution because he has the intellect of a child.

John Lotter was sentenced to death for his role in the 1993 killings of Brandon Teena, a 21-year-old transgender man, and two witnesses, Lisa Lambert and Philip DeVine, at a farmhouse near Humboldt.

The Lincoln Journal Star reports that Lotter's lawyers filed a motion stating that recent IQ testing shows the 46-year-old Lotter is intellectually disabled and therefore can't be put to death under a U.S. Supreme Court ruling forbidding the execution of the intellectually disabled.

Nebraska law says an IQ of 70 or below is presumptive evidence of an intellectual disability. Court records show Lotter scored a 67 last year, which would be the equivalent IQ of an 8-year-old.

The judge will need to grant an evidentiary hearing to consider the issue.

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