

Deal takes convicted murderer off death row

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Nevada's death row population dropped to 82 last week after a negotiation between prosecutors and convicted murderer Steven Kaczmarek.



Prosecutors offered Kaczmarek a deal to end an appeal. He will now serve life in prison without the possibility of parole for the September 2002 robbery and murder of Pedro Villareal in a Fremont Street apartment.

Then 33-year-old Kaczmarek and Alisha Burns, then 15 and described as his girlfriend, met Villareal at a fast-food restaurant. Authorities said Villareal propositioned Burns, a runaway from Ohio, for sex in exchange for \$200. The three went to Villareal's apartment where Villareal was choked and then drowned.

Burns was sentenced to life in prison for her involvement in the killing, with parole eligibility after 10 years.

Kaczmarek's attorney, Karen Connolly, said the outcome of the deal satisfied both sides because the prosecutors are guaranteed "he's never getting out of prison."

"I find the death penalty to be morally repugnant, and I'm ecstatic he's (Kaczmarek) off death row," Connolly said.

Appellate Chief Deputy District Attorney Steven Owens wouldn't say why the deal was offered other than to say that "some of the issues raised in the appeal had enough merit for us to negotiate the case."

"He pleaded guilty to everything he was previously convicted of by a jury and received the same sentences, except for now he will serve life without parole instead of death for the murder charge," Owens said. "There is a benefit to the state to having him plead guilty because it severely limits his abilities to ever appeal the case again."

Connolly, said she believed prosecutors offered the deal after recognizing that errors by Kaczmarek's trial attorneys, Paul Wommer and Greg Denué, might have resulted in him receiving a new penalty hearing.

Connolly said they failed to offer the jury any mitigating evidence before jurors determined Kaczmarek's fate.

She said evidence existed that Kaczmarek was physically abused by his mother's boyfriend when he was 7 years old, drank alcohol and smoked marijuana with his uncles when he was only 8 years old and had an IQ that placed him on the borderline of mild retardation.

"He was sitting on death row after absolutely no mitigating evidence was presented at all in his defense despite the fact he had a long history of issues beginning during the early years of his childhood," she said.

Wommer said he and Denué tried to get Kaczmarek's mother to testify at the hearing.

"His mother lived in Ohio, and Greg (Denué) had been in contact with her and we were planning on bringing her out for the penalty phase to make a plea for her son's life," Wommer said.

"She wasn't really receptive to the idea and after the trial when we called her to ask her to testify she said she couldn't come because a new Wal-Mart was opening. I guess she couldn't miss it."

Wommer said instead Kaczmarek's mother faxed a one-page letter in which she said, "Steven didn't have the greatest direction growing up and she should have paid better attention to him."

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