

IN DEPTH

HOMICIDE

THE INVESTIGATION

CRACKING THE CASE

Deputy District Attorney Rob Baker explains the investigation process

47 years and three months ago, English teacher Diane Peterson was murdered on Branham's campus as she cleaned up her classroom, now Room 47, on June 16, 1978, the day after school ended for the summer. Peterson was stabbed once in the chest. Efforts to resuscitate her failed, and she was pronounced dead that day.

Despite police's best efforts to track down the killer, the case remained unsolved until June 2025. The Santa Clara County District Attorney's Office stated that Harry "Nicky" Nickerson, 16 years old at the time, was guilty of the crime.

Articles from San Jose Mercury News reveal that original investigators didn't have many leads to follow. They did suspect Nickerson, who resembled a police sketch drawn based on witness statements, according to Deputy District Attorney **Rob Baker**. Four days after the homicide, police questioned Nickerson about a different crime, resulting in an unexpected twist.

"When they were interviewing him, he accused the police of trying to pin the murder of the teacher on him. Those officers had no idea there was a connection until he actually said, 'Hey, you're trying to pin the murder on me. I think that's a pretty incriminating statement,'" Baker said. "But we never had enough."

Several witnesses did come forward with information. In 1983, the family of a Branham student informed police that the student claimed to have witnessed Nickerson kill Peterson, but the student later denied saying that. In 1984, another witness claimed Nickerson implicated himself in the killing. Even so, the police could not gather enough evidence to prove him guilty.

"The original investigators believed that Nickerson was involved in a [drug-related] group transaction on campus. Diane Peterson may have interrupted that or indicated she was going to report it, and as a result, that's why she was killed," Baker said.

Advances in forensic science and technology, particularly in DNA testing, couldn't solve this cold case. Peterson was stabbed once with a weapon the police couldn't find, and there was a lack of blood or evidence to test for DNA.

Additionally, Nickerson shot and killed himself in 1993, and San Jose police did not collect DNA back then, preventing current investigators from doing close comparisons. The crime also happened in a classroom, so even if police could have obtained a DNA profile, determining whether the DNA was from the killer or a student would be difficult.

"The problem with cold cases is we're talking about the 1970s, 1980s and even the early 1990s. No one thought that DNA would be a thing," Baker said. "A lot of times we have cases in which evidence wasn't preserved because they didn't think it would make a difference, or evidence was contaminated."

At the time, fingerprinting was a widely used forensic tool. However,

police would use the same fingerprint dust at every crime scene, contaminating it.

"If you're dusting for prints and you're mixing it into this container of fingerprint dust, then you get a lot of different little bits and pieces of DNA inside there," Baker said. "Fingerprint dust is a significant contaminant to successfully identify DNA."

After extensive DNA testing in 2023 and 2024 did not produce a definitive result, investigators led by Detective John Cary pivoted to asking Nickerson's family for information, and they ended up talking to a relative who Nickerson confessed to minutes after the murder.

"We had no idea that the person we talked to was essentially a witness to the crime," Baker said. "It could have been a totally different relative that we talked to, but John Cary was very good at picking the right relative and a person who not only would likely have known about it, but would have been willing to share that with us. [Cary] positioned his interview selection and his interview techniques in such a way that we were able to successfully close the case."

Afterwards, the San Jose Police Department and the Santa Clara County District Attorney determined that there was enough evidence to prove Nickerson committed the murder and closed the case by exceptional means. Since Nickerson died, they did not file charges.

Baker said Nickerson's relative may have refrained from telling the police about his confession out of fear of Nickerson and other relatives, adding that the passage of time likely allowed the relative to open up.

"When Detective Cary interviewed the relative, it was unquestionably an emotional moment," Baker said. "I think that relative felt a huge weight was being lifted off their shoulders. They've been carrying the secret for decades, and it's something they probably wanted to share long ago but were afraid to."

47

years have passed since Diane Peterson's murder on June 16, 1978.

30+

cold case murders solved since the District Attorney's Cold Case Unit was established in 2011. The Peterson case is the fourth case solved by the DA's Office this year.

In June this year, investigators officially solved a cold case from 1978 — the murder of English teacher Diane Peterson at Branham. Take a look at the process of closing the case and read about alumni's reactions.

by Yujin Cho and Elliott Yau

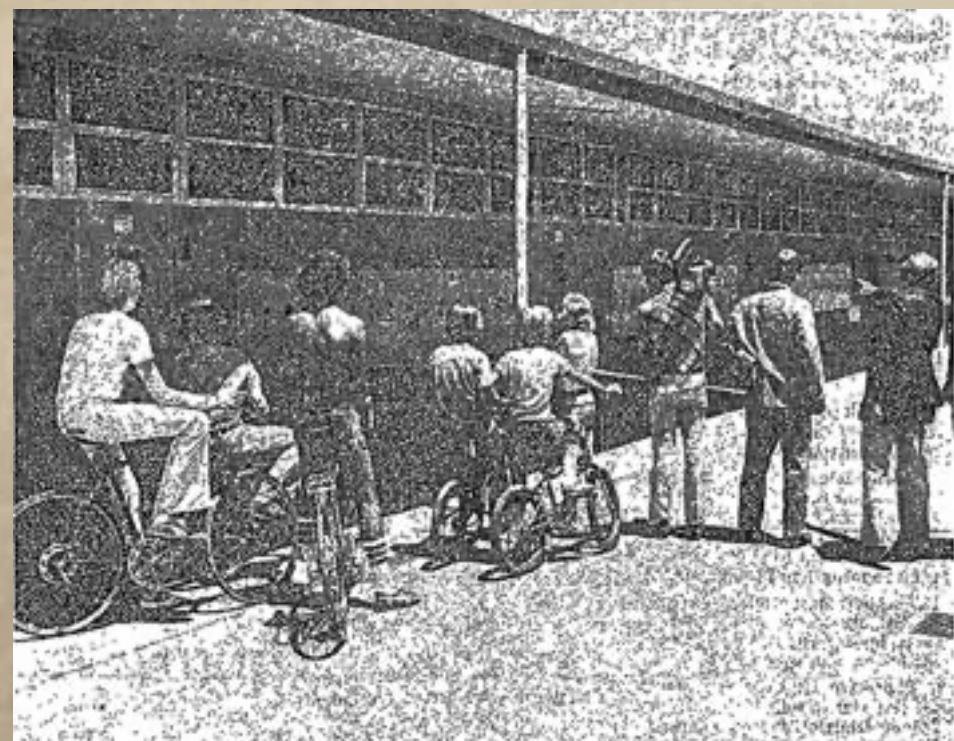


Rob Baker/Special to Bear Witness

Original case folder and banker box from 1978

"For a long time, it was hard to walk to that end of the campus, especially the row that her classroom was on. Every time I was near there, I felt sad, and I would think about her."

Denise Morrone, Class of 1981



San Jose Mercury via NewsBank

People gather outside Peterson's classroom the day after she was stabbed.

BRANHAM HIGH

OLVED



Courtesy of Peterson family and Santa Clara County District Attorney's Office
Diane Peterson was 26 years old at the time of her murder. A graduate of Emil Buscher High School, West Valley College and San Jose State University, she passionately pursued teaching, even when the job market was rough, according to a 1978 San Jose Mercury News article. She taught English and creative writing to freshmen and sophomores at Branham for one year. Due to the school's declining enrollment, Peterson was let go at the end of her first year, a familiar occurrence for her.



San Jose Mercury via NewsBank
Dennis and Diane Peterson pose for a photo with their 1-year-old son David.

URSA MAJOR

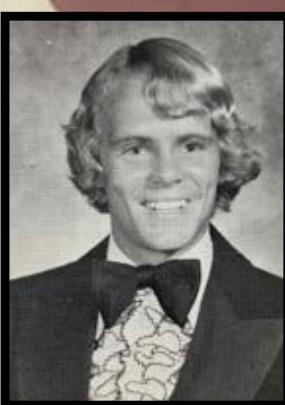
Branham yearbooks contain photos from over 40 years ago



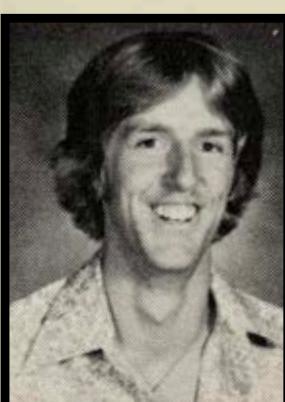
1978 Branham yearbook
Diane Peterson at her desk



1981 Branham yearbook
Denise Morrone (formerly Salta), Class of 1981



1978 Branham yearbook
Mark McCoy, Class of 1978



1979 Branham yearbook
Patrick Godar, Class of 1980

IN MEMORIAM

HONORING PETERSON

Branham alumni remember Diane Peterson's impact

A family member described **Diane Peterson** as a "beautiful and wonderful person who is missed dearly" in a news release from the Santa Clara County District Attorney's Office. 26 years old at the time of her murder, the first-year teacher at Branham is still remembered by former students.

Denise Morrone, who had just completed her freshman year of high school at the time of the killing, was a student in Peterson's freshman English class.

"There are some teachers that just make an impact on you. It was my first year of high school, which was a little unnerving trying to adjust to this new chapter. She made an impact on me," Morrone said. "She was kind and patient, knowledgeable and friendly. There are some teachers that [make] you feel intimidated, or they don't seem like they have a lot of patience, but she was the complete opposite, and I learned a lot from her. She seemed like an all around great person and a great teacher."

Peterson's positive presence left a lasting impression on Morrone.

"I can close my eyes and remember sitting in her class one day. I don't remember what she said; I just remember sitting in her class and feeling really good, feeling comfortable," Morrone said. "Why that sticks in my mind, I don't really remember, but it was just a really great feeling."

Class of 1980 alumni **Patrick Godar** was a student in Peterson's sophomore English class. Peterson taught freshman and sophomore-level English along with creative writing. Although he can't recall particular anecdotes, Godar notes her positive character.

"She seemed to be a nice teacher. [She] helped out all the different students," Godar said.

Morrone talked to her close friends when she found out that Peterson had been killed after school had gotten out for the summer.

"I do remember feeling extremely shocked, sad, [in] disbelief and fearful. It was scary," Morrone said. "We didn't know who it was or why it happened. I remember images going through my mind of her being in that classroom and packing up her stuff, and some horrible person just walking into her classroom and hurting her."

Because the killing occurred on the day after the class of 1978 graduated, seniors were about to depart to Disneyland to celebrate Grad Nite when details of the attack first broke out. **Mark McCoy**, a senior at the time, recalls hearing that a teacher was stabbed before leaving on the bus to Los Angeles with the senior class. McCoy didn't find out she died until he returned the next day.

"Everyone was completely freaked out that an actual teacher was murdered on the campus. [It] was just unfathomable," McCoy said.

During the 1970s — before mobile phones and social media — information moved slowly.

"Unless you called someone at the telephone, you really couldn't follow up and see what happened. The way information moved around was a lot more stifling back then compared with today," McCoy said. "It was really frustrating that they never found out who did it. People thought maybe a student did it, but nobody knew anything. There was no concrete information, and then it faded over time."

San Jose Mercury News first reported on the homicide in the June 17, 1978 issue, the very next day. Their last article on the topic was published on July 1 that year.

McCoy thought it was "really strange" that a violent killing had occurred in the Branham area.

"People were freaked out, devastated and frightened. Branham — it's a safe campus. It's not on the east side, or anything like that," McCoy said.

For Morrone, who was born and raised in the Branham area, Peterson's killing raised safety concerns.

"It was the questions: 'Why would someone do this to such a sweet lady? If somebody could go on our campus and do that, who's to say it's not going to happen again?' I think that was going through my mind," Morrone said. "There was never any worries about something so violent as that happening, so when it did happen, it definitely shook me."

Concerns about safety extended outside of Branham as well, reaching people like McCoy's sibling who attended middle school at the time.

"I remember talking to my younger sister about it, who was not even at Branham," McCoy said. "Talking about how they finally got the [killer], she said she was affected and freaked out, and her friends were very scared."

The following year, Branham implemented more safety measures, adding a wire fence along Dent Avenue and transitioning from an informally open campus, where leaving campus during school hours was left largely ignored, to a closed campus.

"We were sort of a semi-open campus, and they locked it down a little bit better as the years went on because they ended up putting fences," Godar said. "It was considered a closed campus, but kids would take off and go down to 7-Eleven."

The homicide was initially investigated, but a lack of evidence at the time made solving the case close to impossible. As updates trickled to a stop, Godar stopped thinking about the killing.

"[I found out] on the news. [I was] a little obviously upset [and] a little freaked out because it was one of the teachers that I was taught by," Godar said. "After a while, you just unfortunately forget about it until it pops back up again."

Morrone felt differently. She struggled to come to terms with the violent killing of someone she knew, especially as a 15-year-old at the time.

"Having been her student and having seen her the day before [and] having a final in her class, it was hard for me," Morrone said.

Peterson's killing impacted Morrone during the rest of her time in high school.

"For a long time, it was hard to walk to that end of the campus, especially the row that her classroom was on," Morrone said. "Every time I was near there, I felt sad, and I would think about her."

After 47 years, Morrone believes that solving the cold case will bring closure to Peterson's family.

"I think it's fantastic," Morrone said. "It definitely helps the family finally have some closure. It's sad, but at least now they have closure, and that's important, and that makes me feel better."