

MIDWEST DIGEST

Grand Jury To Investigate Police In Suicide

LINCOLN, Neb. (AP) — Authorities say a grand jury will investigate the apparent suicide of a Lincoln man because police were present at the time of his death.

Officials say 47-year-old Jack Densberger died in a car near a city intersection Sunday night. Police reports classify his death as a suicide by firearm.

Lancaster County Attorney Joe Kelly told the *Lincoln Journal Star* that, per state law, a grand jury will be convened because Densberger died while in police custody. Kelly and police declined to offer additional details, citing the pending grand jury investigation.

Schopp Chosen As S.D. Education Secretary

PIERRE (AP) — The governor has appointed Melody Schopp (shahp) as secretary of the South Dakota Department of Education.

She's worked in the department for 11 years and has been interim secretary since Gov. Dennis Daugaard took office in January.

Schopp said having a well-educated work force is important in boosting economic development in South Dakota.

She began her career as an elementary teacher and then a school board member. She joined the state Education Department to work on technology in schools and later became deputy secretary in the department.

Neb. Rejects Bill For Minors Serving Life

LINCOLN, Neb. (AP) — Nebraska lawmakers have killed a bill that would have allowed commutation hearings for certain prison inmates sentenced to life for crimes they committed as juveniles.

Lawmakers rejected the measure Thursday amid concerns that it could create constitutional separation-of-power conflicts between the Legislature and the Executive Branch. Some lawmakers also argued that 18 years old was an arbitrary cutoff age to gauge whether an offender's mind was fully developed.

The bill would only have affected convicted murderers. The U.S. Supreme Court declared last year that states cannot impose life sentences without parole on juveniles convicted of a crime where no one was killed.

State DCI Investigating Shooting By Deputy

RAPID CITY (AP) — Attorney General Marty Jackley said a man was shot and killed by a deputy sheriff who was following up on a traffic complaint west of Rapid City.

He was identified Thursday as 43-year-old Scott Mollman, whom authorities said was on parole for a 2002 vehicular homicide conviction at Rapid City.

Jackley said Pennington County Deputy Ed Johnson was at a residence Wednesday evening trying to make contact with the driver when he heard a gunshot from a garage.

He said Johnson entered the garage and found a man carrying a rifle and a handgun. Jackley said the incident "escalated" and Johnson fired his weapon at Mollman.

Dozens Take Early Retirement From NPPD

COLUMBUS, Neb. (AP) — Dozens of workers are accepting an early-retirement package from the Nebraska Public Power District.

The Columbus-based utility offered the voluntary program to 360 eligible, non-nuclear employees in February in order to cut labor costs. The company hopes to save \$10 million with the retirement.

The Columbus Telegram says Thursday that 77 workers have accepted the deal, effective April 30. That represents about 5 percent of the utility's full-time, non-nuclear workforce.

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Nursing Home: Affection Isn't Abuse

BY **TIMBERLY ROSS**
Associated Press

OMAHA, Neb. — A Nebraska nursing home has taken the federal government to court in an effort to clear its record, claiming that investigators issued a sex abuse deficiency report after observing hand holding and hugging between two residents with dementia.

The Golden Living Center - Grand Island Lakeview was given the deficiency during an inspection last April, when the residents were observed being affectionate but not in a sexual manner, according to a lawsuit filed in U.S. District Court in Omaha. As a result, the facility was given a deficiency and some of its federal funding was denied. The funding was restored a few days later, after Lakeview was deemed in compliance, but the deficiency is still on its record and viewable to anyone researching nursing homes.

"The safety and well-being of our patients and

residents is our number-one priority and a responsibility we take very seriously," Lakeview's executive director Rebecca Bengston said Thursday. "In this instance, we strongly believe that the alleged deficiency is inaccurate and absurd, and we are asking the court to remove it from our record."

The U.S. Department of Health and Human Services, which is named in the lawsuit, didn't immediately respond Thursday to requests for comment.

A search of Lakeview's record in a federal database shows the nursing home was cited in April 2010 for failing to protect residents "from all abuse, physical punishment and being separated from others." It indicates the problem was fixed a month later but doesn't provide details about the alleged abuse or how it was corrected.

Lakeview said in its lawsuit that the two residents, a 92-year-old man and a 69-year-old woman, were considered by the inspectors to be

unable to consent to the affection because of their deteriorating mental state. Both have been diagnosed with Alzheimer's disease.

"The touching was mostly hand-holding and hugging in the resident lounge, and there is no suggestion that the residents were disrobing, engaging in sexual activity or doing anything at all in private," the lawsuit said. The nursing home also said that the residents' families were already aware of their affection and were not concerned.

Lakeview's Arlington, Va.-based attorney, Joe Bianculli, said nursing home workers spoke again with the two residents and their families after the inspection and were assured the affection was OK. Details of the interviews were sent to the Nebraska Department of Health and Human Services, which had conducted the inspection on behalf of its federal counterpart.

Bianculli said the sanction against Lakeview was lifted even though the nursing home took no further action to correct the alleged deficiency.

Child Porn Sentence Overturned

BY **CHET BROKAW**
Associated Press

PIERRE — A Pierre man's 100-year prison sentence for possessing child pornography must be overturned because it violated the constitutional ban on cruel and unusual punishment, the South Dakota Supreme Court ruled Thursday.

The high court's unanimous decision upheld Troy Bruce's conviction on 55 counts of possessing child pornography for videos found on a DVD.

However, the justices said the 100-year prison sentence was disproportionately harsh when considering the details of Bruce's crime.

The ruling sends the case back to a circuit judge, who will resentence Bruce after comparing his case to sentences imposed in similar cases.

Bruce's lawyer, Al Arendt of Pierre, said he was pleased that the Supreme Court found the 100-year sentence to be excessive. He said he hopes Bruce gets a much shorter prison sentence when the case returns to circuit court.

Bruce was arrested in December 2008 when his estranged girlfriend told police she had seen child pornography on his computer. After getting a search warrant, police found child pornography on some discs. All charges against Bruce were based on videos found on one DVD, and a jury found him guilty of all 55 counts in December 2009.

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Amar'e	Colin	Gabriel	Kennedy	Olivia	Sunny
Bailey	Davonte	Gregory	Kylie	Olivia	Tiannah
Benjamin	Donals	Hunter	Kyson	Paige	Waylon
Bennett	Dre	Jacie	Lauren	Payton	
Bentley	Eliza	Jacob	Logan	Reece	
Brady	Elyssa	Jacob	Maci	Reily	
Braxton	Emelynn	James	Marlee	Roman	

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*few exclusions apply
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