

Court: Avoiding Checkpoint Doesn't Justify Stop

PIERRE, S.D. (AP) — A driver's avoidance of a sobriety checkpoint does not by itself give police sufficient reason to stop a vehicle and check whether the driver is intoxicated, the South Dakota Supreme Court ruled Thursday.

The high court noted that it had ruled in a 1991 case that avoiding a checkpoint gave law officers the reasonable suspicion required to justify a traffic stop. The justices said they now agree with recent federal court rulings to hold that turning away from a checkpoint is not by itself a sufficient reason for a stop.

The Supreme Court nonetheless upheld the drunken driving conviction of Ryan Lee Rademaker, who was stopped after he turned onto another road before reaching a checkpoint near Milbank in November 2010. In a unanimous ruling the court said the law officer who arrested Rademaker had other reasons to justify the stop.

Rademaker had argued his constitutional protections against unreasonable search and seizure were violated by the stop. He said he was not avoiding the checkpoint, but was following his usual route to take a friend home. He argued that a test that showed his blood alcohol content exceeded the legal limit should not be used against him because the stop was unconstitutional.

But the Supreme Court said a law officer was justified in stopping Rademaker because the officer knew Rademaker had avoided a checkpoint at 1 a.m. and saw him making a wide turn and driving at an excessive speed for the road conditions.

S.D. Recognizes 2 New Political Parties

PIERRE (AP) — South Dakota has officially recognized two new political parties.

Secretary of State Jason Gant says he has approved petition signatures submitted by the Americans Elect Party and the Constitution Party. KSFY-TV reports that means candidates for federal, state, legislative and county offices can run as recognized members of those parties.

The Americans Elect Party is new to South Dakota and has no registered voters. The Constitution Party has 309 registered voters and was recognized by South Dakota in the past, but lost its recognized status when it did not run a candidate for governor in 2010.

Gant says that to retain their recognized status, the two parties' candidates for governor will have to get at least 2.5 percent of the total votes cast for that race in 2014.

S.D. Unemployment Rate Unchanged In March

PIERRE (AP) — South Dakota's unemployment rate remained last month.

The South Dakota Labor Department reports that the state's jobless rate was 4.3 percent in March, the same rate recorded in February. The state's unemployment rate has remained about half the national rate in recent months.

State Labor and Regulation Secretary Pam Roberts says South Dakota gained about 1,300 non-farm workers in the past year. She says the biggest employment gains were in trade, transportation, utilities, professional and business services, and education and health services.

Knology Customers Will See No Changes Soon

SIOUX FALLS (AP) — Officials with a Colorado company buying cable TV and Internet provider Knology Inc. says Knology's South Dakota customers will see no near-term changes.

Knology spokesman Royce Ard tells the *Argus Leader* that South Dakota customers will still get a bill from Knology, and it takes a few months for the transaction to fully go through.

Wow announced Wednesday that it is buying Knology for \$750.5 million, partly to broaden its geographic reach.

Wow, which is owned by private equity firm Avista Capital Partners, offers cable TV, Internet and telephone services in Michigan, Illinois, Ohio and Indiana. Knology serves the Southeastern and Midwest U.S. The combined company would have more than 800,000 customers.

Heineman:

Neb. Legislature Sent Mixed Signals

BY GRANT SCHULTE
Associated Press

LINCOLN, Neb. — Gov. Dave Heineman said Thursday that Nebraska lawmakers sent mixed signals during this year's session, approving a slimmed-down version of his tax cut plan but enacting other measures that could end up costing taxpayers.

The Republican governor said during a news conference that he appreciated the Legislature's work on child welfare issues, a "modest but important" tax relief package and other economic incentives. But he took issue with two successful veto-override votes on the session's final day: One that will restore taxpayer-funded prenatal care benefits for illegal immigrants, and one that gives cities the power to impose voter-approved sales tax increases to a rate as high as 2 percent.

"We ended on a note that I think was inappropriate for the state," Heineman said. "We're going to give taxpayer-funded benefits to illegals, and legal Nebraska citizens are likely to get a tax increase. To me, that's mis-

guided and misplaced."

Heineman said the prenatal care measure will cost the state \$1 million in the next two-year budget and will increase in future years. Medical professionals say the coverage will reduce infant deaths and avoid emergency births, long hospital stays and treatment for children who develop complications — all of which costs the state more than prenatal care.

Heineman said the prenatal care for illegal immigrants shrinks the amount of state money available for schools in the future. Lawmakers approved \$852 million in state aid to schools, a slight increase from previous years.

"To me, they sent a mixed signal," Heineman said. "Previously, we've had a laser-like focus on education and jobs, and we've made a lot of progress. I'm worried this is a step backwards."

Heineman and lawmakers tangled several times this session, often over the size of a tax-cut plan the governor designated as his top priority.

The original plan would have lowered cor-

porate and individual income taxes and eliminated a county inheritance tax, at a three-year cost of \$327 million. But the proposal faced resistance from lawmakers, and was scaled back twice — first to \$148 million, then to \$97 million. The plan to ax the inheritance tax was removed.

Lawmakers expressed concern about the plan's long-term cost, given state revenue projections from February that remained unchanged. Lawmakers had hoped the forecast would show an increase in revenue as the economy improved.

Heineman said lawmakers seemed worried only when it came to his tax cut proposal. "Probably if the revenue forecast had been higher, they would have spent more money," he said. "And that would have been a mistake."

Lawmakers also rebalanced the state's two-year budget and invested in new University of Nebraska medical facilities during their 60-day session, which ended Wednesday. Speaker of the Legislature Mike Flood has credited lawmakers for passing an "extremely responsible" budget.

Official: FBI Won't Reopen Pine Ridge Cases

BY KRISTI EATON
Associated Press

SIOUX FALLS — The FBI won't reopen decades-old investigations into the deaths of more than 50 people on the Pine Ridge Indian Reservation unless new information emerges, an official with the bureau said Thursday.

The decision came after Oglala Sioux Vice President Tom Poor Bear and James Toby Big Boy, chairman of the tribal council's Judiciary Committee, asked U.S. Attorney Brendan Johnson to reopen the investigations into the deaths in the 1970s and what they believe are additional unsolved murders that have occurred since 2000.

"Mr. Johnson, we ask that you demand the FBI and (Bureau of Indian Affairs) Division of Law Enforcement to reopen ... the unsolved and largely uninvestigated murders of the individuals whose names are enclosed with this letter as well as those whose names shall be forthcoming," Poor Bear and Big Boy wrote in their

letter March 16.

The FBI in 2000 issued a report detailing their investigations into the deaths of 57 people that occurred during a violent period of the 1970s, when the murder rate on the reservation was the highest in the nation. The report said the bureau was right in closing the cases, even in situations where no one had been prosecuted for a death deemed unnatural.

"Absent new information, there's no intention to reopen any of these investigations," Kyle Loven, chief counsel for the Minneapolis Division of the FBI, told The Associated Press in an interview Thursday. Loven's statement was the government's first public response to the request.

In a statement, tribal officials said they are disappointed with the FBI's decision but are hopeful a meeting with Johnson next month will persuade federal officials to change their mind.

The tribe has said they will not publicly release the list of names because of privacy con-

cerns but said its list does include names listed in the 2000 FBI report that they felt were insufficiently investigated and prosecuted. One person listed in the 2000 report, for instance, was killed with an axe. According to the report, a suspect was identified but was not prosecuted because of impairment caused by a mental condition. In another instance, a man was fatally stabbed through the neck and right side of the face. The autopsy report showed the death was deemed a suicide and the FBI did not investigate.

Before the FBI rejected the request to re-open its investigations, Lisa Shellenberger, an outside attorney working with the Oglala Sioux, said the work done on the cases was "just not convincing."

"The conclusions that they issued for each name, each unsolved murder, were pretty sparse and limited and without additional information or additional public knowledge besides a couple sentences, that's sup-

posed to clear up the taking of an individual?" said Shellenberger, an attorney with Westminster, Colo.-based Smith, Shelton, Ragona & Salazar.

U.S. Attorney Johnson cited the prosecution of John Graham and Fritz Arlo Looking Cloud in the 1975 killing of American Indian Movement activist Annie Mae Aquash as a sign that federal officials are dedicated to prosecuting cases with enough information — even decades later.

Aquash's death had gone unsolved until Looking Cloud was convicted of first-degree murder in 2004 in federal court. Graham was convicted in state court in 2010.

"Whenever we have a case that we believe we can pursue and prosecute, we're going to do it. It doesn't matter if it's 20 years, 30 years old, we're going to do that," Johnson said, adding that public safety on the Pine Ridge reservation and the state's other reservations are a high priority for him.

From the Yankton Walmart family to Yours...
Thank You!

Because of our Customers and our Associates,
we have been awarded

Walmart
SuperCenter
of the Year



In appreciation we will be serving
FREE hot dogs, chips, pop & cake
to Celebrate!

Tuesday, April 24th, 2012
11am-2pm

Walmart

3001 Broadway. Yankton