

## MIDWEST DIGEST

### Woman To Be Tried For Neb. Funeral Protest

PAPILLION, Neb. (AP) — A member of Kansas' Westboro Baptist Church is set for trial Monday on charges of disturbing the peace and negligent child abuse stemming from a 2007 protest outside a Nebraska soldier's funeral.

Shirley Phelps-Roper has said the charges aren't warranted because she was exercising her right to free speech and was in compliance with a city-issued permit for the protest. She has pleaded not guilty in Sarpy County Court and twice asked unsuccessfully for the case to be dismissed.

Phelps-Roper is accused of letting her then-10-year-old son stand on an American flag during a protest at the funeral of a National Guardsman in Bellevue, an Omaha suburb. She also wore a flag as a skirt that dragged on the ground, authorities have said.

In a separate case related to the same protest, Phelps-Roper was charged with violating Nebraska's flag-mutilation law, which makes it illegal to intentionally cast "contempt or ridicule" upon an American or Nebraska flag by mutilating, defacing, defiling, burning or trampling it. She filed a federal lawsuit challenging the law's constitutionality.

Last month, the city of Bellevue agreed to pay \$17,000 to Phelps-Roper to be dismissed from her lawsuit. A federal judge, with agreement from state Attorney General Jon Bruning, barred enforcement of the flag-mutilation law. They indicated it was unconstitutional.

Members of the church based in Topeka, Kan., travel the country protesting at soldiers' funerals because they believe U.S. troop deaths are punishment for the nation's tolerance of homosexuality. Members often trample on, wear and display the American flag upside-down as part of their protests.

### S.D. Lottery Relocating Its Pierre Office

PIERRE (AP) — The South Dakota Lottery on Monday will open its new office in Pierre.

A notice from lottery officials says the office is located on the top floor of the Capitol Lake Plaza building. Staff began moving items from the former office at the St. Charles Hotel on Friday.

The office will retain its current mailing address, phone numbers and e-mail address.

### SDSU Brings In \$66 Million For Research

BROOKINGS (AP) — The South Dakota State University brought in \$66 million in research awards in the fiscal year that just ended. University regents says that accounts for 43 percent of the \$154 million in research money granted to the state system.

Administrator Kevin Kephart says the university brought in \$17 million for research in 2006 and that's grown fourfold since then. He calls it a testament to the expanded research programs at SDSU.

### S.D. Lawmakers To Compete In Beef Arena

HURON (AP) — More than a dozen state lawmakers will compete against each other in a beef showmanship contest at the South Dakota State Fair.

They'll be paired with a youth livestock exhibitor from their legislative district who will groom and prepare the animal for competition. The state legislator will show the animal in the arena and compete for the title of Legislative Showmanship Champion.

The fair runs Sept. 2-6 in Huron. The contest is Sept. 4.

■ Get Updates At Yankton Online (www.yankton.net)

## OBITUARIES

### William 'Bill' Voracek

William "Bill" Voracek, age 87, of Yankton, South Dakota, died Friday, August 20, 2010 at Avera Sister James Care Center in Yankton.

Funeral services are 10:30 a.m. Wednesday, August 25, 2010 at the Wintz & Ray Funeral Home in Yankton with Reverend Leonard Kayser officiating. Burial will be in the Yankton Cemetery.

Visitation is from 4:00 to 8:00 p.m. on Tuesday, at the Wintz & Ray Funeral Home in Yankton with the family present from 6:00 to 8:00 p.m. Visitation resumes one hour prior to the funeral service at the funeral home.

Pallbearers are Josh Westergaard, Jim Williams, Murray Westergaard, David Stockman, Kenny Ranek and Kevin Ranek.

Bill was born May 10, 1923 on the farm near Tyndall, South Dakota to Joseph and Matilda (Simek) Voracek. He grew up in the Tyndall area and helped his parents on the farm. On July 20, 1955, Bill married Gladys Johnson in Plankinton, South Dakota. In the early 1950s, Bill moved to Yankton and worked at Gurney Seed and Nursery until he retired in 1985. Bill



Voracek

enjoyed gardening, fishing and spending time with his grandchildren and great grandchildren.

Bill is survived by his three children, Rita (Gayle)

Westergaard of Viborg, SD, Alan Voracek (Tammy Craig) of Yankton and Linda Jansen (Curt Howard) of Paradise, TX; seven grandchildren: Karl, Shalon, Amber, Josh, Adam, Kayla Jean and Dalton; 12 great grandchildren; sister, Lorraine Ranek of Tyndall; brother, Roy Voracek of Yankton; and many nieces and nephews.

Bill was preceded in death by his parents and wife, Gladys Voracek on April 13, 2007.

To post an online sympathy message, please visit wintzrayfuneralhome.com.

Yankton Press & Dakotan  
August 23, 2010

**WINTZ & RAY**  
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and Cremation Service, Inc.

Online condolences at:  
www.wintzrayfuneralhome.com

### Joel Oaks

IRENE — Joel Oaks, 74, of Irene died Friday (Aug. 20, 2010) at Sunset Manor Nursing Home, Irene.

Memorial services are pending with Opsahl-Kostel Funeral Home & Crematory, Yankton.

### Frances Peterson

Frances Peterson, 63, of Yankton died Wednesday (Aug. 18, 2010) at New Orleans while visiting her daughter.

Memorial services are at 11 a.m. Wednesday at the Yankton Riverside Park Shelter.

Opsahl-Kostel Funeral Home & Crematory, Yankton, is in charge of arrangements.

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# Playhouse Fundraising For Repairs

BY DIRK LAMMERS  
Associated Press Writer

CUSTER STATE PARK, S.D. — The show must go on, and it did this summer for the storied Black Hills Playhouse — just not at its longtime home in Custer State Park.

With the theater group's remote camp in need of state-mandated repairs, the troupe took to the road for its 65th season and performed shows at the Homestead Opera House in Lead and high school auditoriums in Custer and Hill City.

The performances were well received, said board president Jerry Wheeler. "It was nice to have the spotlight focused back on the stage after a monthlong controversy surrounding the theater's future."

"The board of directors made the decision that they wanted to do the tour to keep the image of the Black Hills Playhouse alive and keep it on people's minds," Wheeler said. "If we just discontinued the shows for a full season, we could be forgotten."

Summer's end leaves plenty of tasks at hand. The playhouse needs to hire a new executive director, craft a plan to fix building deficiencies and embark on an aggressive fundraising effort to pay for it all.

The South Dakota Game, Fish and Parks Department has

declared many buildings at the playhouse site unsafe, and the state fire marshal has said the sprinkler system needs to be upgraded before the theater can be used again.

"Our number one concern right now is the theater itself. We've got to have the money to do the repairs there," Wheeler said. "And once we open the theater, then the other buildings, we can work on."

The nonprofit, summer stock theater has operated in Custer State Park for 65 years under a lease with the state Game, Fish and Parks Department.

The lease expired last fall and state officials opposed renewing it because they wanted the playhouse to fix buildings and make other upgrades, particularly to the sewer system.

But state lawmakers in March overruled Gov. Mike Rounds and approved a lease extension through 2019, so long as the playhouse makes state-approved repairs and improvements by September 2012. If it doesn't, the lease will be voided.

Many of its buildings are original Civilian Conservation Corps bunkhouses built in the 1930s and were intended for just a few years of use. All the site's buildings are now marked with "Unsafe for Occupancy" signs.

After Gov. Rounds notified the Black Hills Playhouse that the state would not enter into a new

long-term lease, the playhouse sued the state, saying it didn't give proper notice of termination. The state countersued, alleging that the theater failed to maintain the state-owned buildings.

The playhouse was caught off guard when the state asked the theater to come up with \$300,000 to help pay for a new \$1 million sewer system. The theater group maintained that infrastructure and wastewater is the state's responsibility.

The lease extension bill, which became law in July, says that the playhouse will share in the cost of replacing infrastructure necessary to operate the facility. The bill requires that negotiations between the Game, Fish and Parks Department and the playhouse regarding the maintenance and repair plan or the cost share for replacing infrastructure shall be conducted in good faith.

State Parks Director Doug Hofer said the department hasn't yet seen any repair plans from the playhouse but officials are ready to sit down with the playhouse at any time.

Wheeler said he'll probably wait until the upcoming administration change, as both gubernatorial candidates, Republican Lt. Gov. Dennis Daugaard and Senate Democratic Leader Scott Heidepriem, pledged their support of the playhouse.

In the meantime, there's plenty to do with the fund drive, Wheeler

said. Board members have estimated that immediate repairs could cost \$100,000 and longer range upgrades could run into the millions.

"We'd really like to raise enough money to set this thing up right, put some money away and not have to go through this again, ever," Wheeler said. "It should be run like any other business, and unfortunately it hasn't always been done that way."

Stacie Hurst, a Moberidge native who spent the summers of 1985 and 1987 acting at the theater, said the camp's isolation makes it perfect setting for students who want to immerse themselves in theater.

Young people can spend their summers learning the trade, and residents can be entertained in an area that doesn't have an overabundance of the arts, she said.

"It's a camp, basically, where all the people that are working on creating the show are together for three months," said Hurst, now a financial administrator for the American Repertory Theater in Cambridge, Mass. "There's no outside intrusion so everybody's just focused on that one goal."

A Save the Black Hills Playhouse group on Facebook has more than 3,700 members, and many of those people have made small donations through the social networking site.

"People who are passionate about it, they love that place," Hurst said.

## Neb. Inmate Seeks New Trial, Has New Suspect

BY TIMBERLY ROSS  
Associated Press Writer

OMAHA, Neb. — A man convicted of a 1988 double murder will take his case before the Nebraska Supreme Court for a fourth time, naming yet another suspect in hopes of getting a new trial.

Attorneys for Jeff Boppre continue to allege he's been framed for the killings of Richard Valdez and his pregnant girlfriend, Sharon Condon. His latest appeal, which the high court will take up Sept. 3, offers a new explanation of the killings and identifies a new suspect.

Boppre is serving two consecutive life sentences for the fatal shootings at Valdez's trailer home in Scottsbluff.

Police found letters of Boppre's name written in grease on the floor and on a door near where Valdez's body was found.

Prosecutors say Valdez wrote his killer's name moments before dying. But Boppre has maintained he was framed and has named other suspects.

In his latest appeal, Boppre suggests Condon's cousin, John

Yellow Boy, may have killed the couple.

Yellow Boy is in prison in Limon, Colo., for convictions for kidnapping, first-degree sexual assault and robbery, according to Colorado Department of Corrections spokeswoman Katherine Sanguinetti. His estimated release date is in December 2049.

Sanguinetti said Yellow Boy was unavailable by phone, citing department policy.

Boppre's filing says a Scottsbluff County district judge was wrong to deny his request for a new trial based on DNA evidence. Judge Randy Lippstreu had ruled last August that the DNA evidence was not enough to bring into question Boppre's conviction.

But Boppre's appeal says the judge should have considered other aspects of the case, not just the DNA evidence that showed Yellow Boy was at Valdez's home before or during the killings. A former Scottsbluff woman, Melissa Moreno, now Melissa Archibeque, provided a sworn statement in 2007 that she hid in a bedroom during the killings and heard Yellow Boy's voice, the appeal says.

"You have to start connecting the dots, basically," says Boppre's attorney Jim Mowbray, of the Nebraska Commission on Public Advocacy.

According to the appeal, Archibeque said in her statement that Yellow Boy was angry that Valdez, a known drug dealer, wouldn't give him cocaine.

State attorneys discredit Archibeque's statement. In court filings, they say she was questioned soon after the killings but denied being in the house at the time. Her later statement, the filings said, came as she was incarcerated in Colorado.

In court filings, state attorneys also say DNA evidence shows Yellow Boy was in the house at some point, but it neither shows he killed Valdez and Condon, nor clears Boppre.

Trial testimony cited in court filings indicates Boppre often bought cocaine from Valdez for personal use and to sell, and he had suggested to a friend on more than one occasion that they should rob Valdez of his money and drugs.

The state said in its court filings that during a night of heavy

drug use, Boppre shot the couple, then later tossed the gun near Gallup, N.M. The gun was later recovered with help from Boppre's acquaintances, Kennard Wasmer and William Niemann.

Since his conviction in March 1999, Boppre has made three bids to have his case reconsidered: filing a motion for a new trial and two motions for post-conviction release. His three previous appeals were denied, and the Nebraska Supreme Court upheld his conviction in 1993, 1997 and 2004.

In some of those appeal documents, Boppre said Wasmer and Niemann framed him for the killings. Boppre said Wasmer killed Valdez and Condon.

Boppre's attorney Mowbray said Yellow Boy became the suspect after new evidence, including Archibeque's statement, came to light.

"The new evidence points to John Yellow Boy as being at the murder scene and a major participant in the murders," the appeal says. "This evidence significantly discredits the testimony provided by the state's informants, Niemann and Wasmer."

## S.D. Wheat Co-Op Upgrades Several Of Its Sites

BY RICHARD SCHMIT  
Aberdeen American News

ANDOVER, S.D. (AP) — South Dakota Wheat Growers is building behemoth shuttle facilities near Andover and Roscoe to increase the amount of crops the company can handle.

Each site sits on more than a quarter section, which is a half mile by a half mile, said Roger Hansen, South Dakota Wheat Growers vice president of business development.

"Nobody wants to have corn standing in January like last year. That was because nobody had the ability to dry it, and it was too warm to store it outside," Hansen said.

Each site will be able to receive up to 20,000 bushels per hour, dry 10,000 bushels at a time, store about 3.1 million bushels and export to a 110-car train in about 12 hours, Hansen said. Roscoe will be able to receive and store more

than triple its current capacity, and Andover will nearly double Wheat Growers' Bristol site's current capacity, Hansen said.

The new sites together cost about \$40 million and are part of Wheat Growers' two-phase, \$87 million project called Connecting to Tomorrow. That project will upgrade 11 South Dakota sites and one North Dakota site.

The new Andover and Roscoe sites will decrease the distance producers drive to reach the rail-

way to the Pacific Northwest market, which is the best market, Hansen said.

"The ethanol plants are the best local market, but they're getting their corn, and we don't think they'll increase capacity of grain," Hansen said, adding that the local cattle feed market isn't increasing either. "The extra production coming in has to go to a market, and the export market is (Pacific Northwest)."

Wheat Growers already connects to the Pacific Northwest through the BNSF Railway at shuttles in Alpena, Walsey, Mellette and Grebner, which is the name of the company's Aberdeen site.

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**James W. List**  
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Even a princess occasionally chooses to get dirty.



There's a good reason why you didn't always play 'dress up' with your friends on Saturdays. His name was Dad. With him, even fishing was fun. And while you've idolized Dad your entire life, you'll want to celebrate these times after his death.

A meaningful funeral allows you to grieve and say goodbye, as well as remember and laugh. It's a significant celebration that honors Dad. One that in many ways, is also for you.

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