

Firefighters Battling Wildfires In Western S.D.

RAPID CITY (AP) — Firefighters battling wildfires in the Black Hills area have been able to contain most of the 12 fires reported during the past 24 hours, but possible thunderstorms in the afternoon and high temperatures could bring more danger.
South Dakota Public Broadcasting is reporting that many of the fires were sparked in the Northern Hills around the Crow Peak area. Several others are in the Southern Hills around Hot Springs and Edgemont.

Lightning caused most of the fires, which range in size from a few acres to 3,000 acres.
Beth Doten with the Forest Service says crews battling the remaining fires are keeping an eye on the weather. Thunderstorms can bring erratic winds in addition to lightning.

Mount Rushmore To Be Illuminated For 9/11

KEYSTONE (AP) — Mount Rushmore will remain illuminated through the night of Sept. 11 in remembrance of the 10th anniversary of the terrorist attacks.

The regular evening lighting ceremony will begin at 8 p.m. on Sept. 11. The carving will remain illuminated until the sun rises on Sept. 12.
Park rangers will be available all night, and the public is invited to visit the Shrine of Democracy anytime throughout the evening or night.

The National Park Service buildings and concession facilities will be closed during this time, but the parking gates will be left open after the evening program.

Campsites Reopening In South Dakota

SIOUX FALLS (AP) — Several South Dakota camping areas are reopening as the flooded Missouri River continues to recede.
State Park Director Doug Hofer says select campsites at Farm Island Recreation Area near Pierre and Platte Creek Recreation Area near Platte were available for camping starting Wednesday.

The Game, Fish and Parks Department says 20 campsites are being reopened Friday at the Oahe (oh-AW'-hee) Downstream Recreation Area near Fort Pierre.

On Monday, officials will rescind no-boating zones on Lake Sharpe below the Oahe Dam and on the West Shore Ramp area on Lake Oahe.

Lincoln Sees Big Drop In Graffiti Complaints

LINCOLN, Neb. (AP) — Graffiti complaints have plunged by more than one-fourth in Lincoln and officials are crediting the city's requirement that the markings be removed within 15 days.

The Lincoln Journal Star reports (http://bit.ly/pGDF3J) that Mayor Chris Beutler announced at a news conference Thursday that graffiti complaints dropped from 1,064 two years ago to 776 in the last 12 months.

William Carver, the city's graffiti prevention coordinator, says the city's recent policy of requiring property owners to remove markings quickly helps because vandals want their work to be seen.

Markings defined as gang graffiti dropped by more than 50 percent, from 350 to 158 complaints.

Neb. Struggling With Mental Health Services

LINCOLN, Neb. (AP) — More Nebraska children with mental health problems will have to get treatment community-based programs instead of institutions, so the state can comply with federal rules.

But the state faces a severe shortage of rural community providers. Nebraska Medicaid Director Vivianne Chaumont (sh-MONT) told a joint legislative panel Friday that the state is working to get back in compliance.

At stake are millions in federal matching dollars given to Nebraska to administer mental health treatment services. The federal government can reclaim money paid to states if they fail to move toward compliance.

Chaumont says Nebraska is not alone. She told lawmakers that New York, Texas, Kansas and Colorado have faced similar problems.

Toddler Injured When Ceiling Crashes On Crib

OMAHA, Neb. (AP) — The mother of a two-year-old Omaha toddler says her daughter suffered only minor injuries when a leaky roof on their home sent part of the ceiling down on her crib.

KETV-TV says (http://bit.ly/qjZPZ4) says the ceiling fell early Thursday morning. An ambulance rushed the child to the hospital. The mother told KETV that the roof started leaking after Monday's storm.

The woman, who was not identified, says her daughter was treated and released and will be just fine.

Notorious S.D. Drunken Driver In Trouble Again

RAPID CITY (AP) — A notorious drunken driver in South Dakota has been arrested again for allegedly driving under the influence.

Marguerite Engle of Sturgis pleaded guilty in June 2010 to driving with a blood-alcohol level nearly nine times the legal limit — which state officials have said is likely a record for South Dakota.

KEVN-TV reports that (http://bit.ly/osnal5) Engle was arrested on July 28 in Rapid City and faces charges of third-offense DUI, grand theft and failure to report damage to property. She allegedly got into a truck parked in front of a store, crashed into a pole and then walked away. Her attorney said in court Thursday that an agreement has been reached in the case. Details weren't available.

South Dakota Pheasant Outlook Good

BY DIRK LAMMERS
Associated Press

SIOUX FALLS — Pheasant hunters should have another good season in South Dakota despite an estimated 46 percent drop in bird numbers from last year, state wildlife officials said this week.

The drop is from historic highs, as roadside counts from 2003 through 2010 were at levels not seen in 40 years, said Tom Kirschenmann, chief of wildlife for the state Game, Fish and Parks Department.

But last year's harsh winter was tough on hens, cutting into reproduction and reducing the population.

Kirschenmann said it wasn't just the cold. Having the ground covered with snowpack for much of the winter stresses birds by making it more difficult to find food and forcing them to use more fat reserves, he said.

"To get through those hard difficult times, after a while it takes a toll on those birds,"

Kirschenmann said Friday.

Statewide brood surveys estimate 3.55 pheasants per square mile statewide, down from 6.54 of the birds per mile in 2010. The 10-year average is 6.04 pheasants per mile. Drops were documented in Pierre, Chamberlain, Mitchell, Aberdeen, Yankton, Huron, Waverly and Sioux Falls.

Declines were most pronounced in the east, where grassland nesting habitat is being lost to crops.

Acres enrolled in the Conservation Resource Program are currently at 1.17 million, down from 1.56 million acres in 2007. The reduction equates to more than 600 square miles of grassland habitat.

"Without grassland habitat, you just don't have the reproduction recruitment from the nesting standpoint," Kirschenmann said.

But officials said the pheasant population in the main part of South Dakota's pheasant range still will provide quality hunting opportunities during the season that runs from

mid-October through the end of the year.

The counts in the main pheasant range are similar to or higher than the counts in 2002, when hunters bagged 1.2 million pheasants. Pheasant hunters harvested 1.8 million pheasants in 2010.

There's still going to be some very good pheasant hunting opportunities across the state," Kirschenmann said.

North Dakota's numbers are also likely down, according to that state's spring pheasant crowing count survey.

Roadside brood surveys to be released later this fall will give biologists a better insight into what to expect, but the crowing count released in June showed a 6 percent drop statewide from last year.

Officials there said many adult birds did not survive the winter before last and fewer adult birds and poor chick production the following spring due to cool, wet weather also hurt the population.

Neb. High Court Agrees With Double Jeopardy Claim

BY MARGERY A. BECK
Associated Press

OMAHA, Neb. — A man who claimed the state judicial system violated his protection against double jeopardy had his conviction and 20-year sentence for manslaughter vacated Friday by the Nebraska Supreme Court — but it will not mean any less time in prison for him.

The state's high court agreed that Herchel Huff should not have been convicted and sentenced on both manslaughter and motor vehicle homicide for Huff's role in the 2007 drunken driving death of a rural Nebraska high school volleyball coach.

But Huff had sought to have his motor vehicle homicide conviction and subsequent 45-year sentence vacated. Instead, the high court vacated Huff's manslaughter conviction and 20-year sentence for that crime. The sentences were being served at the same time.

At his trial, authorities had said Huff was drunk and speeding when he hit and killed Kacey Jo Warner of Arapahoe as she was jogging with her 3-year-old daughter.

Warner, who coached at Arapahoe High School, was killed on impact, but managed to throw her daughter to safety before Huff's car barreled over her on Oct. 3, 2007, on a gravel road near the woman's house.

Huff pleaded guilty to manslaughter over the objection of prosecutors, who wanted to try Huff on the more serious motor vehicle homicide charge. A lower court judge nonetheless allowed Huff to plead guilty and then allowed prosecutors to proceed with the motor vehicle homicide and other charges.

A Furnas County jury convicted Huff on the motor vehicle homicide charge because he was drunk when the accident happened and had two previous DUI convictions. He was sentenced to 45 years for that conviction.

Huff appealed, arguing, among other things, that his convictions for manslaughter and motor vehicle homicide for the same death violated his constitutional protection against double jeopardy.

The Nebraska Attorney General's office had argued that motor vehicle homicide and manslaugh-

ter are separate, single crimes, even if they are filed in the death of one victim. The court disagreed.

"We cannot escape the basic fact that it is impossible to prove the elements of motor vehicle homicide without also proving the elements of unlawful act manslaughter," Supreme Court Judge John Gerrard wrote for the high court.

Despite the ruling, Nebraska Attorney General Jon Bruning lauded the high court for vacating Huff's manslaughter charge rather than his motor vehicle homicide charge, noting that "decision does not result in a reduction of jail time for the greater conviction."

"Mr. Huff is a danger to society and unapologetically killed Kacey Jo Warner," Bruning said. "We are pleased the Court agreed Mr. Huff deserves to be locked away for a long time."

Bruning noted that a new law his office helped propose will allow motor vehicle homicides to be independently prosecuted and sentenced from other charges. That law is set to go into effect Jan. 1.

The state's high court also vacated Huff's five-year sentence for his conviction for refusing to submit to a blood alcohol test following the fatal crash. Huff's sentence on that count was enhanced by his two previous convictions for drunken driving. But Huff argued in his appeal that a refusal conviction can only be enhanced by prior refusal convictions, not DUI convictions.

The high court agreed, finding "there is simply no crossover between DUI and refusal convictions for purposes of sentence enhancement."

The high court ordered that Huff be re-sentenced on the refusal count.

Friday's opinion came after the Nebraska Supreme Court rejected Huff's double jeopardy appeal in 2008, after Huff had pleaded guilty to manslaughter but while the motor vehicle homicide charge against him was pending. In that ruling, the high court said it was too soon for Huff to raise the double jeopardy argument and that he could appeal if he were convicted and sentenced on the motor vehicle homicide charge.

Neb. High Court Clarifies Same-Sex Custody Rights

BY JOSH FUNK
Associated Press

OMAHA, Neb. — The Nebraska Supreme Court issued a decision Friday that clarifies the custody rights of same-sex couples in the state.

The court ruled that a lesbian woman can pursue custody and visitation after her relationship ended with the child's biological mother because she had been acting as the boy's parent.

The ruling will send the dispute between Teri Latham and Susan Schwerdtfeger of Omaha back to a lower court for hearings about whether Latham should be granted visitation rights.

The two lived together as a couple for more than 15 years before having a son together in 2001. The two women chose a sperm donor together and shared the cost of the fertility treatments for Schwerdtfeger's pregnancy. Both sides agreed Latham acted as the boy's mother for the first several years of his life before the relationship ended in 2006.

"The relationship between Latham and Schwerdtfeger, however, is not the deciding factor," the court said in its ruling. "The

record is clear that Schwerdtfeger consented to Latham's performance of parental duties. Schwerdtfeger encouraged Latham to assume the status of a parent."

Latham's attorney, Tyler Block, said this ruling will be important for same-sex couples as well as for other non-married couples where someone who is not the biological parent acts as a parent.

"They got it exactly right," Block said. "They applied Nebraska law and helped give clarification on how it applies in these particular situations."

Schwerdtfeger's attorney, Angela Tiritilli, said her client is disappointed with the ruling because it will likely mean several more years of court proceedings. But Tiritilli said the ruling should help clarify parental rights in the state.

"What we're seeing here is a good trend: the court is not simply dismissing same-sex parental rights," Tiritilli said.

Schwerdtfeger had argued that Latham hadn't done enough since the relationship ended to maintain her parental rights. Latham quit providing financial support for the boy and wasn't involved in making decisions on his behalf.

Plus, 10-year-old Parker Schw-

erdtfeger told a judge last year that he didn't want to continue to have a relationship with Latham.

The court said that it appears the main reason why Latham hasn't had much contact with the boy is because Schwerdtfeger restricted her access to the boy.

"The amount of visitation Latham has been afforded does not appear to reflect a lack of desire on her part to be an active part of P.S.' life," the court said.

But Latham will have to prove at trial that it is in the boy's best interest for her to have a relationship with him, the court said.

The National Center for Lesbian Rights wrote a brief supporting Latham's argument because the center believes courts should recognize the custody rights of same sex couples as long as they meet the legal standard to qualify for parental rights.

The Center for Lesbian Rights said it believes parent-child relationships are intended to be permanent and shouldn't be undone

if a child's parents separate.

This case did not deal with the question of whether same-sex couples can marry or get divorced, which is prohibited under the state Constitution.

Advertise statewide in S.D. newspapers
South Dakota Statewide Classifieds
Contact your local newspaper or S.D. Newspaper Assoc. for details.
1-800-658-3697 | www.sdna.com/advertise

HEART ATTACK
Chest Pain, Shortness of Breath, Back or arm pain, Nausea & Sweating
KNOW THE SIGNS. ACT IN TIME.
The longer you wait, the more damage to your heart. Or Worse.
CALL 911 IMMEDIATELY
American Heart Association

KYNT
AM 1450
MORNING COFFEE WEEKDAYS 7:40 AM MONDAY THRU FRIDAY
Yankton's Home Team!

THE CENTER
RECREATION • SOCIALIZATION • NUTRITION
900 Whiting Drive, Yankton
Now taking applications for Commodity Supplemental Food Program
for low income women with children under the age of 6 and the elderly who meet eligibility requirements and for the Scoop-It Program
for snow removal by the Yankton Trustee Unit.
Monthly maximum income eligibility requirements:
One person.....\$1,679
Family of 2.....\$2,268
Family of 3.....\$2,857
Family of 4.....\$3,446
Monthly Income For Elderly:
One Person.....\$1,180
2 People.....\$1,594
For more information call Jackie or stop by the The Center, 900 Whiting Dr., Yankton, 665-4685

150th Anniversary Commemorative Edition
Yankton 150
available at the... PRESS & DAKOTAN
Get your 80 page keepsake of this historic issue before they're gone!
Also a Great Gift Idea! 75¢ each or get one in a keepsake bag for only... \$1.25 each
319 Walnut, Yankton, SD • 605-665-7811 • 1-800-743-2968 • www.yankton.net