

R.C. Man Arrested After 2-Year-Old’s Death

RAPID CITY (AP) — A 23-year-old Rapid City man has been arrested on charges of second-degree murder following the death of a 2-year-old.  
Rapid City police say the man was arrested Thursday afternoon on charges of aggravated child abuse and second-degree murder.  
Police responded to a medical call in Rapid City Wednesday evening and found the child unresponsive. The child had been left in the care of her mother’s boyfriend.  
The girl was transported to a Rapid City hospital and then flown to a Sioux Falls hospital, where she died Thursday afternoon.

Nebraska Inmate Captured In Scottsbluff

SCOTTSBLUFF, Neb. (AP) — A Nebraska inmate who failed to return to a corrections facility while searching for a job in Lincoln is in custody in Scottsbluff.  
KNEB radio says police say James Bannister and his wife, Jennifer Edwards, were taken into custody without incident Thursday afternoon.  
Police say Bannister was in Scottsbluff on Wednesday, traveling in a car with Edwards. Authorities say the car was found on fire near a retirement center Thursday morning. Officials believe Bannister stole the car in Lincoln on Tuesday.  
Bannister was arrested on charges of arson, theft by receiving stolen property and a warrant for escape from Lancaster County. Edwards was jailed on charges of being an accessory. It was unclear if they had an attorney.  
Bannister was serving time for burglary in Scotts Bluff County.

Omaha Poice ID Man Shot To Death This Week

OMAHA, Neb. (AP) — Omaha police have identified a man killed earlier this week in a shooting.  
Police say 28-year-old Barry Averett III was fatally wounded in the Wednesday shooting.  
Officers who were responding to a call about shots fired found Averett in a street a little before 2:30 a.m. Wednesday.  
He was taken to The Nebraska Medical Center and was pronounced dead there a short time later.  
Bullets also struck a house near where Averett was found. No arrests have been made, and police are still investigating.

Testimony Continues In S.D. Rape Trial

HURON (AP) — A state investigator testifying in the case of a South Dakota bar owner charged with raping three underage girls after serving them alcohol says police found a condom wrapper at the tavern.  
KOKK radio reports that special agent Jessica Page with the Division of Criminal Investigation testified Thursday in the trial against Werner Fajardo (fa-HAHR'-doh) that the discovery was made at the El Cuervo bar in Huron after the alleged assault.  
Prosecutors charge that 35-year-old Fajardo provided alcohol to a 12-year-old girl and two 14-year-old girls and assaulted them. He's pleaded not guilty.  
Fajardo's defense lawyer pointed out that the condom was found 20 days after the assaults allegedly happened.  
Testimony in the case continues Friday.

Officials: Nebraska Powerball Player Wins \$2M

LINCOLN, Neb. (AP) — Authorities say a Nebraska Powerball player has won \$2 million.  
The Nebraska Lottery says the winning ticket was sold at a Hy-Vee gas outlet in northwest Omaha.  
The ticket matched five of the six numbers drawn Wednesday night but missed the Powerball number. The ticket's \$1 million prize was doubled because the ticket buyer bought the Power Play option, which automatically raised the prize to \$2 million.  
Powerball officials say a ticket sold in Lapeer, Mich., matched all six numbers, winning the buyer the jackpot of \$337 million. Officials say the lump sum payout would be \$241 million.

Sioux City Casino Owner Heads To Court

SIOUX CITY, Iowa (AP) — The owner of Sioux City's riverboat casino is going to court over a decision by state regulators not to accept a deal that would have extended an operating agreement with the nonprofit partner that holds the gambling license.  
The Sioux City Journal says Penn National Gaming Co. has asked a Polk County judge to review last month's decision by the Iowa Racing and Gaming Commission. Penn claims the board violated state and federal laws and constitutional protections when it refused to approve a contract with the Missouri River Historical Development that would have run through March 2015.  
The commission instead approved an extension through March 2013, saying it would better fit plans to seek bids for a land-based casino.  
Mark Monson of the nonprofit group declined to comment.

Bogus \$20 Bills Pop Up At Rapid City Stores

RAPID CITY (AP) — Rapid City police say a couple of counterfeit \$20 bills have popped up at local businesses.  
Police spokeswoman Tarah Heupel (HY-puhl) says merchants should be careful to check the money they get.  
Police were notified Tuesday that fake \$20 bills had been spent at two Rapid City stores.  
Heupel said Thursday no one has been arrested yet for passing the counterfeit bills.

Judge Throws Out Permits For Proposed Dairy

ALEXANDRIA (AP) — A judge has ruled that Hanson County officials must cancel permits issued to a proposed 7,000-head dairy.  
The Daily Republic reports that Judge Tim Bjorkman has ruled that the Hanson County Zoning Administrator should have canceled a conditional use for the Hanson County Dairy because of a lack of progress.  
A citizen group that opposes the planned dairy challenged the 2007 permit, saying that under county ordinance the permit is invalid if the project hasn't been completed within two years of the permit's issuance.  
The citizen group already has successfully appealed a state water permit for the dairy. The state Water Management Board will hold a new hearing next month.

Neb. Woman Charged  
With Child Abuse

SIDNEY, Neb. (AP) — Police have arrested a Sidney woman who allegedly left her 5-year-old son unattended for hours because she was intoxicated.  
The Sidney Sun-Telegraph reports that Jessica Marino was charged with felony child abuse, after police received a report Wednesday that the child had been playing outside for hours. The person who called police said 34-year-old Marino had just been released from an alcohol treatment program.  
Police contacted the child's father, who found his girlfriend Marino asleep upstairs. He located his son at a neighbor's house.  
The child told police his mother had left him outside to play, and promised to fix him a sandwich but never did. Police say Marino admitted to drinking. They say her breath-alcohol content was more than five times the legal driving limit.

Court Upholds Execution Sentence In  
Last Year’s S.D. Prison Guard Killing

BY CHET BROKAW  
Associated Press

PIERRE — An inmate who killed a South Dakota prison guard during a failed escape attempt should face the death penalty, the state Supreme Court ruled Thursday.  
Eric Robert, 50, pleaded guilty to killing Ron Johnson in April last year and asked to be executed for the crime.  
Circuit Judge Bradley Zell of Sioux Falls sentenced Robert to death and set his execution for May, but the Supreme Court postponed the execution so it could conduct a mandatory review of the sentence.  
The high court unanimously upheld the death sentence Thursday. The justices ruled that the penalty is proportionate to the crime and justified by aggravating circumstances — that Robert killed a prison guard and the murder occurred during an escape attempt.  
“This was not merely an escape attempt on the spur of the moment where events spiraled out of control. Here the record reflects that Robert had been planning his escape attempt, which included the murder of a corrections officer, for well over a month. His planning stage included obtaining the lead pipe eventually used to kill Johnson,” Chief Justice David Gilbertson wrote.  
The circuit judge was not influenced by passion or prejudice in sentencing Robert to death, but instead considered that Robert is dangerous because he has threatened to kill again, has a violent history, is unlikely to be rehabilitated and committed a severe crime, the

“Robert’s persistent efforts to hasten his own death necessitate intense scrutiny to guarantee his desire to die was not a consideration in the sentencing determination. We do not participate in a program of state-assisted suicide.”

CHIEF JUSTICE DAVID GILBERTSON

Supreme Court said. The justices said their review of the sentence was particularly important because Robert has demanded to be executed.  
“Robert’s persistent efforts to hasten his own death necessitate intense scrutiny to guarantee his desire to die was not a consideration in the sentencing determination. We do not participate in a program of state-assisted suicide,” Gilbertson wrote.  
The high court said the circuit judge can issue another execution order.  
South Dakota Attorney General Marty Jackley, who prosecuted the case, said he will ask the circuit judge to set an execution date. Robert’s execution by lethal injection is unlikely to occur for at least three or four months, he said.  
Robert was already serving the equivalent of a life sentence — 80 years for a kidnapping conviction — so a death sentence is justified

because another life term would not have increased his punishment, Jackley said.  
“The death sentence is reserved for only the most brutal crimes that are committed. The horrific actions of Robert leave no other alternative and justify the sentence of death,” Jackley said.  
Defense lawyer Mark Kadi, of Sioux Falls, said Robert seemed relieved that the Supreme Court will allow his execution. He wants it to be carried out soon and will not seek any last-minute delays, Kadi said.  
“Just as he has not taken steps to pursue appeals in his case, he will not seek or accept any executive clemency,” Kadi said.  
A second inmate involved in the escape attempt, 49-year-old Rodney Berget, also pleaded guilty and was sentenced to death, but has appealed his conviction and sentence. A third inmate, Michael Nordman, 47, was given a life sentence for providing the plastic wrap and pipe used in the slaying.  
Johnson was working alone on April 12, 2011, his 63rd birthday, in a part of the prison where inmates work on upholstery, signs, custom furniture and other projects. Prosecutors said the two inmates killed Johnson by hitting him with a pipe and wrapping his head in plastic wrap. Robert put on Johnson’s uniform and tried to move a large box toward the prison gate with Berget inside. The inmates were apprehended before leaving the prison.  
The prison made more than a dozen procedural changes after Johnson’s killing to improve security and safety.

Neb. Announcer Says Job Not About Money

BY TYLER ELLYSON  
Columbus Telegram

COLUMBUS, Neb. (AP) — For seven weekends each summer, Gary Schaaf takes his place in a small, cream shack perched high atop the grandstand at Platte County Agricultural Park.  
The rooftop setup is difficult to see from the ground, making it unlikely that horse racing fans catch a glimpse of the O'Neill native, but they've definitely heard his voice.  
Armed only with a program, small television monitor and binoculars, Schaaf has called the Columbus Races since 2004.  
However, his history with the city goes back further.  
After graduating from Wayne State College and serving three years as the sports director at KBRX in his hometown of O'Neill, Schaaf moved to Columbus in August 1994 to take the sports director position at KLIR.  
But, it wasn't until after he left in late 2003 for radio opportunities in Omaha that Columbus horse racing called his name.  
Familiar with his radio coverage of local sports while in Columbus, two Platte County Agricultural Society Board members bumped into Schaaf at Grand Island's Fonner Park in early 2004 and asked him to do the announcing here.  
With a family background in horse training and long-time liking for wagering on the sport, the obvious response for Schaaf was to accept the position.  
He quickly found out, though, that voicing a horse race wasn't the same as the college and high school sports play-by-play he continues to do on a freelance basis.  
“Calling a race is probably the hardest just because of how fast they're going and every race you've got upwards of six to 10 names you've got to try and remember and sort out,” said Schaaf.  
Although he has a program to help out with the horse, jockey, owner and trainer names, Schaaf said it's difficult to be perfect, “even though you want to be.”  
There's another part of Schaaf's job where perfection is far from the expectation. He pro-


vides attendees with his picks for each race during the paddock preview.  
Schaaf follows the Nebraska horse racing circuit closely, which allows him to give other bettors insight they might not otherwise have.  
The easiest way to tell if your picks are good, he said, is whether or not people are asking who you like.  
Schaaf also backs up the projections with a few dollars of his own.  
“I practice what I preach,” he said. “I put my money where my mouth is. Some nights it's good and some nights not so good.”  
Schaaf claims to have a 33 percent success rate, “but that


doesn't mean I make money,” he said.  
His entire association with the Columbus Races isn't really about making money.  
Schaaf, who now sells life and health insurance for a living, makes the drive from Omaha each weekend mainly out of love for the sport.  
“You're not going to get rich (calling races),” Schaaf said, “but if you can get paid to go to the track, I'm all about that. It's like a guy getting paid for his hobby.”  
Even if the job comes with at least one hazard — spending an entire evening on top of a metal structure during the heart of thunderstorm season.  
“I've ridden a storm or two

out in this thing where it was a rockin' and I thought I was going to land in the winner's circle,” said Schaaf.  
Schaaf believes the horse racing industry in Nebraska faces long odds as it operates on an uneven playing field with other forms of gambling, which has led those associated with the sport and the jobs it creates to follow higher payouts to other states.  
Still, he hopes to continue looking down on a venue full of horse racing fans each summer for years to come.  
“It's kind of neat for a town this size to have something like this,” said Schaaf. “It makes this a destination.”

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**SOYBEAN DAY**  
Tuesday, August 21 | 10:00 – 11:00 am  
From lab to the farm – applying ag research to your operation.  
★ Buyung Hadi - SDSU Extension Urban Entomology  
★ Mike Moechnig - SDSU Extension Weed Specialist  
★ Bob Thaler - SDSU Extension Swine Specialist  
★ Gregg Carlson - SDSU Professor of Plant Science  
**CORN DAY**  
Wednesday, August 22 | 10:45 – 11:45 am  
Marketing, management and policy considerations for corn crops.  
★ Frayne Olson - NDSU Extension Grain Marketing Specialist  
★ Darrell Mark - SDSU Economics Adjunct Professor  
★ Matthew Diersen - SDSU Extension Risk Management Specialist  
★ Tim Petry - NDSU Extension Livestock Marketing Specialist  
**BEEF DAY**  
Thursday, August 23 | 10:00 - 11:00 am  
Managing your enterprise in a disrupted cattle cycle.  
★ Darrell Mark - SDSU Economics Adjunct Professor  
★ Mark Grussing - VP Branch Manager, First Dakota National Bank  
★ Matthew Diersen - SDSU Extension Risk Management Specialist  
★ Warren Rusche - SDSU Extension Cow/Calf Field Specialist

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