

Berget Granted Stay Of Execution

PIERRE (AP) — The execution of a South Dakota inmate convicted of killing a Sioux Falls prison guard has been delayed while he appeals.

Rodney Berget, 51, was scheduled to be executed by lethal injection the week of Jan. 12. In an order dated Monday and released Tuesday, Supreme Court Chief Justice David Gilbertson issued a stay of execution while Berget's appeal proceeds.

Berget pleaded guilty to killing State Penitentiary guard Ronald Johnson during a botched escape attempt in April 2011. The state Supreme Court in January overturned his initial death sentence because justices said Circuit Judge Brad Zell improperly considered a statement Berget made to a psychiatrist. Zell resented him to death last May. Berget's attorney, Jeff Larson, last

week requested a stay of execution while he appeals.

Larson was in court Tuesday morning and not immediately available for comment on the Supreme Court order, his office said.

Attorney General Marty Jackley, who opposed Larson's request, said he respects the authority of the court to issue a stay. He plans to begin preparing for the next step in the appeals process, in which attorneys will file written arguments.

"It will be the state's position that this is a valid conviction and sentence, and we intend to provide the necessary filings to support that position," he said.

Johnson was killed on his 63rd birthday. Authorities said Berget and Eric Robert, 50, struck Johnson with a pipe

and covered his mouth with plastic wrap. Robert then donned Johnson's uniform and tried to push Berget, hidden inside a box, outside the prison's gate.

Berget was serving life sentences for attempted murder and kidnapping, and Robert was serving 80 years for kidnapping.

Robert was executed last October. A third inmate, Michael Nordman, was sentenced in February 2012 to life in prison for providing materials used in the slaying.

The prison made more than a dozen procedural changes after Johnson's death to improve security and safety. Johnson's widow, Lynette Johnson, has filed a wrongful death lawsuit against the state, the Department of Corrections and several DOC officials.

S.D. Jury Convicts Man Of Manslaughter

RAPID CITY (AP) — Jurors in Rapid City have convicted a man of shooting another man to death in a motel parking lot.

KOTA-TV reports that after two days of deliberations, the jury on Tuesday afternoon found 30-old Charles Birds Head guilty of manslaughter in the Jan. 7 killing of 33-year-old Eustacio Maruffo at the South Dakota Rose Inn.

During closing arguments Monday, defense attorney Jany Patterson argued that Birds Head was lured to the motel for a beating and acted in self-defense. But prosecutor Mark Vargo said Birds Head knew what he was doing when he took a shotgun to the motel that night with the intent to sell drugs, and that Maruffo's death was not justifiable.

Judge Dismisses Early Voting Lawsuit

PIERRE (AP) — A federal judge has dismissed a lawsuit that sought to make sure Shannon County residents have the same access to early voting that residents of other South Dakota counties get.

U.S. District Judge Karen Schreier dismissed the lawsuit after finding that state and local officials have promised to provide an in-person absentee voting station in Shannon County, during the 2014, 2016 and 2018 election cycles.

Shannon County, part of the Pine Ridge Indian Reservation, has no courthouse and contracts with nearby Fall River County for some services, including elections. Twenty-five residents of Shannon County filed a lawsuit seeking to get the same 46 days of early voting as residents of other counties.

An early voting station was set up in Shannon County last year after the lawsuit was filed.

Dakotafest Trade Show Has New Owner

MITCHELL (AP) — The Washington, D.C.-based American Farm Bureau Federation has bought the annual Dakotafest agricultural trade show near Mitchell.

The federation confirmed its purchase of Cygnus Business Media's agricultural events and publications to the *Daily Republic* on Monday. Terms were not disclosed.

The purchase also includes four other IDEAg branded farm shows: Farmfest in Redwood County, Minn., the Amarillo Farm and Ranch Show in Amarillo, Texas, the Northern Illinois Farm Show, in DeKalb, Ill., and the IDEAg Interconnectivity Conference, in Altoona, Iowa.

"This acquisition is the union of very strong brands that are deeply rooted in agriculture," federation president Bob Stallman said in a statement. "By joining the Farm Bureau family, these publications and events create additional opportunities for us to serve farmers, ranchers and the stakeholders looking to connect with them."

Dakotafest runs Aug. 20-22 at the Schlaffman Farm just southeast of Mitchell. The show's booths are sold out, with 685 vendors signed on for 2013, up from 585 a year ago. Dakotafest began in 1996 with 318 vendors.

The events and publications will operate as part of the IDEAg Group LLC subsidiary.

Ray Bianchi, senior director of expos and events under the previous ownership, said he is thrilled to be working for the Farm Bureau.

"This acquisition will enable us to build a business for agriculture by agriculture, and we're really excited about that," he said.

Nebraska Soil Moisture Figures Rise

LINCOLN, Neb. (AP) — Last week's rain and below-normal temperatures combined to raise figures on Nebraska soil moisture.

The U.S. Department of Agriculture says 30 percent of Nebraska's subsoil had adequate or extra moisture last week, compared with 24 percent the week before. Topsoil moisture was 51 percent adequate or beyond, compared with 31 percent a week earlier.

About 85 percent of the irrigated corn in the state was in good or excellent condition, compared with 76 percent average. The USDA says 43 percent of dryland corn was in good or excellent condition, compared with 40 percent the week before and much lower than the average of 64 percent good or excellent.

The USDA says about 69 percent of the soybean crop was in good or excellent shape.

Districts Pursue Appeals Of School-Performance Scores

BY BOB MERCER
State Capitol Bureau

PIERRE — Not everybody is satisfied with South Dakota's new system for rating performances of public schools.

The scores released last week quickly drew some protests. Three school districts quickly filed formal appeals. As of Tuesday, at least one other district is contemplating an appeal.

That's according to Mary

Stadick Smith, a spokeswoman for the state Department of Education. She didn't identify the districts or the specific schools.

There are rating systems, with different criteria, for elementary and middle schools and for high schools. Schools in the bottom 5 to 10 percent receive focus and priority designations. That means they are to get targeted assistance and interventions from state

Department of Education officials.

The window for appeals opened July 30, the day that scores became available to the public. It closes Aug. 14.

Schools privately received their scores and underlying data no later than July 26.

The school performance index replaces the No Child Left Behind system that was used for the past decade.

South Dakota received a federal waiver to put the al-

ternate into place.

High schools are rated on student achievement in reading and math, graduation rate and student readiness for college and careers.

Elementary and middle schools are rated on student achievement in reading and math and on attendance.

Additional criteria such as teacher and principal evaluations and school climate will be rolled into the ratings in the coming years.

Neb. Seeks To Have Driver's License Suit Tossed

BY MARGERY A. BECK
Associated Press

OMAHA, Neb. — Attorneys for Nebraska have asked a judge to dismiss a lawsuit over the state's denial of driver's licenses for young immigrants who have gotten work permits under an Obama administration policy.

The Nebraska Attorney General's Office filed the motion in federal court Friday, claiming the state has sovereign immunity from lawsuits and that the plaintiff, 24-year-old Mayra Saldana of Nebraska City, failed to present a claim upon which relief can be granted.

Nebraska and Arizona are the only states that refuse to issue driver's licenses to participants in President Barack Obama's Deferred Action for Childhood Arrivals program, enacted last summer. The program protects people brought to the U.S. illegally as children from deportation for two years.

The state's motion to dismiss says Nebraska law re-

quires driver's license applicants to prove their lawful status by providing two identifying documents from a list of approved documents. The list includes a U.S. passport or foreign passport with a valid U.S. visa, a U.S. birth certificate or consular report of birth abroad, a U.S. certificate of citizenship or naturalization, a permanent resident card, or an employment authorization document.

When applying for a Nebraska driver's license, Saldana presented the employment authorization document she received as a Deferred Action program participant but didn't have a second identifying document from the approved list, according to the state.

The state argues further that the U.S. Department of Homeland Security and the department's U.S. Citizenship and Immigration Services have deemed that the Deferred Action for Childhood Arrivals program, also known as DACA, does not give legal immigrant status to those who

were brought into the country illegally as children.

"Accordingly, plaintiff does not possess, nor could she ever possess as a DACA recipient, sufficient documentation to establish she possesses lawful status in the United States under state and federal law," the state's motion reads.

An attorney for Saldana, Aaron Siebert-Llera with the Mexican American Legal Defense and Educational Fund, said Tuesday that a motion for dismissal is common, but still took issue with Nebraska's argument that Saldana's legal presence in the country is not the same as having legal status.

"We never made the argument that they have lawful status ... but they do have lawful presence," Siebert-Llera said of Deferred Action program participants. "If (attorneys for the state) are going to cite federal law ... it does say that lawful presence is akin to lawful status."

A spokeswoman for the Nebraska Attorney General's Office, Shannon Kingery, said the

state's motion speaks for itself.

Saldana was granted her deferred action last year, which means she can legally live and work in the United States without the worry of deportation. She came to Nebraska from Mexico when she was 2 years old.

She filed the lawsuit earlier this year after being denied a job because of her inability to drive. She has also asked for an injunction to temporarily halt Nebraska's policy, which she says violates her constitutional right to equal protection. The state has asked the court to reject the request for injunction.

Applicants for the Deferred Action program must have come to the U.S. before they turned 16, have been in the country for at least five continuous years, be younger than 30, be in school or have graduated from high school or a GED program or have served in the military. They also were allowed to apply for a two-year renewable work permit.

CAMP KID SCOOP

Smart Fun in the Summer!

Mine Maze

In many legends, gnomes guard veins of gold, copper, coal and even diamonds. In general, gnomes are considered helpful to people and some say the gnomes have led them to underground treasures.

Which treasure belongs to which gnome? Add up the numbers along each path. The number on each gnome's hat matches the sum of the numbers along the trail to each one's treasure.

Standards Link: Math; compute sums and differences to 22.

What's a Gnome?

A gnome, (pronounced *nome*), is a being that appears in legends around the world. Nearly every legend describes a gnome as a tiny, human-like creature that lives inside the earth.

Gnomes are said to look like small versions of the people in the countries where they live.

In the box at right, draw what you think a gnome could look like.

A World of Gnomes

Many of the early gnome legends come from Europe. When Europeans came to the Americas, they brought their stories about gnomes.

In Wales, gnomes are also called "knockers." It is said that they are skillful miners and can be heard hammering and knocking in deep, abandoned mine tunnels.

This endless knocking and hammering led to the name "knockers."

Standards Link: Social Science; students understand the importance of traditions, beliefs and customs in cultures.

Balancing Act

Can you even up the weight in these three carts? Just move one stone to another cart so that the sums in all of the carts are the same.

Standards Link: Math; students compute sums to 30; problem solving.

ANSWER: Move the stone with the number 18 from cart 'C' to cart 'A'. All the sums should add up to 30.

Extra! Extra! Silent Knowledge

Look through the newspaper for words that have a silent "g" or a silent "k" at the beginning. Cut out each word. Draw a picture that shows what each word means.

Standards Link: Decoding; recognize and decode consonant digraphs.

Draw a GNOME!

1. 2. 3. 4. 5. 6.

Kid Scoop Puzzler

Nobody has actually seen a gnome. They are most likely only characters in folktales. However, little gnomes made of clay can be seen in many gardens. Can you find which garden gnome in each row is different?

Standards Link: Recognizing similarities and differences in common objects.

Double Double Word Search

Find the words in the puzzle. Then look for each word in this week's Kid Scoop stories and activities.

LEGENDS	L T S D O M M H Y E
GNOMES	K E L R E N O T S R
TUNNELS	N O G O E L U A D U
MINERS	G C K E A N E P N S
WALES	S E M O N G I E O A
STONE	T E C E R D D M M E
GARDEN	O S L A R R S E A R
DIAMONDS	N S A A A G N O I T
COAL	E M Y G W O R L D E
GOLD	
CLAY	
WORLD	
TREASURE	
PATH	

Standards Link: Letter sequencing; Recognized identical words. Skim and scan reading. Recall spelling patterns.

FROM THE KID SCOOP LESSON LIBRARY

www.kidscoop.com

Big, Bigger, Biggest

Find three pictures in the newspaper, one to represent BIG, another for BIGGER, and a third to represent BIGGEST. Label each picture. Repeat this activity with other words such as FUNNY, SAD and SMALL.

Standards Link: Grammar; Use adjectives to describe situations.

Write On!

If elephants could fly ...

Finish this story.

Send your story to:
Press & Dakotan
C/o Noelle Schlechter
319 Walnut Street
Yankton, SD 57078
605-665-7811, ext 112

Deadline: September 1 Published: Week of Sept. 29
Please include your school and grade.

Weekly Writing Corner

Jokes and Riddles

Here are some of your favorite riddles and knock-knock jokes.

Why did the baseball team hire a chef?
They needed a good batter.
Matthew, 4th grade

What do you call cheese that's not yours?
Nacho cheese.
Cody, 4th grade

What is the difference between a guitar and a jellyfish? You can't strum a jellyfish.
Luke, 4th grade

What's a whale's favorite sandwich?
Peanut butter and jellyfish.
Tyler, 4th grade

Knock, knock.
Who's there?
Little old lady.
Little old lady who?
I didn't know you could yodel.
Sterling, 4th grade

Knock, knock.
Who's there?
Amish.
Amish who?
You don't look like a shoe.
Raeleigh, 4th grade

Why did the orange go to the doctor?
Because he was not peeling well.
Lakayha, 4th grade

Knock, knock.
Who's there?
Wayne.
Wayne who?
Wayne, Wayne, go away!
Hailey, 2nd grade