

Texas AG No Longer Facing Contempt Hearing Over Gay Rights

BY PAUL J. WEBER
Associated Press

AUSTIN, Texas — The possibility of Republican Texas Attorney General Ken Paxton being held in contempt of court for impeding gay rights diminished Monday after a lawyer said the state agreed to update vital records policies for same-sex couples.

Word of a resolution came only hours after Paxton told U.S. District Judge Orlando Garcia — who had ordered Paxton to appear before him later this week — that no “high-ranking government official” should be compelled to personally show up in court barring extraordinary circumstances.

A contempt hearing in federal court would have

been a highly visible moment for Paxton at a time when Texas’ new attorney general has kept a low profile since being indicted on securities fraud charges last month.

The dispute began last week when a gay Houston man, John Stone-Hoskins, said state health officials refused to amend the death certificate of his late husband. That led Garcia to order Paxton into his courtroom and explain why the state appeared to be in defiance of the U.S. Supreme Court legalizing gay marriage earlier this summer.

Neel Lane, an attorney for the surviving husband, said an agreement reached Monday should spare other Texas same-sex couples from similar hurdles. He said the Texas Department of State

Health Services is now drafting policies for birth and death certificates for same-sex couples that should be finished this week.

“We’ve gotten what we set to get for John for all same-sex couples,” Lane said.

Paxton spokesman Cynthia Meyer said a contempt hearing had been canceled while state health officials finalize guidelines. In an order, Garcia said Paxton’s office told him the state is “working diligently to finalize policies that should prevent the recurrence of these issues in the future.”

But before that, Lane had taken a far harsher tone after Paxton said he shouldn’t have to appear for a contempt hearing, writing in a court filing that Paxton

had “gone out of his way” to undermine the Supreme Court’s decision.

Critics have accused the Paxton, a vocal opponent of same-sex marriage, of resisting the landmark ruling by advising county clerks in Texas that they could refuse marriage licenses to gay couples on religious grounds.

Chris Van Deusen, a state health department spokesman, said the agency will work as quickly as possible to implement the new policy.

Paxton’s attorney says the attorney general will plead not guilty to first-degree charges of defrauding investors. Paxton’s first court appearance is scheduled for later this month in Fort Worth.

Inmate Pleads Guilty To Raping Arizona Prison Teacher

BY BOB CHRISTIE
Associated Press

PHOENIX — An Arizona inmate pleaded guilty Monday to raping a prison teacher and will likely be sentenced to spend the rest of his life behind bars for a crime that prompted unprecedented fines against the state Department of Corrections for failing to protect the teacher.

Jacob Harvey changed his plea to guilty without a plea agreement, admitting to charges of rape, kidnapping and aggravated assault with a weapon at a routine pre-trial hearing in Pinal County Superior Court. Pinal County Attorney’s Office spokeswoman Tiffany Davila said Harvey faces up to life in prison on the rape charge alone when he’s sentenced next month.

The new sentence won’t start until his current term ends in 2041.

The woman is suing the state over the January 2014 attack in a classroom at the Eyman state prison in Florence that she says has sent her into therapy and made it difficult for her to sleep. She was in the Pinal County courtroom when the 21-year-old entered his plea.

Arizona prison officials are appealing a \$14,000 fine state workplace safety regulators levied for failing to protect a teacher. The action by the state Division of Occupational Health and Safety marked a rare fine levied by the state agency against the Department of Corrections.

The agency also is investigating the

April 13 sexual assault of a corrections officer at the state prison in Yuma.

Arizona has faced intense criticism over the attack on the teacher. Prison officials sent out only a vague press release that referred to an assault on an employee after the January 2014 rape. The details of the assault came to light only after The Associated Press obtained documents under a public records request and interviewed people familiar with the case.

The attack raised questions about prison security because the teacher was put into a room full of sex offenders with no guards nearby and no closed-circuit cameras. She had only a radio to call for help.

Harvey was in the first year of a 30-year sentence for raping a Glendale, Arizona, woman in November 2011. Just 17 at the time, he had knocked on the woman’s door in the middle of the day, asked for a drink of water, then forced his way inside, where he repeatedly raped and beat her while her 2-year-old child was in the apartment. He fled naked when the woman’s roommate arrived home.

He was arrested after DNA evidence connected him to the crime, and he pleaded guilty.

Harvey was initially classified as a “Class 4” security risk, one notch lower than the highest level. Six months later, despite violating prison rules at least once, he was reclassified at a lower level.

In an earlier AP interview, the now-

35-year-old teacher said she mainly blames Department of Corrections Director Charles Ryan, who she says allowed lax training, staffing shortages and poor security at the prison about 40 miles south of Phoenix. The AP does not identify those who say they are victims of sexual assault.

The attack occurred Jan. 30, 2014 at the Eyman prison’s Meadows Unit, which houses about 1,300 rapists, child molesters and other sex offenders. The teacher was administering a high school equivalency test to about a half-dozen inmates in a classroom with no guard nearby and only a radio to summon help.

The Department of Corrections issued only a bare-bones press release after the attack, but the AP pieced together what happened based on interviews and investigatory reports obtained under the Arizona Public Records Act.

After the last of the other inmates left, Jacob Harvey asked the teacher if she could open the bathroom and then attacked her, she told investigators and the AP. Harvey stabbed her in the head with a pen, forced her to the ground and raped her.

The teacher said that she screamed for help, but none came. Afterward, Harvey tried to use her radio to call for help. It had apparently been changed to a channel the unit’s guards didn’t use, so Harvey let the woman use a phone, she said in the interview.

Grizzlies May Be Killed If Tied To Fatal Yellowstone Attack

BY MATTHEW BROWN
Associated Press

BILLINGS, Mont. — Two grizzly bears captured close to where a seasonal employee of Yellowstone National Park was killed could be euthanized if DNA tests determine they attacked the man, authorities said Monday.

Lance Crosby, 63, who worked as a nurse in the park’s medical clinics, was hiking alone and without bear spray when he was killed, according to park officials. His body was discovered Friday by a park ranger about a half-mile from the nearest developed trail, hidden by the animals beneath pine needles and dirt.

Crosby, of Billings, Montana, was an experienced hiker and his wounds indicated he tried to fight back, officials said. But authorities advise visitors to carry mace-like bear spray and travel in groups.

Biologists set up a trap that snared an adult female bear at the scene that night. A cub was captured Monday, and biologists hoped to trap another cub after a camera recorded an image of two cubs in the area, Yellowstone spokeswoman Amy

Bartlett said.

Park Superintendent Dan Wenk said the adult bear would be killed for public safety if DNA samples show it was involved in Crosby’s death. The cubs first would be offered to a zoo or rehabilitation center, but such placements are difficult and the animals likely would be killed if no permanent home is found, Bartlett said.

Crosby was the sixth person killed by grizzlies since 2010 in the greater Yellowstone area, which has an estimated 750 of the animals and includes the park and surrounding portions of Montana, Idaho and Wyoming.

Bears involved in fatal attacks are not always killed. That was the case in the 2011 death of a California tourist who ran, screaming, from an adult female grizzly with two cubs. Park officials determined the victim’s actions helped trigger the attack and let the bears remain in the wild.

But when the same female bear was linked by DNA evidence to another hiker’s killing, less than two months later, biologists caught and euthanized

the animal, citing concern for public safety.

Wenk said the decision to kill a bear is made “based on the totality of circumstances.”

Encounters between humans and grizzlies have risen in recent decades as the region’s population of the federally protected threatened species has expanded. Relatively few run-ins lead to death or injury, and the probability of being attacked by a bear is only slightly greater than the chance of being struck by lightning, park officials say.

“At this point in time, I have no knowledge that it could have been avoided,” Wenk said of Crosby’s death. “He was in an area that’s frequently used, a popular area that people went to. It’s not like he was bushwhacking through dense forest.”

His body was found off the Elephant Back Loop trail, near an area known as Lake Village. Bruising around puncture wounds on Crosby’s forearms suggested he had tried to defend himself, officials said.

Traffic Controllers Show Chronic Fatigue

WASHINGTON (AP) — Air traffic controllers’ work schedules often lead to chronic fatigue, making them less alert and endangering the safety of the national air traffic system, according to a study the government kept secret for years.

Federal Aviation Administration officials posted the study online Monday, hours after The Associated Press reported the findings — and noted that agency officials had declined to furnish a copy despite repeated requests over the past three months, including a Freedom of Information Act filing.

The AP was able to obtain a draft of the final report dated Dec. 1, 2011. The report FAA posted online was dated December 2012, although the findings appear to be nearly identical to the draft.

The impetus for the study was a recommendation by the National Transportation Safety Board to the FAA and the National Air Traffic Controllers Association to revise controller schedules to provide rest periods that are long enough “to obtain sufficient restorative sleep.”

The study found that nearly 2 in 10 controllers had committed significant errors in the previous year — such as bringing planes too close together — and over half attributed the errors to fatigue. A third of controllers said they perceived fatigue to be a “high” or “extreme” safety risk. Greater than 6 in 10 controllers indicated that in the previous year they had fallen asleep or experienced a lapse of attention while driving to or from midnight shifts, which typically begin about 10 p.m. and end around 6 a.m.

Some US Rowers Fall Ill At Test Event

RIO DE JANEIRO (AP) — Thirteen rowers on the 40-member U.S. team came down with stomach illness at the World Junior Rowing Championships — a trial run for next summer’s Olympics — and the team doctor said she suspected it was due to pollution in the lake where the competition took place.

The event took place amid rising concerns about the water quality at venues for the Rio de Janeiro Olympics, now less than a year away.

The Americans were by far the hardest hit at the regatta that concluded over the weekend, with reports of vomiting and diarrhea. Other teams in the competition reported some illnesses, according to World Rowing, the sport’s governing body, but those were about as expected at an event that featured more than 500 young rowers.

On July 30, The Associated Press published an independent analysis of water quality that showed high levels of viruses and, in some cases, bacteria from human sewage in all of Rio’s Olympic and Paralympic water venues, including the Rodrigo de Freitas Lake, where the rowing competition took place.

U.S. coach Susan Francia, a two-time Olympic gold-medal rower, said in an interview with the AP that 13 athletes and four staff members — including herself — suffered various gastrointestinal symptoms during the team’s two weeks of training in Rio.

US Consulate Attacked In Istanbul

ISTANBUL (AP) — Two female assailants opened fire at the U.S. Consulate in Istanbul on Monday and at least six Turkish security forces were killed elsewhere in a day of heavy violence in Turkey, where a government crackdown has targeted Islamic State militants, Kurdish rebels and far-left extremists.

Turkey has seen a sharp spike in clashes between security forces and rebels of the Kurdistan Workers’ Party, or PKK, in the wake of its campaign against PKK targets in Iraq in tandem with airstrikes against Islamic State militants in Syria. Hundreds of suspected militants have also been rounded up at home.

No one was hurt in the attack on the U.S. Consulate, which came just weeks after Turkey agreed to take a more active role in the U.S.-led campaign against the Islamic State group and to allow the U.S.-led coalition to use its bases in the fight against IS. On Sunday, the U.S. military announced that a detachment of six F-16 fighter jets and some 300 personnel had arrived at Turkey’s southern Incirlik Air Base.

A far-left group that carried out a 2013 suicide bombing on the U.S. Embassy in Ankara claimed it was involved in the attack.

Both assailants fled, and one was later shot and taken into custody. The Revolutionary People’s Liberation Army-Front identified her as 51-year-old Hatice Asik and said she was a member of the group, which is considered a terrorist organization by the U.S. and Turkey. The other assailant was still at large.

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- **Fall Sports Preview**, deadlines August 14, publishes August 28
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- **YHS Homecoming**, deadlines September 8, publishes September 15
- **Citywide Rummages**, deadlines September 4, publishes September 9 and 12
- **Heritage Edition**, deadlines September 16, publishes September 28
- **Home Improvement**, deadlines September 17, publishes September 24
- **Health & Medical Directory**, deadlines September 23, distribution starts October 23

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