

## Prosecutor Sentenced For Drunk Driving

BURKE (AP) — The state's attorney in Charles Mix County has pleaded guilty to drunken driving but will not see any additional jail time.

The *Daily Republic* reports that 54-year-old Scott Podhradsky was sentenced Tuesday to 30 days in jail with credit for one day served and the rest of the time suspended.

He also paid \$640 in fines and court costs, and lost his driver's license for a month.

Authorities said Podhradsky in August somehow ended up beneath a motorcycle he had been riding and failed a blood-alcohol test.

Podhradsky acknowledged driving drunk to *The Associated Press* after his arrest for misdemeanor driving under the influence.

He told *The Daily Republic* after his sentencing that he has quit drinking.

## Nebraskan Accused Of Starting Fires

NEBRASKA CITY, Neb. (AP) — A 52-year-old Nebraska City man has been accused of starting fires at his residence and his mother's home.

Nebraska City radio station KNCY reports that Brian Voyles was charged with two counts of arson. Voyles' attorney didn't immediately return a message left Wednesday by *The Associated Press*, seeking comment on the allegations against Voyles.

Firefighters were able to put out both fires on Dec. 3. Police say in court records that Voyles had singed hair on his head and face when taken into custody. No injuries have been reported.

## Residents Narrowly Approve Indoor Pool

MITCHELL (AP) — Residents of Mitchell have approved an \$8 million indoor pool.

The *Daily Republic* reports that 54 percent of the 2,653 people who cast absentee ballots or voted in Tuesday's special election were in favor of the proposed aquatics facility.

The 22,000-square foot facility will have a competition-size lap pool and a 1,200-square-foot leisure pool. It will be funded through various methods including surplus and reserve city funds and a hotel tax increase.

People who wanted the public to weigh in on the project circulated petitions earlier this year to bring the matter to a vote.

## Man Found Shot Dead In NE Barrel

BAYARD, Neb. (AP) — Western Nebraska authorities say a man whose body was found sealed inside a 55-gallon barrel was shot to death.

Morrill County Attorney Travis Rodak said Tuesday that an autopsy shows the man died of a gunshot wound. The man's identity has not been confirmed.

A farmer spotted the barrel floating along Red Willow Creek about four miles east of Bayard on Friday afternoon. He called the Morrill County Sheriff's Office after opening the barrel and seeing the body inside.

No arrests have been reported.

## Voters Give Approval To \$5.5 Million Jail

FAULKTON (AP) — Residents of Faulk County have approved higher property taxes to fund a new jail.

The *American News* reports that 77 percent of the 726 voters in Tuesday's election favored the move. Turnout was high, with nearly half of registered voters going to the polls.

The county's existing jail was built in 1930 and has the capacity for 16 prisoners. The new lockup will hold 35 inmates. However, county commissioners say the project will be scrapped if bids come in higher than the estimated \$5.5 million.

If the new jail is built, taxes will go up \$64 per year for the owner of a property valued at \$100,000.

## Man Faces Charges In Son's Kidnapping

OMAHA, Neb. (AP) — A Douglas County judge has found enough evidence for an Omaha man accused of kidnapping his son to stand trial.

The *Omaha World-Herald* reports that 26-year-old Elwin E. Brown faces charges of kidnapping, child abuse and false imprisonment. He's also charged with two counts of violating a protection order granted to Abbilyn Walgrave and their 2-year-old son.

Brown is accused of taking his son from a car driven by Walgrave in a grocery store parking lot on Nov. 3. The uninjured child was dropped off at his great-grandmother's house about five hours later.

Police reviewed surveillance video, and Detective Jeff Shelbourn said he was able to identify Brown taking the child from the car.

Brown is being held on \$400,000 bail.

## Police Respond To 2nd Casino Robbery

SIoux FALLS (AP) — Sioux Falls police are investigating the second casino robbery in the city in two days.

Authorities say a male wearing a bandanna over his face entered Jackson's Casino about 1:30 a.m. Wednesday and demanded money. Police did not say if he had a weapon. He fled with an undetermined amount of money, and no one was hurt.

A male wearing a bandanna and wielding a handgun robbed the Happy Jack's Casino early Tuesday. There was no immediate word on whether the two holdups might be connected.

## Woman Charged With Threatening Man

SIoux FALLS (AP) — A Sioux Falls woman is accused of entering her ex-boyfriend's home without an invitation and threatening him with a knife from his kitchen.

The *Argus Leader* reports that 23-year-old Janie Salinas is charged with aggravated domestic assault and first-degree burglary.

Capt. Greg VandeKamp says Salinas was carrying a metal bar or pipe when she went into the victim's home at about 5:15 p.m. Monday and began threatening him. He says she picked up a kitchen knife and continued to threaten the victim, eventually pulling him onto the floor and choking him.

The victim, a 35-year-old Sioux Falls man, called police after Salinas left his home. She was arrested later.

It wasn't immediately known whether Salinas has an attorney.

## Crews Work On Hwy 16 Landslide Repair

RAPID CITY (AP) — The South Dakota Department of Transportation is repairing the shoulder of the southbound lanes of Highway 16 just south of Rapid City.

The contractor, Zandstra Construction Inc., is removing the material from one of the slide areas, replacing the soil with rock and a drainage system and backfilling the area with soil. The \$223,000 project is expected to be completed Friday, Dec. 18.

Workers are shutting down the southbound lane in the area of work. A daytime-only lane closure in the northbound lanes will also be required when the contractor is hauling rock for the project.

Motorists should be prepared for suddenly slowing and merging traffic, as well as construction equipment and crews.

Work on a second slide area is anticipated to be done in January, depending on weather.

# Board Decides No Fence Gate Is Required Across Firesteel Creek

BY BOB MERCER  
State Capitol Bureau

PIERRE — The state Board of Water Management decided Wednesday landowners don't need gates in their fences any longer across much of Firesteel Creek in Davison County.

Gates will still be required on fences that cross the stream between Lake Mitchell and Loomis Oil Road northwest of the city.

That segment of about two miles receives the highest traffic from kayakers and canoeists, according to testimony.

There also aren't any landowners raising livestock along that stretch.

It was the first time in 21 years that the board changed any waterway's gate designation.

Landowners led by Gary Busmus of Mitchell wanted the board to repeal the gate requirement for the entire length of the creek within the county.

They said stream users sometimes left gates open, allowing cattle to wander. That has led to herds mixing. At least three cattle have died on the road after vehicles struck them.

Amy Puepke of Mitchell said calves occasionally needed medical attention after their hooves caught in discarded beverage cans.

Board member Rodney Freeman of Huron offered the compromise to require gates only along the two miles directly above Lake Mitchell. The board voted 4-3 in favor. Board chairman Jim Hutmacher of Oacoma cast the deciding vote.

Hutmacher said he hopes people who paddle kayaks and canoes or ride snow-

mobiles don't start taking wire-cutters along to get through fences upstream of Loomis Oil Road.

"My concern is, I don't want this to turn into a real battle, which it may," Hutmacher said.

Any one who presented testimony on the matter to the board has 10 days to file a petition seeking an appeal.

Busmus accepted the compromise and thanked the board as he left the meeting. "We just want it closed where the cattle begin," he said.

In October, the board rejected his attempt to remove the navigable-waterway designation from Firesteel Creek.

The land forming the streambed below the creek and alongside it would have been closed to public use if the navigable designation had been lifted. The water itself in the creek would be open to the public either way.

Mark Puetz of Mitchell, who owns land along Firesteel Creek, spoke against repealing the gate requirement for the entire length of the creek in Davison County but said he understood the landowners' issues and could accept the compromise.

Puetz said he serves on the Lake Mitchell advisory board and kayaks on Firesteel Creek but hasn't paddled upstream of Loomis Oil Road. He said he couldn't speak for all other kayakers and canoeists but there probably would be support for the change.

"I know there are a fair amount that would look at that and say it is a reasonable compromise," Puetz said.

Also opposing the full repeal was Roger Foote of Watertown, speaking for the South Dakota Canoe and Kayak

Association. Foote said he knew of about 10 people from the Mitchell area who paddle the creek.

The state Game, Fish and Parks Department opposed the change as well.

The Legislature in 1990 enacted stream-fencing laws and authorized the Water Management Board to establish the rules for safe use and passage of boats, canoes and other vessels, pedestrians and snowmobiles.

The Legislature then in 1992 approved a list of specific streams where fence gates are required.

The law, in an unusual delegation of legislative authority, also gave the Water Management Board the power to remove streams or segments from the gates list or to add to the list.

The public is allowed under the law to petition the board for a change. That is the process Busmus followed.

The board's decision can be nullified, however, on appeal through a second petition.

That appeal petition goes through the state water rights engineer to the Legislature. The final decision then would be up to the Legislature.

The board exercised its power to change the gates list three times, in 1992, 1993 and 1994, affecting five streams, according to Ron Duvall, a staff member for the state Department of Environment and Natural Resources. The department oversees the stream-fencing regulations.

The laws and list can be found in chapter 43-17 of the South Dakota legal code. However, the list currently found in law doesn't reflect the changes made by the state board.

## Official Says NE Should Address Drugged Drivers

LINCOLN, Neb. (AP) — A Colorado highway safety official says Nebraska should not wait for marijuana legalization before acting to keep drugged drivers off the roads.

The *Lincoln Journal Star* reports Glenn Davis, highway safety manager for the Colorado Department of Transportation, and others spoke Tuesday at a summit on drugged driving hosted by the Nebraska Office of Highway Safety and AAA.

"I think you've got to identify the gaps in the system — and then start to take those gaps on," Davis said.

Davis said that like Nebraska, Colorado consolidates bans on driving while intoxicated and driving while drugged, making it difficult to distinguish between arrests.

Colorado launched a series of TV spots against drugged driving last year, and people who rent cars in the state are warned that driving while drugged is illegal.

Phil Tegeler, executive

director at The Bridge Behavioral Health, who spoke on a panel with state Attorney General Doug Peterson, said that there is no widely accepted cutoff for drugs similar to blood-alcohol limits. He said it's difficult to have the discussion of keeping drivers who are drugged off of roads without an "objective anchor" to measure when a person is impaired.

Susan DeCourcy with the National Highway Traffic Safety Administration, who

also spoke at the summit, said more law enforcement agencies will begin to use saliva testing devices during the next five years.

Peterson said his office has spent extensive amounts of time looking into the effects of marijuana on young people.

"Those kids are going to do that and they're going to get behind the wheel of a car," he said. "I think it's going to put a whole culture of young people at risk."

## Mitchell City Council Approves 'In God We Trust' Display

MITCHELL (AP) — The Mitchell City Council has approved a City Hall display of the motto "In God We Trust," but one councilman says the move could be divisive and is a mistake.

Councilman Mel Olson cast the lone dissenting vote in a 7-1 decision this week to display the motto, *The Daily Republic* newspaper reported.

"I just don't think that we should take an action that could be viewed by people who do not share our religious beliefs as an action of intolerance," he said.

Council President Jeff Smith said he thinks "it's time for the majority to start stepping forward and relaying what they believe in," and Mayor Jerry Toomey said if someone doesn't like

the display, "don't look at it, I guess."

Several religious leaders in the community favor the move, including the Rev. Ben Payne of Northridge Baptist Church.

"If we are people concerned about offense when we're leading, we run into a situation where we never accomplish anything of consequence," he said.

Robert Ray, with The Original Motto Project, urged the council in an email to display the motto "E Pluribus Unum," which means "from many, one," or "out of many, one." Ray said he thinks "In God We Trust" is divisive and violates the separation of church and state. The council did not vote on his recommendation.

## Omaha Officers' Response Before Fatal Shooting Investigated

OMAHA, Neb. (AP) — Omaha police launched an internal investigation Wednesday into the response of two police officers who were called to the apartment of a woman who was later fatally shot along with her 2-year-old daughter.

Omaha Police Chief Todd Schmaderer said he authorized the investigation after the public raised concerns about the handling of a 911 call to the northwest Omaha apartment on Sunday hours before the shooting.

Officers who went to the apartment had contact with its occupant, Destacia Straughn, and a man she had dated on and off, Dontevious Loyd, Schmaderer said.

Hours later, police say, Loyd kicked in the apartment door and began shooting, killing Straughn and the toddler. Three other women visiting were shot and injured.

Loyd, 23, has been charged with two counts of murder and three counts of attempted murder in shootings. Investigators believe the

shots were fired around 11 p.m. He turned himself in to police on Tuesday.

He remained behind bars Wednesday, and no attorney is listed for him in online court records. His first court appearance on the charges is scheduled for Thursday afternoon.

Police offered no other details Wednesday on the nature of the internal investigation, but Omaha television station KETV has reported that the mother of one of the shooting victims

reported that the officers removed Loyd from the apartment Sunday afternoon after being called to it for a welfare check. The woman said Straughn begged officers to arrest him and said she feared for her life if they didn't. But the officers said they couldn't arrest him, the woman told KETV.

The department said the officers have been reassigned to administrative duties pending the investigation into whether they followed proper procedures.

## Man Gets 90 Days After Admitting To Aggravated Incest

WEBSTER (AP) — A northeast South Dakota man has been sentenced to 90 days in jail after pleading guilty to a count of aggravated incest as part of an agreement with the prosecution.

The *Aberdeen American News* reports the 23-year-old Roslyn resident was also ordered to five years of probation. He originally faced four counts each of aggravated incest and sexual contact with a child under the age of 16, rape and solicitation of a minor.

Court records show authorities accused the man of engaging in sexual activity with an 8-year-old relative multiple times during the spring and summer of 2010. Records show that under questioning by police, the man admitted that the incidents had taken place.

The *Associated Press* is not naming the man to protect the identity of the victim.

The man must pay nearly \$840 in restitution for victim counseling.

## Lawmakers Urge US Air Force To Base In SD

SIoux FALLS (AP) — South Dakota's congressional delegation is urging the U.S. Air Force to base its newest fighter in Sioux Falls.

U.S. Sens. John Thune and Mike Rounds and U.S. Rep. Kristi Noem have sent a letter to Secretary of the Air Force Deborah James pressing her agency to select Joe

Foss Field as the next base of the F-35 Joint Strike Fighter. Gov. Dennis Daugaard and South Dakota Adjutant General Maj. Gen. Timothy Reisch also signed the letter.

The Air Force is expected to announce its basing decisions for the F-35 Joint Strike Fighter next year.

The delegation's letter

highlights many accomplishments of the Sioux Falls-based Air National Guard 114th Fighter Wing, as well as its access to "exceptional, uncongested airspace," providing conditions needed to meet the requirements of the F-35 aircraft.

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