

S.D. Inmate Pleads Guilty, Gets Life

BY KRISTI EATON
Associated Press

SIoux FALLS — Lynette Johnson has repeatedly said in court that death is the only sentence befitting three inmates charged in the slaying of her prison guard husband during a botched prison escape at the South Dakota State Penitentiary.

Johnson has been a constant presence at every motions hearing. She sits in the same spot, surrounded by family and friends. She wears the same pin, a picture of her husband. She seeks justice for Ron, her husband of 34 years, who was killed on April 12 — his 63rd birthday.

Inmates Eric Robert and Rodney Berget, both 49, admitted they used a metal pipe to beat Johnson and cover his face with plastic wrap. They were sentenced to death. She got what she wanted.

But that’s not the case for the third inmate, Michael Nordman, 47.

In a deal with prosecutors that saved him from a possible death sentence, Nordman on Thursday pleaded guilty to first-degree murder and a felony murder charge of aiding and abetting. First-degree murder with at least one aggravating factor — such as killing a prison guard — carries a maximum sentence of death in South Dakota, and Nordman admitted he supplied the pipe to Berget and showed where the plastic wrap could be found.

He was sentenced to life in prison.

“Nordman is responsible for that badly beaten body that is my husband. He may not have had any blood on his uniform ... but he is responsible. He is just as responsible,” Lynette Johnson testified Thursday. “As far as I’m concerned, he should be right along with Robert and Berget.”

She said that if death is not an option, she wants to make sure Nordman can never be a free man. She pleaded with Second Circuit Judge Bradley Zell to do whatever is necessary to make sure Nordman is never released or left alone with a single prison guard.

“Don’t ever let him out. Ever,” she said in court.

Johnson was working alone the morning of his death in a part of the prison known as Pheasantland Industries, where inmates work on upholstery, signs, custom furniture and other projects. Prosecutors said that after Robert and Berget killed Johnson, Robert put on Johnson’s uniform and tried to carry a large box toward the prison gate with Berget inside. The inmates were apprehended before leaving the grounds.

By pleading guilty, Nordman admits responsibility but is less culpable than Berget and Robert, South Dakota Attorney General Marty Jackley said after the hearing.

“This remains a very difficult situation for the family. Certainly they have every reason to have asked to have the same sentence as Robert and Berget,” Jackley said. “Mr. Nord-

man was responsible for his actions, and I believe he was held responsible for the extent that the law could hold him responsible for providing of the pipe and Saran Wrap.”

Nordman was already serving a life sentence for a 1990 conviction for first-degree rape and child abuse. The life sentence handed down Thursday will run consecutive to that one.

Zell alluded to Nordman’s responsibility in the failed escape attempt at the end of the plea hearing Thursday.

“You may not have known how those instruments were going to be used, but you made their presence available for Mr. Berget to use,” Zell said, noting that Nordman was aware of Berget’s violent past and previous attempts to escape.

Berget was serving life sentences for attempted murder and kidnapping when he and Robert attempted to escape. Zell sentenced Berget to death Monday, and his execution has not been scheduled. Robert, who was serving an 80-year-sentence on a kidnapping conviction at the time of the slaying, was sentenced to death in October. His execution is set for May.

In sentencing Nordman to life in prison, Zell agreed with lawyers on both sides that Nordman should be considered dangerous and segregated from the rest of the prison, losing the few freedoms available to a prisoner. The decision is ultimately left up to prison officials.

Tribe Suing Beer Companies For Alcohol Problems

BY GRANT SCHULTE
Associated Press

LINCOLN, Neb. — An American Indian tribe sued some of the world’s largest beer makers Thursday, claiming they knowingly contributed to devastating alcohol-related problems on South Dakota’s Pine Ridge Indian Reservation.

The Oglala Sioux Tribe of South Dakota said it is demanding \$500 million in damages for the cost of health care, social services and child rehabilitation caused by chronic alcoholism on the reservation, which encompasses some of the nation’s most impoverished counties.

The lawsuit filed in U.S. District Court of Nebraska also targets four beer stores in Whiteclay, a Nebraska town near the reservation’s border that, despite having only about a dozen residents, sold nearly 5 million cans of beer in 2010.

Tribal leaders and activists blame the Whiteclay businesses for chronic alcohol abuse and bootleg-

ging on the Pine Ridge reservation, where all alcohol is banned. They say most of the stores’ customers come from the reservation, which spans southwest South Dakota and dips into Nebraska.

“You cannot sell 4.9 million 12-ounce cans of beer and wash your hands like Pontius Pilate, and say we’ve got nothing to do with it being smuggled,” said Tom White, the tribe’s Omaha-based attorney.

Owners of the four beer stores in Whiteclay were unavailable or declined comment Thursday when contacted by The Associated Press. A spokeswoman for Anheuser-Busch InBev Worldwide said she was not yet aware of the lawsuit, and the other four companies being sued — SAB Miller, Molson Coors Brewing Company, Miller-Coors LLC and Pabst Brewing Company — did not immediately return messages.

The lawsuit alleges that the beer makers and stores sold to Pine Ridge residents knowing they would smuggle the alcohol into the reservation to drink or resell. The beer makers supplied the stores

with “volumes of beer far in excess of an amount that could be sold in compliance with the laws of the state of Nebraska” and the tribe, tribal officials allege in the lawsuit.

The vast majority of Whiteclay’s beer store customers have no legal place to consume alcohol since it’s banned on Pine Ridge, which is just north, state law prohibits drinking outside the stores and the nearest town that allows alcohol is more than 20 miles south, explained Mark Vasina, president of the group Nebraskans for Peace.

The Connecticut-sized reservation has struggled with alcoholism and poverty for generations, despite an alcohol ban in place since 1832. Pine Ridge legalized alcohol in 1970 but restored the ban two months later, and an attempt to allow it in 2004 died after a public outcry.

The reservation encompasses some of the nation’s most impoverished counties. U.S. census statistics place Shannon County, S.D., as the third-poorest, with a median household income of \$27,300 and nearly half of the population falling

below federal poverty standards.

The tribe views the lawsuit as a last resort after numerous failed attempts to curb the abuse through protests and public pressure on lawmakers, White said. He said the tribal council voted unanimously about four months ago to hire his law firm.

The lawsuit says one in four children born on the reservation suffer from fetal alcohol syndrome or fetal alcohol spectrum disorder. The average life expectancy is estimated between 45 and 52 years, the shortest in North America except for Haiti, according to the lawsuit. The average American life expectancy is 77.5 years.

“The illegal sale and trade in alcohol in Whiteclay is open, notorious and well documented by news reports, legislative hearings, movies, public protests and law enforcement activities,” the lawsuit states. “All of the above have resulted in the publication of the facts of the illegal trade in alcohol and its devastating effects on the Lakota people, especially its children, both born and unborn.”

Audit Clears State Dept. In Keystone Review

BY DINA CAPPIELLO
Associated Press

WASHINGTON — The State Department’s internal watchdog cleared the agency Thursday of any impropriety in its review of a permit for a controversial pipeline that that would carry Canadian oil produced from tar sands to refineries along the Texas Gulf coast.

In a report released to Congress, the department’s inspector general said it found no evidence that State Department employees were improperly influenced by the company asking to build the pipeline, TransCanada, when they selected the third-party contractor to conduct the environmental analysis, as opponents of the project had charged. The inspector general also concluded that no conflict of interest existed between the contractor, Cardno Entrix, and the State Department, TransCanada and other federal agencies the company had worked for.

But the investigation found some flaws in the process, saying

the department could have done a better job evaluating some concerns about the project and should improve its oversight of contractors.

Victoria Nuland, a State Department spokeswoman, said Thursday that the report found “the State Department conducted a thorough, rigorous and transparent review of the environmental impact of the proposed project.” That review, completed in August, found the pipeline would have minimal effects on the environment.

Two lawmakers, Sen. Bernie Sanders, I-Vt., and Rep. Steve Cohen, D-Tenn., had asked for the internal probe and pressed President Barack Obama to delay any decision on the pipeline until it was complete. But that demand became moot when Obama, at the suggestion of the State Department, rejected the pipeline in January. Republicans had attempted to force his hand to get an approval, and environmentalists had waged protests to block the \$7 bil-

lion project.

The explanation offered by the administration was that there was not enough time under a GOP-ordered deadline to examine the environmental toll of alternative routes that avoided crossing over an aquifer in Nebraska. Besides Nebraska, the pipeline would pass through Montana, South Dakota, Kansas, Oklahoma, and Texas en route to the Gulf. Republicans, however, accused the administration of pandering to environmentalists in an election year.

While the report cleared the department of wrongdoing, opponents of the pipeline and efforts to force its approval in Congress were quick to point out findings that said a lack of expertise and resources at the State Department affected the environmental review. In addition, the inspector general found that neither TransCanada nor the department reviewed Cardno Entrix’s conflict of interest statements, an oversight the State Department officials said would be corrected.

Permit

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tar sands crude oil each day into low-sulfur gasoline, diesel, jet fuel and liquid petroleum gas.

Ed Cable, a leading opponent of the project, said the groups challenging the permit will review Barnett’s decision before deciding whether to appeal the case to the South Dakota Supreme Court.

Eric Williams, a spokesman for Hyperion, said the decision validates the company’s belief that the project will be the most environmentally sound refinery in the world.

“While we certainly wish the permitting of the project didn’t have delays, we’re in this for the long haul and are glad we’re one step closer to beginning construction and producing ultra-low-sulfur diesel and gasoline refined here in the U.S.,” Williams said in a written statement.

The project would employ 4,500 construction workers for more than four years and 1,800 permanent workers once the plant begins operating, Williams said. The project also would include a power plant that produces electricity for the refinery. It would use a byproduct of the refinery process, solid petroleum coke, which would be turned into gas and burned to produce electrical power.

Hyperion, based in Texas, contends the refinery would be a clean, modern plant that would use the most advanced, commercially feasible emission control technology.

The Sierra Club and two local groups, Save Union County and Citizens Opposed to Oil Pollution, argue the refinery could emit too much pollution and hurt the quality of life in the rural area.

The Board of Minerals and Environment originally issued an air quality permit in August 2009 that called for construction to begin by Feb. 20, 2011. Company officials said the project was delayed because the recession

caused problems in securing financing. The original permit also was appealed in court, and Barnett sent the case back to the board for some further proceedings.

The board issued a revised permit in September, approving changes to reflect updated national air quality standards and new pollution-control technology. The revised permit also gave the company additional time to begin construction.

Opponents argued the board was wrong to extend the deadline for construction to begin. The original permit expired last February, and Hyperion should wait to seek a new permit based on the latest standards and technology when it is ready to begin construction, they said.

Barnett ruled that the permit remained valid because Hyperion filed a request to extend the deadline for starting construction. The board was justified in extending the deadline because the project was held up by the recession, the first court appeal and changing environmental standards, he said.

S.D. Bill On Bonus For State Workers Fails

PIERRE (AP) — South Dakota’s 13,000 state workers are up for a pay raise after three years without one, but a plan outlining an across-the-board \$2,300 for all public employees won’t move forward this legislative session.

Sioux Falls Republican Rep. Gene Abdallah, the bill’s prime sponsor, says his plan offers more bonus pay to workers earning low-end salaries.

He says Gov. Dennis Daugaard’s plan, which suggests a bonus equaling 5 percent of each worker’s salary, would give more to top earners.

But state budget director Jason Dilges says though Rep. Abdallah’s plan sparked a creative search for the solution, a “one-size fits all” bonus won’t best reward state workers. Dilges says he is confident both sides can work together for the optimal solution.

Neb. Bill Would Repeal Liquor Ban On Sundays

LINCOLN, Neb. (AP) — Local governments may soon be allowed to decide whether stores can sell liquor between 6 a.m. and noon on Sundays.

A bill up for debate Thursday would lift the state ban on Sunday liquor sales and give the power to local governments to enact their own laws.

State law currently allows local governments to regulate Sunday beer sales, and some cities and counties have passed ordinances to sell beer before noon on Sundays.

State law does not allow the sale of distilled spirits between 6 a.m. and noon on Sundays. That could change with the passage of Legislative Bill 861.

S.D. Gets \$8M In Foreclosure Settlement

PIERRE (AP) — South Dakota’s share of a \$25 billion settlement between five mortgage lenders and 49 states is just under \$8 million. The amount includes loan term modifications and other forms of assistance.

Attorney General Marty Jackley says the agreement will provide direct relief to South Dakota homeowners and address future mortgage loan servicing practices.

The multistate deal is over foreclosure abuses that occurred after the housing bubble burst. Jackley says South Dakota borrowers who lost homes to foreclosure from Jan. 1, 2008, through Dec. 31, 2011, and suffered servicing abuse will qualify for about \$2,000 in cash payments.

The value of refinanced loans to South Dakota borrowers whose homes are worth less than their mortgages is about \$2.5 million.

S.D. Bullying Policy Bill Moves to Senate floor

PIERRE, S.D. (AP) — A South Dakota Senate Committee has passed an amended bill encouraging school districts without a bullying policy to adopt one and telling districts with policies in place to review them.

The bill endorsed by the Senate Education Committee on a 7-0 vote Thursday does not require schools to have the policies.

Senators say the bill that now goes to the full Senate for a vote is a compromise between a prescriptive bill offered by Republican Sen. Dan Lederman of Dakota Dunes and an encouragement bill promoted by Attorney General Marty Jackley.

The legislation also defines bullying to include physical hurt or psychological distress involving threat, stalking, violence and other conduct directed at students.

Senate OKs Rural Medical Program Bill

PIERRE (AP) — The Senate has passed a bill allowing incentive payments as a way to entice more health care professionals to rural areas of the state.

The bill says that professionals in certain health care fields who commit to practicing in communities with 10,000 or fewer people for at least three years could receive an incentive payment to help with the cost of school tuition.

The professionals include doctors, dentists, physician assistants, nurse practitioners and midwives.



Welcome to the World

The following babies were born at Avera Sacred Heart Hospital in January 2012:

ADILYNN	CONNOR	KAYLEE	RHLEN
AILEONA	CRYSTAL	KELSEY	RONALD
ANGELLINA	ELI	KHLOE	RUGER
ASHER	EMMA	KYLER	RUSSELL
AVA	HALEIGH	LANE	SAVANAH
AYLANI	HARRISON	LAUREN	SAWYER
BANNON	HARRISON	LIAM	SHANNYN
BAPTISTE	HENDRIX	LUCA	SOPHEE
BRANTLY	JACOB	MACI	TALILAH
BRIAR	JADA	MADDOX	TAYVION
BROOKLYN	JAELYN	MADISON	TUCKER
CARSON	JASPER	NATE	WESLEY
CASHIUS	JAVEN	RAEGAN	
COLTON	JOLENE	REESE	

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