

Nebraska Boy Dies After Panhandle Collision

RUSHVILLE, Neb. (AP) — A 12-year-old boy died after a collision on an icy highway in the northern Nebraska Panhandle.

The Sheridan County Sheriff's Office says the accident occurred around 7:30 a.m. Thursday, about five miles west of Gordon. The office says Melissa Jagers, of Rushville, lost control of her vehicle on U.S. Highway 20 and slid into the path of an oncoming truck.

National Weather Service records say light snow had been falling in the area since Wednesday night.

Deputy Richard Anderson says Jagers and her 12-year-old son were taken to Regional West Medical Center in Scottsbluff, where the boy died Thursday evening. Jagers' 10-year-old daughter was flown to a Denver hospital. The children's names have not been released.

The truck driver, 32-year-old Ken Costello, was treated at Gordon Memorial Hospital and released.

Mickelson Trail Makes Bike Path Top-Ten List

RAPID CITY (AP) — A Black Hills bike trail has earned a spot on an adventure company's top-ten list compiling the perfect paths to ride.

KEVN television reports that active travel company Austin-Lehman Adventures gave the Mickelson Trail its number seven position on the list.

The company's European cycling director logged more than 10,000 miles on the seat of a bike to create the list.

The Mickelson Trail received kudos for its blasted hard-rock tunnels and more than 100 converted railroad bridges.

Black Hills Bicycles owner Ian Estes says the honor will bring more recognition to the state and the Black Hills, which provides a beautiful area for riding.

Number Of New Neb. Irrigation Wells Surges

LINCOLN, Neb. (AP) — A Nebraska agency says the number of new irrigation wells registered in the drought-stricken state last year surged past 1,000 for the first time in seven years.

The Department of Natural Resources reported earlier this week that the 1,105 new wells were the most registered with the state since 2005. The numbers are preliminary, however.

Economists say a surge in corn and soybean prices is one of the reasons and likely is tied to another reason: the drought that left many fields withered and unproductive.

Dave Aiken is an agriculture and water law specialist at the University of Nebraska-Lincoln. He told the *Lincoln Journal Star* that if corn were \$2 or \$3 a bushel, "we wouldn't see as many wells, despite the drought."

Man Found In Snowy Lincoln Parking Lot Dies

LINCOLN, Neb. (AP) — Police say a 53-year-old man was pronounced dead at a hospital after he was found in a snowy Lincoln parking lot.

A worker clearing snow from the business lot a few blocks west of downtown spotted the man around 3:40 a.m. Friday. Efforts to revive the man at the lot and a Lincoln hospital failed. He was pronounced dead at the hospital.

Lincoln police spokeswoman Katie Flood says there were no signs of physical injuries to the man. It's unclear whether the man was a victim of weather exposure or of some other medical problem.

His name hasn't been released. Authorities say he lived in a transitional housing facility at the People's City Mission.

Investors Funding Harrold Pulse Crop Plant

HARROLD (AP) — A group planning to build a pulse crop processing plant in Harrold is \$150,000 shy of raising \$1.5 million from investors.

South Dakota Pulse Processors board of managers president Tom Young tells the *Pierre Capital Journal* he's optimistic the company will be able to tell farmers at planting time in April that it will be taking production in the fall.

The company's plan was to raise \$1.5 million to \$2 million to build the 5,550-square-foot plant in Harrold, in the northeast corner of Hughes County.

Young, an Onida-area farmer, said the board is considering financing or investment possibilities as it nears that mark.

Lawmakers Debate Public Records Bill

BY GRANT SCHULTE
Associated Press

LINCOLN, Neb. — Nebraska lawmakers started a debate Friday over how much cities, counties and state agencies can charge for copies of public records.

Sen. Bill Avery of Lincoln presented his bill to the full Legislature. He said his office has received complaints that governments were charging hundreds and sometimes thousands of dollars for copies of public records.

"Public records are owned by the people," Avery said. "The public entities that manage those records are the custodians — not the owners."

The measure makes clear that local governments can charge a fee for making copies, based on a reasonable calculation of the actual cost of paper, toner and equipment. But the bill would prohibit governments to charge for employees' salaries during the first six hours it takes to fulfill the request. Beyond those six hours, local governments could impose a special labor charge.

Avery said the wording was included after cities raised concerns about "voluminous requests" intended to harass public officials. But his proposal would prohibit local govern-

ments from charging for a review that seeks a legal basis to withhold the records.

Requesters would have 10 days to review the estimated cost of a records request to negotiate with officials, or to narrow or withdraw their request. If the requester fails to respond within 10 days, the local government wouldn't have to fulfill the request.

Nebraska's current open records law requires public offices to allow people to inspect public documents for free, with a few exceptions for things such as personnel issues. Governments are allowed to charge for the time required to collect, scan or redact public records.

Avery said his bill was changed several times to address concerns raised by the League of Nebraska Municipalities and the Nebraska Association of County Officials, which represents local governments throughout Nebraska. The measure is supported by Common Cause Nebraska, a group that advocates for government transparency, as well as media organizations, newspapers and the American Civil Liberties Union of Nebraska.

Some smaller counties have since raised concerns about the six-hour requirement, saying it could create a burden for some offices that have only one staff member.

"Larger counties, quite frankly, have the resources and additional staff to do the work when it's called upon them. But when you have a county office that has one individual, maybe two at the most, and you're asking them for six hours of work before they start charging, that's nearly a full day of work," said Sen. Kate Sullivan of Cedar Rapids.

But Avery said the six-hour requirement was meant to meet concerns of smaller offices that fear they could be overwhelmed by large requests. He said he agreed to the six-hour rule "very reluctantly."

"This was a long, difficult and painful negotiation," Avery said. "Frankly, a lot of these public entities didn't want any change in the law at all."

Avery said his bill would also give local governments the leeway to post public documents online, so they could simply direct a requester to the website.

Sen. Erie Chambers of Omaha said many local governments and state agencies use the current state law to escape public scrutiny and avoid the work required to comply with the requests.

Lawmakers did not get to a vote Friday before they adjourned for the day. Debate will continue Monday.

Court: Prosecutor Violated Plea Bargain

BY MARGERY A. BECK
Associated Press

OMAHA, Neb. — A Platte County prosecutor violated terms of a 2011 plea bargain by promising to recommend probation, but later asking for jail time for a Columbus man convicted of possessing child pornography, the Nebraska Supreme Court ruled Friday.

In issuing the opinion, the state's high court also reaffirmed prosecutors' rights to make some county jail time a condition of probation.

The opinion stems from the 2011 conviction of 20-year-old Angel Landera, of Columbus, on 10 counts of possessing child pornography.

Landera was arrested in 2010 after a computer technician hired to repair Landera's laptop called police to report that he had found child pornography on it. A police investigator reported finding 34 photos and 27 videos of prepubescent and young teenage girls and boys being sexually abused.

Landera was charged with 20 counts, including two of distributing child porn. But in a deal with prosecutors, Landera pleaded guilty to 10 counts of

"We make every effort to stand by our negotiated plea bargains."

CARL HART JR.

possession of child porn. In exchange, prosecutors agreed to drop the 10 other counts and recommend probation for Landera.

At Landera's sentencing in 2011, however, the prosecutor — Assistant Platte County Attorney Demi Herman — said she was disturbed by the results of a pre-sentence evaluation of Landera that found him to be a high risk to re-offend, saying, "I'm struck, and I can't recommend probation ..."

Landera's attorney interrupted with an objection, and Herman said she intended to stand by the probation recommendation. But later in the hearing, she advocated for imprisonment instead of probation, saying, "I don't trust that if he is released without ... punishment that he won't be inclined to reign in his impulse control."

Landera was sentenced to 30 months to 4 years in prison on each count, to be served at the same time. In Nebraska, judges are not bound by recommenda-

tions made in plea bargains.

Landera appealed, and the Nebraska Court of Appeals reversed his sentence last year, ordering a new sentencing hearing under a different judge.

The Nebraska Attorney General's Office appealed to the Nebraska Supreme Court.

The high court said Friday that prosecutors can make some county jail time a condition of probation without first disclosing that to the defendant. But in Landera's case, the high court said, the prosecutor argued for jail time instead of probation at his sentencing, violating the agreement.

"The state must not ... effectively undermine the promised recommendation," Nebraska Supreme Court Judge William Cassel wrote. "The state's perfunctory adherence coupled with sentencing comments totally at odds with probation amounts to a failure to recommend probation."

In a separate but concurring

opinion, judges William Connolly and Michael McCormack took issue with the majority opinion's reasoning that prosecutors aren't required to disclose that jail time can be made a condition of probation when making plea agreements.

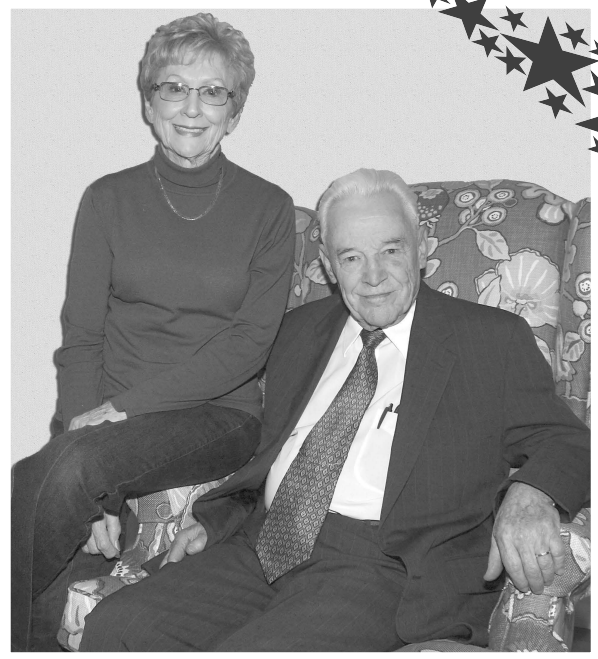
"I believe that the majority opinion will raise serious constitutional questions whether a defendant has voluntarily and knowingly entered a plea of guilty," Connolly wrote, "particularly if the court did not advise the defendant that it could confine him or her to a longer period in jail than what the defendant had agreed to in a plea agreement."

Neither Landera's attorney, public defender Nathan Sohriakoff, nor Herman immediately returned messages left Friday seeking comment. The Nebraska Attorney General's Office also did not immediately return a message Friday.

Platte County Attorney Carl Hart Jr. said he had not had a chance to read the opinion Friday and could not comment on it.

"We make every effort to stand by our negotiated pleas," he said.


*Yankton's 2012
Citizens of the Year*



Join us for a Public Reception
in honor of
Dr. Brooks & Vi Ranney
Sunday, March 3rd
1:30 -4 p.m.
Yankton Elks Lodge
504 W 27th Street

A Special Program will begin at 2 p.m.

Co-Sponsored by:
PRESS&DAKOTAN




Robert Tito Santiago,
5-Time Heart Attack Survivor

**"After five heart attacks,
I know what it feels like."**

Robert Tito Santiago is a multiple heart attack survivor. He now has a pacemaker and is doing well but credits his faith and the staff at Avera Sacred Heart Hospital for giving him strength.

Above all else, Robert wants to live each day to the fullest and is grateful for the time he's been given. What does Robert want you to know most? "Do NOT wait. Do NOT be embarrassed."

Avera 
Sacred Heart Hospital

Read more of Robert's story at www.Avera.org.

HHSD-37469-FED413