

## S.D. Dems Criticize Appointment To Board

PIERRE (AP) — South Dakota Democrats have criticized Republican Gov. Dennis Daugaard's appointment of a man to a board that awards state economic development loans to businesses.

Daugaard has appointed Rob Skjonsberg of Pierre to the state Board of Economic Development. Skjonsberg was a banker, a chief of staff for former Gov. Mike Rounds, and now is a partner in a consulting firm working on Rounds' campaign for the U.S. Senate.

South Dakota Democratic Party Chairman Ben Nesselhuf says the appointment is a blatant political effort to help Rounds' campaign. He says those who get state loans could be influenced to contribute to Rounds' Senate campaign.

Daugaard's communications director, Tony Venhuizen, says Skjonsberg's support of a Senate candidate doesn't change the fact he's qualified to be on the Economic Development Board.

## Johanns Named To Appropriations Committee

OMAHA, Neb. (AP) — U.S. Sen. Mike Johanns has been named to the powerful Senate Appropriations Committee, as well as those dealing with agriculture, banking and veterans.

The Nebraska Republican announced his new committee assignments on Thursday. Besides the government-spending panel, Johanns will serve on the Senate agriculture, banking and veterans' affairs committees.

In the process, Johanns gives up spots on the Indian Affairs Committee and Environment and Public Works Committee.

Johanns says his goals as a senator are "reining in spending, seeing a reform-minded farm bill signed into law and providing our military and veterans with the services they need."

## Huron Texting Ban Takes Effect

HURON (AP) — A new law taking effect Thursday bans texting while driving in Huron.

The ordinance approved by the City Commission last month also encompasses distracted driving, which includes everything from eating fast food to reading a newspaper while driving. The measure also bars drivers with learners' permits from talking on a phone while driving.

Police will be giving motorists a grace period while they become familiar with the new law. The fine for texting while driving will be \$100, and the fine for distracted driving will be \$15.

## Drought Conditions Unchanged In The Dakotas

SIOUX FALLS (AP) — Drought conditions in the Dakotas have not changed with the start of the new year.

The latest U.S. Drought Monitor map shows all of South Dakota and just over half of North Dakota remaining in some form of drought. Another third of North Dakota remains classified as abnormally dry.

South Dakota remains much worse off, with nearly two-thirds of the state in the worst two categories of drought, extreme and exceptional. North Dakota continues to have no areas in those two categories.

## Bank Robbed In Eastern S.D. Town Of Toronto

TORONTO (AP) — Authorities are searching for a man who robbed a bank in the eastern South Dakota town of Toronto.

The FBI says a man armed with a semi-automatic handgun robbed the First Bank and Trust midafternoon Wednesday, giving a trash bag to an employee and demanding money from the bank's vault.

The robber fled in a red sport utility vehicle with an undisclosed amount of cash.

## Man Sues County Over Arrest In False Rape

BEATRICE, Neb. (AP) — A man falsely accused of rape by a southeast Nebraska woman who was convicted of making up the crime is suing Gage County and four sheriff's deputies.

Beatrice radio station KWBE-AM reports that Elliott Hawkins, of Wymore, is suing over his 2011 arrest in the case. His lawsuit seeks an unspecified amount for lost earnings capacity, damage to his reputation and emotional distress, among other things.

On Wednesday, 28-year-old Jennifer Valenta, of Wilber, was sentenced to 32 to 60 months in prison after pleading no contest to evidence tampering, false reporting and attempted prostitution.

Valenta told authorities she was raped by four men, including Hawkins, at the Big Indian Recreation Area in November 2011. Investigators later determined her injuries were self-inflicted.

## Farmers Concerned With Lack Of Snow

SIOUX FALLS (AP) — Some South Dakota farmers are concerned about the lack of snow cover protection for winter wheat.

The U.S. Department of Agriculture says in its weekly crop weather report that snow cover for winter wheat is rated at 61 percent poor with the remaining 39 percent adequate.

Winter wheat condition is rated at 21 percent very poor, 49 percent poor, 27 percent fair and 3 percent good.

Alfalfa snow cover is rated at 37 percent poor, 61 percent adequate and 2 percent excellent.

The USDA says the average snow depth at year's end across South Dakota is 4 inches.

Farmers and ranchers continue to cope with drought reduced feed supplies and stock water supplies as the winter progresses, though livestock is doing well in most areas of the state.

## Man Catches Burglary Suspect With Webcam

OMAHA, Neb. (AP) — Police in Omaha say a man used his webcam to catch a burglary suspect taking things from his apartment.

The Omaha Police Department says Anthony Sandvig called authorities early Thursday morning to report a male suspect was inside his apartment. He told police he was in another location but his webcam was recording the burglary.

Police arrested Ronney Perry in the apartment's parking lot. He was found with items belonging to Sandvig.

Perry faces one count of burglary.

## OBITUARIES

### Robert Record

Robert W. "Bob" Record, age 88, of Menno, SD passed away Wednesday, January 2, 2013 at the Menno-Olivet Care Center, Menno, SD.

Memorial services will be 4:00 p.m. Sunday, January 6, 2013 at the Salem Reformed Church, Menno, with Rev. Michael Hecht officiating. Burial of Robert's cremated remains will be at a later date at the Galveston Cemetery, Galveston, IN.

The Aisenbrey-Opsahl-Kostel Memorial Chapel, Menno, SD is assisting with the services.

Robert Wayne Record was born March 9, 1924 to Carl and Edna (Ellis) Record at Kokomo, Indiana. Robert was drafted into the United States Army at the age of 20, and served in the Philippines from January 1945-November 1946. After his return, he worked for Haynes International, Inc. in Kokomo, Indiana for 30 years. He was also engaged in custom farming with his brothers. He married Daisy Hicks in 1948. She passed away in 1978.

On October 22, 1988, he married Ruth Seidel in Menno where they made their home. Bob & Ruth enjoyed many winters together in Apache Junction, Arizona.

He is survived by his wife, Ruth of Menno; step-son Lee (Gloria) Seidel, Eau Claire, WI; 7 step-grandchildren and their families: Michelle Herman, Birmingham, AL; Mark (Lisa) Seidel, Eleanor and Nolan, Madison, WI; Lisa (Larry) Klautd, Logan, Menno, SD; Amy Seidel (Jeff Miller), Anja and Soren, Iowa City, IA; Kristi (Jason) Sayler, Jenna and Morgan, Sioux Falls, SD; Travis (Linda) Herman, Nicholas and Jack, Mitchellville, IA; Janae Herman, Rapid City, SD. 2 brothers: Pat (Linda) Record, Kokomo, IN and Red (Gracie) Record, Logansport, IN and sister-in-law, Bernice Record, Logansport, IN.

He was preceded in death by his parents, his wife Daisy, two infant children, two brothers, a sister and a sister-in-law, step-daughter Delileah and her husband Gary Herman.

Yankton Press & Dakotan  
January 4, 2013



Online condolences at:

[www.opsahl-kostelfuneralhome.com](http://www.opsahl-kostelfuneralhome.com)

# Death Sentence Overturned In South Dakota Prison Guard Killing

BY DIRK LAMMERS

Associated Press

SIOUX FALLS — The South Dakota Supreme Court has overturned a state prison inmate's death sentence for the killing of a prison guard nearly two years ago.

In an opinion released Thursday, the justices said Rodney Berget, 50, must get a new sentencing hearing because the circuit judge who sentenced him to die improperly considered a statement Berget made to a psychiatrist.

The high court said it could not conclude that the use of the statement, in which Berget said he deserves the death penalty for taking Ronald "R.J." Johnson's life and destroying a family, was harmless beyond a reasonable doubt.

Lynette Johnson, the correctional officer's widow, told KSFY television that she is "devastated" by the ruling and feels that the original case was properly presented.

Berget's lawyer, Jeff Larson, did not immediately return a call seeking comment.

The high court had weighed 12 issues raised by Larson and ruled in the state's favor in 11 of them, including determining that Berget knowingly and intelligently waived his right to be sentenced by a jury. But it ruled in Berget's favor on the use of the

psychiatrist's statement and sent the case back to the trial court for a new sentencing hearing.

Despite that, state Attorney General Marty Jackley said in a statement that the court's ruling affirms the "appropriateness of a death sentence for Berget's crime."

The state presented substantial evidence demonstrating the heinousness of the crime and Berget's extensive criminal history, little chance of rehabilitation and multiple escape attempts, Jackley said.

"I am pleased that the Supreme Court has affirmed the overwhelming majority of the evidence was appropriately considered," Jackley said. "The single remaining issue surrounding psychological evaluation may be conducted on the existing record without causing excessive delay."

Berget and another inmate, Eric Robert, attacked Johnson on April 12, 2011 — the prison guard's 63rd birthday — and beat him to death. Robert then donned Johnson's uniform and tried to push Berget, hidden inside a box, outside the gate of the South Dakota State Penitentiary in Sioux Falls.

Both men pleaded guilty and were sentenced to death. Robert was executed in October. A third inmate, Michael Nordman, was given a life sentence for providing materials used in the slaying.

# Nebraska Appeals Court OKs Sentence For Rapist

BY MARGERY A. BECK

Associated Press

OMAHA, Neb. — A Nebraska trial court judge did not abuse his discretion in sentencing a man convicted of first-degree sexual assault to probation and several weeks of jail time, the state Court of Appeals ruled.

The decision came in the case of Jacob Martinez, 23, of Omaha, who pleaded no contest last year to the 2010 rape of a 16-year-old Fremont girl. Washington County Attorney Shurie Graeve appealed the sentence, saying six months in jail and five years of probation wasn't enough.

The case began in March 2010, when the girl spent a night drinking with Martinez, Martinez' cousin and Martinez' girlfriend in an Arlington home and became ill during the night. The girl reported the next day that she thought she had been raped, telling an investigator that after she became ill, she lay down on a bed and later awoke in pain with someone on top of her.

The girl said she again lost consciousness and then later awoke to discover she was naked, with Martinez' partially dressed cousin lying next to her. Martinez and his cousin then dropped the teen off at a park near her home. The girl's mother took her to an emergency room, where tests indicated she had been raped.

The girl and authorities had assumed that Martinez' cousin was the perpetrator, but DNA from the rape kit excluded him as a suspect and implicated Martinez.

In the meantime, Martinez had deployed with the U.S. Army

to Iraq. When he returned in late 2011, he was arrested and charged with five counts: first-degree sexual assault of a minor, child abuse, contributing to the delinquency of a minor, false reporting and giving alcohol to a minor.

In June, Martinez pleaded no contest to sexual assault in a deal that saw the other charges dropped.

At his sentencing, the judge noted that Martinez had no criminal history and was considered a low risk to reoffend. The judge sentenced him to six months in jail, followed by five years of probation, and required Martinez to register as a sex offender for life.

In her appeal, the prosecutor said the sentence sent a message that perpetrators receive a "get out of jail card for their first rape."

But the appeals court rejected that argument, noting that "the rare circumstances where the (Nebraska) Supreme Court has found a sentence to be excessively lenient ... there was either a substantial prior criminal record or something particularly egregious about the instant offense."

Graeve, the prosecutor, could appeal to the Nebraska Supreme Court, but online court records did not show she had by Thursday. Graeve did not return several messages left Thursday for her.

A public phone listing for Martinez could not be found, and his attorney, Deborah Cunningham, of Omaha, did not return a message left Thursday seeking comment.

# Farm Bill Extension Not Popular In Upper Midwest

GRAND FORKS, N.D. (AP) — Leaders of many farm groups in the Upper Midwest aren't pleased that Congress has extended the current farm bill rather than pass new legislation.

The one-year extension of portions of the expired 2008 farm bill is one of the measures introduced to avert the "fiscal cliff" of major tax increases and spending cuts that were due to take effect Jan. 1. The extension prevents milk prices from rising but excludes other farm provisions such as disaster aid for producers.

"This is disappointing," North Dakota Farmers Union President Woody Barth said in a statement. "It is sad when Congress plays politics at the expense of family farmers and ranchers."

Leaders of some farm groups told Agweek that the extension gives Congress more time to cut spending on programs that provide an income safety net for farmers and ranchers and a secure, affordable food supply for consumers.

The farm bill expired last Sept. 30, though most programs it covered were not affected until Jan. 1. The federal farm legislation that includes everything from farm subsidies to food stamps generally is passed every five years but stalled in Congress last year. The Senate passed a new farm bill last summer but the legislation never made it to the House floor.

"To have worked so long and to have the finish line in sight, and then

not get it (a new farm bill) done, is very disappointing," Erik Younggren, a Hallock, Minn., farmer and president of the National Association of Wheat Growers, told Agweek. "This extension isn't what we wanted."

The proposed farm bill would have ended direct payments to farmers that cost taxpayers billions of dollars.

"Farmers, ranchers, rural communities and all Americans deserve better and would have been better-served with a new five-year farm bill," National Farmers Union President Roger Johnson said in a statement. Johnson is a former North Dakota Agriculture Commissioner.

Farmers and others in agribusiness need a long-term framework in which to operate, which an extension does not provide, said Doyle Johannes, an Underwood, N.D., farmer and president of the North Dakota Farm Bureau.

"It's very disappointing to get an extension when we needed a new farm bill," he told Agweek.

Some agriculture leaders fear that federal budget pressures will prompt Congress to make much steeper farm bill cuts, including cuts to crop insurance subsidies.

"We're worried about (possible) cuts to crop insurance. We're going to try to protect it," Keith Alverson, a Chester, S.D., farmer and a member of the National Corn Growers Association's board of directors, told Agweek.

location in Sioux Falls. Since then, the franchise has grown to include 30 restaurants in the South Dakota area, including Yankton's location, which opened in 1986.

The company has won numerous local, regional and national awards for operational excellence, community involvement and development programs. The franchise also is involved in more than 300 charitable and non-profit programs, such as the American Cancer Society, Boy Scouts of America and Big Brothers/Big Sisters.

"With each of these communities we came into, it's been our goal to be involved in each community and to make things better and really develop people," Walsh, Jr. said.

He said this is especially true for the communities' youth, noting



# Floods Blamed For 16 Pipeline Spills, \$200M In Damages

BY MATTHEW BROWN

Associated Press

BILLINGS, Mont. — Pipeline spills caused by flooding and riverbed erosion dumped 2.4 million gallons of crude oil and other hazardous liquids into U.S. waterways over the past two decades, according to a new report from federal regulators.

The Department of Transportation report to Congress was crafted in response to a 2011 spill into Montana's Yellowstone River. The spill highlighted concerns about federal pipeline rules that require lines to be buried just 4 feet below riverbeds — scant cover that can quickly be scoured away by floodwaters.

The Associated Press obtained the report this week before its public release.

Regulators found flood-related pipeline spills since 1993 in California, Texas, Iowa, Louisiana, Montana, Nebraska, South Dakota and Kentucky. Of the 2.4 million gallons of oil, gasoline, propane and other hazardous liquids released, less than 300,000 gallons was recovered.

Although those accidents ac-

count for less than 1 percent of the total number of pipeline accidents, the consequences of a release in water can be much more severe because of the threats to drinking water supplies and the heightened potential for environmental damage.

The 16 spills cost companies almost \$200 million combined in property damages, lost product, cleanup work and other expenses, according to an AP review of accident records.

The most recent accidents came during flooding in 2011 throughout the Missouri River Basin.

Those include the Yellowstone River spill that saw a severed Exxon Mobil Corp. pipeline release 63,000 gallons. A NuStar Energy LP pipeline also spilled 4,200 gallons of anhydrous ammonia into the Missouri River in Nebraska, and an Enterprise Products Partners LP pipeline released 28,350 gallons of gasoline into the Missouri River in Iowa.

U.S. Sen. Max Baucus, who requested the report with fellow Montana Democratic Sen. Jon Tester, said the results reveal "some pretty clear holes in pipeline oversight when it comes to flooding."

developing its employees within its operations, Dakota King, Inc., also has successfully promoted community involvement with its workers. He said he has seen many employees go above and beyond their normal duties, including visiting regular customers in the hospital.

"It's just a small-town piece that we love, and that's what South Dakota is about," he said.

You can follow Derek Bartos on Twitter at [twitter.com/d\\_bartos](https://twitter.com/d_bartos)

## IN REMEMBRANCE

**Gert (Konz) Vonderheide**

10:30 AM, Friday  
Holy Trinity Catholic Church  
Hartington

**WINTZ & RAY**  
FUNERAL HOME  
and Cremation Service, Inc.  
605-665-3644



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