

## Former Neb. Child Care Provider Faces Charge

OMAHA, Neb. (AP) — An eastern Nebraska woman faces a child abuse charge in connection with the death of a toddler at her day care facility.

The *Omaha World-Herald* reports Nancy Tierney of Blair has been charged with involuntary manslaughter and child abuse due to negligence.

A 16-month-old girl drowned in August inside a pool at Tierney's home, which served as a certified day care facility. An arrest affidavit last week says Tierney left the girl and other children unattended when she used the bathroom.

Tierney told investigators she had checked the pool gate lock and believed it was secure. Her day care license was later revoked.

Tierney's attorney says his client is a caring woman in great pain. He called her a good citizen with decades of experience caring for children.

## Pierre's Mayor Meeting With Airline Officials

PIERRE (AP) — Pierre's mayor was in Wyoming Monday meeting with officials from the only company providing commercial air service for South Dakota's capital city.

Laurie Gill tells KCCR radio that she was invited to meet with Great Lakes Airlines officials at the company headquarters in Cheyenne, Wyo., to talk about air service issues. The company provides daily flights from Pierre to Denver and Minneapolis.

Gill says it's a chance to keep strengthening an already strong relationship. The mayor says she wants to talk about ticket prices, schedules and the size of planes used on the routes.

## Standoff Ends Peacefully In North Platte

NORTH PLATTE, Neb. (AP) — A 23-year-old man remains jailed after his surrender peacefully ended a 90-minute standoff with police in North Platte.

Authorities say Justin Valentine, of North Platte, was arrested early Saturday morning.

Officers had been sent to a residence to investigate a report of a shooting. Two people at the scene reported that Valentine had threatened them and fired a rifle in their direction. Neither was hit.

North Platte Police Sgt. Kendall Allison says Valentine refused to leave the residence or let officers in. Negotiators and other officers were called in. Valentine gave up without incident about 90 minutes later.

Valentine remained in custody on Monday, pending \$100,000 bail on four felony charges. Online court records don't list the name of Valentine's attorney.

## Rounds Donates Civil War-Era Rifle To Center

PIERRE (AP) — A Civil War rifle owned by former Gov. Mike Rounds has been donated to the South Dakota Cultural Heritage Center.

KCCR radio reports that the Model 1861 Springfield rifle was used by his great-great-grandfather, Leopold Joseph Balza.

Rounds says Balza was an infantryman with the 18th Wisconsin Volunteers, a group that participated in one of the Civil War's most famous campaigns. After the war, Balza settled near Cavour in South Dakota, got married and started a family.

When Rounds became governor, the family asked that he keep the rifle as a memento in his Capitol office.

Cultural Heritage Center officials say they are honored by the donation. No decision has been made on how to publicly display the gift.

## Internet Speech

BY RYAN J. FOLEY  
Associated Press

IOWA CITY, Iowa — The Iowa Supreme Court has given protections against libel lawsuits to Internet publishers but declined to extend them to average citizens, a ruling that media lawyers called significant Monday.

Friday's ruling extends free-speech protections long enjoyed by newspapers and broadcasters to companies that distribute Internet content, such as book publishers, experts said. But the court declined to extend those rights to individual social media users, saying the victims of cyberbullying and online smear campaigns should be able to more easily sue for defamation.

University of Iowa journalism professor Lyombe Eko said the court "has given protection to people who are bullied on the Internet, the victims of smears or lies or accusations posted on Facebook and Twitter." People will be able to sue the attacker, but not the company that hosts the site where the statements are posted, he said.

Media lawyers said the decision modernized Iowa's libel law by extending free-speech protections to Internet publishers. They had wanted the court to go even farther and give all online communication by citizens the same protections enjoyed by the media at a time when anyone with a computer can publish information.

Still, they were happy with the outcome.

"We were able to radically expand who is considered media. It's just not news organizations anymore, which is great," said attorney Mike Giudicessi, who represented a publishing company in the case.

The case involved a 2008 memoir written by former Iowan Scott Weier that describes his relationship with God after a divorce. He paid Author Solutions, Inc., a nontraditional publisher, to design a cover and print copies that he could distribute to bookstores and acquaintances. Author Solutions sold three copies on its website and one through Amazon.

Weier's ex-wife, Beth Weier, and her father filed a lawsuit against Scott Weier and Author Solutions over statements in the book they considered false and defamatory, including that Beth Weier was abused by her father, suffered from mental illness and was a bad mother.

A court granted an injunction preventing Scott Weier from distributing his book during the lawsuit, and ruled in 2010 that neither the author nor the publishing company qualified for free-speech protections given to traditional media. "ASI is not the *New York Times*," a judge wrote.

After an unusually long 18-month review, justices voted 5-2 to overturn that ruling, saying ASI is a media defendant and therefore dismissed the company from the lawsuit.

The definition of media goes beyond busi-

nesses that report news, the justices found, extending protections now to any person or company that receives writings and makes them "more suitable and accessible for the public to read." Scott Weier does not have the same protections and the case against him can proceed because the statements were not of public concern, the court found.

Weier, ASI and media companies had asked the court to strike down a legal doctrine known as libel per se that gives individuals less protection than media from defamation lawsuits. The doctrine presumes that in cases involving regular citizens, the statements were false and the plaintiffs were damaged. In contrast, lawsuits against media require plaintiffs to prove the statements were false and caused damage to their reputation.

Five justices ruled the distinction between media and non-media should stay, saying the Internet has allowed individuals to engage in anonymous attacks that give rise to defamation. Individuals have less incentive to guard their reputation for accuracy than media firms, Justice Edward Mansfield wrote.

Mansfield rejected arguments that the Internet allowed targets of defamation to quickly rebut false information, or that allowing such lawsuits has become "a drag on free speech in this state."

# South Dakota Native Leads Band During Washington Inauguration

SIoux FALLS (AP) — A South Dakota native who leads one of the nation's most prestigious military bands participated in Monday's inauguration ceremonies in Washington, D.C., in what will likely be his last official mission.

Fred Ellwein, commander and bandmaster of the U.S. Army Old Fife and Drum Corps, led the band down Pennsylvania Avenue ahead of President Barack Obama's motorcade.

"Since this will potentially be my last official mission in the Army, I think every step along the parade route will resonate with memories of the things I've been afforded and the blessings that have been bestowed upon me," Ellwein told KELO television before the event.

Ellwein is a South Dakota State University graduate who has been on active duty for a decade. He's been deployed twice to Iraq.

The corps averages about 500 performances a year, including welcoming heads of state and foreign dignitaries to the White House. The musicians don American Revolution attire in remembrance of the musicians who served in Gen. George Washing-

ton's Continental Army.

Monday was Ellwein's third inauguration.

In 1981, he was the drum major for the South Dakota State University Pride of the Dakotas marching band when he marched in President Ronald Reagan's inauguration. He remembers someone wearing an Air Force jacket running through the mall area yelling, "They freed the hostages," said his wife, Dianne Ellwein, a sergeant major in the Chaplain Corps.

During President George W. Bush's inauguration in 2005, Fred Ellwein was the parade's merge officer, managing the flow of the event's hundreds of floats, bands, horses, and security personnel.

"It's meticulous," Dianne Ellwein told the *Rapid City Journal*. "Every 30 seconds another band or float goes by. He had to keep everything in time."

Fred Ellwein plans to retire from the Army in the next 12 months and return to South Dakota.

"I would never have dreamt that I would end my Army career commanding one of four Army special bands," he told the *Argus Leader*. "It's a bit unbelievable to me."

## Spotlight Crashes Down Onto Madison Wrestler

SIoux FALLS (AP) — A South Dakota high school wrestler enjoying his moment in the spotlight had the match abruptly cut short when the light crashed down on top of him.

Michael McComish took stitches after the Friday night incident during the Madison High School senior's match against an opponent from Chamberlain.

The tournament features an overhead light fixture about the size of a large truck tire that casts a spotlight on the mat.

As seen in a YouTube video, the wrestlers sparred for about 50 seconds when McComish got into the referee's position with his hands and knees on the middle of the mat. Just before his opponent took the top position, the fixture crashed down on top of McComish.

Athletic director Bud Postma says McComish is recovering and back in school Monday.

## OBITUARIES

### Leona Holmes

Leona Beverly (Lane) Holmes, 84, of Elk Point, South Dakota, passed away on January 18, 2013, at St. Luke's Regional Medical Center in Sioux City, Iowa.

Funeral service will be held at 11:00 a.m. on Wednesday, January 23, 2013, at Kober Funeral Home of Vermillion, with Pastor Trisha Boese officiating. Visitation will be held one hour prior to the service.

A committal ceremony will take place immediately following the service at Bluff View Cemetery in Vermillion.

Leona was born on December 16, 1928, in Gayville, South Dakota, to Art and Edna (Clark) Lane.

On November 13, 1948, Leona married Herman Holmes, and they remained happily married until his passing.

Leona spent her life raising her two children and caring for the family home. In her free time she loved to visit friends, play cards and spend time with her family. It was well known that she was very proud of her grandchildren and great grandchildren. She also loved to cook and was always looking for a new recipe. Once her health no longer allowed her to spend time in the kitchen she still fulfilled her passion for cooking by finding recipes to give to her family members.

Leona was survived by her son, Mike (Kitty) Holmes of Elk Point; her daughter, Nancy Certain of Sioux City; her sisters, Diane (Tom) Kavanaugh of Elk Point, and Marcia Daniels of Sioux Falls, South Dakota; her brothers, Rodney (Dorothy) Lane of Meckling, South Dakota, and Marlin (Jan) Lane of Yankton, South Dakota; her grandchildren, Michele (Eric) Jacoby, Mark (Irma) Holmes, Tammy Hall, and Jonathan (Anna) Certain; and nine Great-Grandchildren.

She was preceded in death her husband, Herman Holmes; her sisters, Donna Bye, and Verna Bursell; and her brother, Kenneth Lane.

Services have been entrusted to Kober Funeral Home of Vermillion.



Holmes

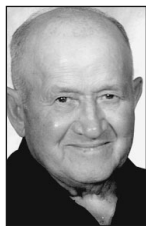
### Luther Nielson

Luther O. Nielson, age 80, of Mission Hill, South Dakota, died Saturday, January 19, 2013 at the Avera Sacred Heart Hospital in Yankton, South Dakota.

Funeral services are 11:00 a.m. on Wednesday, January 23, 2013 at Vangen Lutheran Church in Mission Hill with Reverend Lance Lindgren officiating. Burial will be in the Garden of Memories Cemetery in Yankton with military honors provided by Rudolph-Christensen American Legion Post No. 237 of Gayville and Ernest-Bowyer VFW Post No. 791 of Yankton.

Visitation is from 4:00 to 8:00 p.m. on Tuesday, at the Wintz & Ray Funeral Home in Yankton with a prayer service at 7:00 P.M. Visitation resumes one hour prior the funeral at the church.

Pallbearers are Darrell, Lester, Tony, Myles, Justin, Ryan and Luther Nielson and Jim and Matt Gunderson. Honorary pallbearers are Merlyn Learning, Gary Sylliaasen, Jim Bauer, Gary and Jackie Copperstone, DW and Nancy



Nielson

Margaret (Teska) Nielson. He attended Anderson School, a one room school house in Utica and then attended Irene High School. In 1953, Luther was drafted into the United States Army. He was stationed in Guam during the end of the Korean War. On October 5, 1955, Luther married Joan Madison in Yankton. After their marriage, they farmed east of Yankton until 1971 when they moved to Mission Hill where he continued his farming and livestock operation. Luther remained active in farming until last summer. He was an active member of Vangen Lutheran Church serving on the cemetery board, endowment board and as an usher. Luther was

a 4-H leader for 20 years and also was the 4-H Representative on the Ag Chamber Board. He was a member of the Yankton VFW, Junior Rifle Team Leader and Gayville American Legion where he was a past commander. He served as a County and State Officer for Yankton County Livestock Feeders, the County Extension Board and State Extension Advisory Board. Luther was also a member of the Yankton County Pork Producers, Band Parents for Yankton High School, Tri State Old Iron Association and Committee Man for Boy Scout Troop 180. He was awarded the Outstanding Young Farmer for Yankton County in 1968 and Farm Family of the Year for Yankton County in 2008. Luther always enjoyed visiting with his friends over a cup of coffee. He also enjoyed hunting in his younger years. Luther loved his dog, Duke, and truly loved his time on the farm with his family.

Survivors include his wife of 57 years, Joan Nielson of Mission Hill; three sons: Darrell (Michelle) Nielson of Mission Hill, Lester (Andrea) Nielson of Rapid City, SD

and Tony (Michele) Nielson of Brookings, SD; 10 grandchildren; two sisters, Olive Learning of Tea, SD and Joyce (Lemoine) Jensen of Viborg, SD; two sisters-in-law, Phyllis Nielson of Viborg and Arlene Nielson of Redfield, SD; and many special nieces, nephews, cousins and friends.

Luther was preceded in death by his parents; four brothers: Orlyn, Jim, Leland and Roger Nielson; and a sister-in-law, Irene Boylan.

Memorials may be made to the Vangen Lutheran Church Endowment Fund, Vangen Cemetery Association or Yankton County 4-H.

To send an online sympathy message, please visit [www.wintzrayfuneralhome.com](http://www.wintzrayfuneralhome.com).

**Yankton Press & Dakotan**  
January 22, 2013



Condolences may be posted online at [www.koberfuneralhome.com](http://www.koberfuneralhome.com).

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### Vernon Christensen

Vernon C. Christensen, 87, of Vermillion, SD passed away Saturday, January 19 at the Sanford USD Medical center in Sioux Falls.

Vernon was born October 18, 1925 to Ernest and Anna (Aalboe) Christensen on the family farm near Irene, SD. The youngest of seven children, he grew up in the Irene and Mission Hill area before the family moved to Yankton, SD. In 1943 he entered the Navy serving during WWII. He was a member of the American Legion and the VFW.

On November 9, 1947 he married S. Jean Freng in Yankton. Vernon worked for John A. Conkling Distributing until moving to Vermillion in 1957. Together they owned the Varsity Pub and a radiator repair shop for several years before opening the Korner Bootery Family

Shoe Store retiring in 1987. He was a longtime member of the Trinity Lutheran Church and the Vermillion Volunteer Fire Department. He was also a member and past president of the Vermillion Chamber of Commerce and an avid supporter of the USD Coyotes. He enjoyed family camping trips, fishing and golfing, and spending winters in Arizona. He especially enjoyed family gatherings and playing cards with family and friends.

Grateful for having shared his life are his wife Jean of Vermillion, three daughters: Vicki Dunn of Scotsdale, AZ, Karen (Al) Sabers of Garretson, SD, and Janet (Greg) Merrigan of Vermillion, SD and a son Terry (Heidi Smith) Christensen of Sioux City, IA, twelve grandchildren, eleven great-grandchildren and a sister-in-law Norma Christensen of Yankton.

He was preceded in death by his parents, four sisters: Gladys Albrecht, Edna Knutson, Evelyn Eide and Mildred Freng and two brothers: Stanley and Kenneth Christensen and a son-in-law Maurice Dunn.

Memorial services will be at 11

a.m. Saturday, January 26 at the Trinity Lutheran Church in Vermillion with burial of ashes at a later date. Visitation will be Friday, January 25 from 5-7 p.m. at the Hansen Funeral Home in Vermillion. [hansenfuneralhome.com](http://hansenfuneralhome.com).

**Yankton Press & Dakotan**  
January 22, 2013

### Victoria Vlahakis

Victoria P. Vlahakis, 93, of Yankton died Monday, Jan. 21, 2013, at Avera Sister James Care Center, Yankton.

Arrangements are pending with the Wintz & Ray Funeral Home and Cremation Service, Yankton.

### Karen Chavez

Funeral services for Karen F. Chavez, 65, of Rosebud are at 1 p.m. Thursday, Jan. 24, 2013, at the White Swan Center, Lake Andes, with burial in the Presbyterian Cemetery, Greenwood.

Wake services will be held at the White Swan Center.

Crosby-Jaeger Funeral Home of

Wagner is in charge of the arrangements.

Karen died Saturday, Jan. 19, 2013, at the Golden Living Center, Salem.

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## IN REMEMBRANCE

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