

Omaha Police ID Man Shot In Reported Break-In

OMAHA, Neb. (AP) — Omaha police have identified a man fatally shot while allegedly breaking into home. Authorities say 42-year-old Raul Rivas was shot by a resident of the southeast Omaha home Thursday night. Officers were sent to the home about 11:30 p.m. Thursday. Rivas had at least two wounds and was taken to Creighton University Medical Center. Police say he died there early Friday morning. It's unclear whether the man was trying to burglarize the home. A police spokeswoman, Lt. Darci Tierney, declined to comment later Friday. Douglas County Attorney Don Kleine tells Omaha television station KETV that Rivas grabbed a woman in the house after breaking in, and her husband shot Rivas when he refused to release her. Klein says the shooting was justified and the homeowner was acting in self-defense.

UNL Regents Elect New Chairman

LINCOLN, Neb. (AP) — Tim Clare has been elected chairman of the University of Nebraska Board of Regents for 2013. The board voted on the position during its meeting Friday. Clare, of Lincoln, has been on the board since 2008. He served as vice chairman last year. He is a partner at Lincoln law firm Rembolt Ludtke LLP. Howard Hawks, of Omaha, has been elected as vice chairman. Hawks is founder and chairman of Tenaska, an independent power producer based in Omaha. The Board of Regents consists of eight members elected to six-year terms and four nonvoting student regents who represent each of the four university campuses.

Owners Of Neglected Horses Turn Themselves In

RAPID CITY — Two animal owners accused of neglecting nearly 70 horses in Pennington County have voluntarily turned themselves in to authorities. The Pennington County Sheriff's Office says Donald and Terri Harwood turned themselves in Friday morning. The couple had been wanted on 10 counts of inhumane treatment of an animal. Warrants for their arrest had been issued. The Harwoods are currently out on bond. The Sheriff's Office impounded 69 horses the couple owned for neglect earlier this month. Officials were able to find adoption homes for the last 10 Spanish Mustang horses Friday morning.

Nebraska Chief Medical Officer Stepping Down

LINCOLN, Neb. (AP) — Nebraska's chief medical officer and director of the Department of Health and Human Service's Division of Public Health is stepping down to take a new job. Dr. Joann Schaefer will join Blue Cross and Blue Shield of Nebraska as a vice president for the insurer. Schaefer's last day serving on Gov. Dave Heineman's cabinet will be March 8. The 45-year-old Schaefer was appointed by Heineman in 2005 after serving as the state's deputy chief medical officer for three years. Before her work for the state, Schaefer practiced family medicine in Omaha following her graduation from Creighton University Medical School in 1995 and served as a tenured associate professor at Creighton's medical school.

S.D. Guard Unit Prepares For Deployment

SIoux FALLS (AP) — Nearly 170 South Dakota National Guard members are preparing for deployment to Afghanistan. The guard's 1742nd Transportation Company based in Sioux Falls are scheduled to deploy in December 2013 or January 2014. The unit will provide transportation of both dry and refrigerated containerized cargo, general non-containerized cargo and bulk water and fuel products. The unit will report to Fort Hood in Texas to complete several weeks training prior to deployment overseas. This will be the second deployment for the unit. It deployed to Iraq in 2003-2004.

Hearings Set For Nebraska Governor's Tax Bills

LINCOLN, Neb. (AP) — Public hearings are now scheduled for Nebraska Gov. Dave Heineman's proposals to overhaul the state tax system. The Legislature's Revenue Committee will hold hearings on Feb. 6 and 7 at the Capitol. Sen. Helen Hadley of Kearney, the committee chairman, announced the hearing dates on Friday. Heineman, a Republican, urged lawmakers this month to eliminate Nebraska's individual and corporate income taxes. The plan would require lawmakers to end as much as \$2.4 billion in sales tax exemptions. The Feb. 6 hearing will focus on the governor's larger proposal to eliminate both income taxes. The Feb. 7 hearing will focus on a second, smaller plan that would end \$395 million in sales tax exemptions. Both hearings will take place in Room 1524 at the Capitol, starting at 1:30 p.m.

Suspect Arrested In S.D. Bank Robbery

SIoux FALLS (AP) — State and federal crime agents have arrested a suspect in a bank robbery earlier this month in the eastern South Dakota town of Toronto. The FBI says 38-year-old Nathan Reisetter was arrested Tuesday at his workplace in Brookings. He is from White, which is less than 20 miles from Toronto. Authorities say a man armed with a semi-automatic handgun robbed the First Bank and Trust in Toronto on Jan. 2, giving a trash bag to an employee and demanding money from the bank's vault. He fled with an undisclosed amount of cash. No one was hurt.

Daugaard Opposes Bill Involving MMA Fighting

BY CHET BROKAW
 Associated Press

PIERRE (AP) — South Dakota Gov. Dennis Daugaard said Friday he opposes a bill that would create a state athletic commission because the legislation also would legitimize mixed martial arts fights, which he says are so violent they don't deserve to be called sport. "I'm offended that the state would legitimize cage fighting and the bloody violence these kinds of spectacles create," Daugaard said. The Republican governor spoke just after the Senate State Affairs Committee approved a bill that would create a South Dakota Athletic Commission to oversee boxing, kick boxing, mixed martial arts competitions and sparring exhibitions. The bill next goes to the full Senate. The bill's main sponsor, Sen. Mark Johnston, R-Sioux Falls, said many mixed martial arts al-

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DENNIS DAUGAARD

ready take place in South Dakota, and the Legislature needs to set up a regulatory system to protect the safety of athletes who take part in boxing and mixed martial arts. Johnston also noted mixed martial arts events are shown regularly on television. They feature highly trained athletes, including some former standout collegiate wrestlers, he said, adding, "This is a sport." Daugaard said it's "absurd and ridiculous" to call mixed martial arts a sport.

"The way one wins in those contests is by beating up your opponent, bloodying them, kicking, scratching, punching," Daugaard said. "I don't support in any fashion anything the state would do to legitimize this kind of behavior. I think it's a sad commentary on what our culture allows in some areas." A bill passed in 2009 created a similar commission, but Johnston said that commission doesn't exist because former Gov. Mike Rounds never appointed anyone to serve on it. The bill approved Friday by the committee would allow the governor to appoint one commissioner, while the other four would be appointed by legislative leaders. Daugaard said he opposes the bill, but if lawmakers proceed with the measure they should at least change the wording so they would appoint all the commissioners and he appoints none.

Offense Can't Count Toward Neb. DUI Sentence

BY MARGERY A. BECK
 Associated Press

OMAHA, Neb. (AP) — A Lincoln man's Colorado conviction for driving while impaired can't be used to enhance his Nebraska sentence for drunken driving, the Nebraska Supreme Court said Friday. The state's high court ordered a new sentencing hearing for Travis Mitchell, 39, who was sentenced in 2011 to three to five years in prison for a fourth-offense drunken driving conviction. Lincoln police determined Mitchell was drunk in 2010 when he wrecked his car in Lincoln,

and he was convicted the next year. At his April 2011 sentence enhancement hearing, prosecutors presented three previous convictions: two Nebraska DUIs and a Colorado conviction for driving while ability impaired. Mitchell appealed, saying the Colorado offense is not comparable to Nebraska's DUI law. The Colorado law cites drivers who have consumed alcohol and whose ability to drive has been affected "to the slightest degree," and sets a blood alcohol range between .05 and .08. Nebraska's DUI law cites drivers with a blood alcohol level of .08 or higher who have been impaired "to an appreciable degree."

Prosecutors argued that the evidence surrounding his Colorado arrest showed Mitchell was more than slightly impaired, with arresting officers reporting that Mitchell's vehicle was drifting and jerking on the road when he was stopped. Both the Lancaster County District Court and the Nebraska Court of Appeals rejected Mitchell's appeal, saying the Colorado DWAI conviction could have been convicted as a DUI violation if the incident had occurred in Nebraska. But the Nebraska Supreme Court said that was wrong. Colorado's laws make a distinction between DWAI and DUI, the high

court said. "Mitchell pled guilty to the charge of DWAI," Judge John Wright wrote for the Nebraska Supreme Court. "The theoretical possibility that a defendant's conviction for DWAI could have satisfied the Nebraska elements for DUI is not enough. The prior out-of-state conviction must be for the offense of DUI." Neither the Lancaster County prosecutor nor Mitchell's attorney immediately returned messages left Friday seeking comment. Online state prison records show Mitchell is out on parole. He could not be reached Friday for comment.

Morning Fire Knocks Out Power To Downtown Sioux Falls

SIoux FALLS (AP) — An underground electrical fire early Friday sent smoke billowing into downtown Sioux Falls streets and knocked out power to hundreds of residential and business customers, including some people who might need alternate housing through the weekend. Xcel Energy said more than 500 customers were initially affected by the outage that happened shortly after 4:30 a.m. Friday. About 200 customers might remain in the dark until Sunday. The utility was sending workers from Minnesota to help with repairs, and local officials were considering moving affected residents to temporary housing. The incident blew off man-hole covers, buckled a sidewalk and sent smoke pouring into the streets. KELO-TV and the *Argus Leader* newspaper reported that the fire was traced to under-

ground electrical equipment. Firefighters extinguished the blaze by 7 a.m. "This is a big deal," Mayor Mike Huether said. "(Xcel Energy) is doing everything they can to restore power. The city is doing what they are good at as well, and that is ensuring public safety." Many downtown businesses closed because of the outage, and traffic was routed around the area. Todd Miller headed to a nearby Starbucks when he learned the building where he works was without power. "The building was completely dark and I didn't feel the need to go into a dark building," the attorney told *The Argus Leader*. Fire Chief Jim Sideras said at a news conference that some downtown residents might be moved to temporary housing, possibly in hotels. Friday's daytime temperatures hovered in the teens.

Nebraskan Astronaut Anderson Confirms His Retirement

HASTINGS, Neb. (AP) — Nebraska astronaut Clayton Anderson said plans for his future were up in the air after his retirement from a 30-year career with NASA. Over his time with the agency, Anderson spent almost 170 days in space, including nearly 40 hours on spacewalks. Anderson confirmed to the *Hastings Tribune* what he posted on his Twitter account: he's leaving the national space agency. "Anything is a possibility," the 53-year-old Anderson said. "No doors are closed." He and his family will remain in Houston for now, he said, but they could move back to Nebraska. He's looking forward to finishing a book he's been writing for several years, and he will do some more public speaking. "I'm looking forward to spending some time with my son and daughter and maybe doing some honey-dos that my wife will have ready for me," Anderson said.

His career with NASA began in 1983 at the Johnson Space Center. Roughly half his work was as an engineer, half was as an astronaut. Anderson spent about five months working aboard the International Space Station in 2007. In 2010, he was part of a 15-day resupply mission to the station, helping the crew of the shuttle Discovery drop off more than 27,000 pounds of supplies and equipment. More recently, Anderson relayed messages and information to the space station crew and worked with newer astronauts on how to maneuver outside their vehicles in space. Anderson was born in Omaha, graduated from a high school in Ashland and earned a bachelor's degree at Hastings College in Hastings. He earned a master's in aerospace engineering from Iowa State University in 1983.

1 Suspect Pleads In Pierre-Area Vehicle Thefts

PIERRE — One of two men charged in a string of vehicle thefts in the Pierre area has pleaded not guilty. KCCR radio reports that 19-year-old James Cowman faces charges of grand theft, possession of stolen property and intentional damage. He could face up to 35 years in prison if convicted. Cowman and 18-year-old Robert Larson are accused of stealing at least six vehicles in Pierre, Fort Pierre and Hughes County earlier this month. Authorities say most of the vehicles were damaged and one was destroyed. Larson is due in court on Feb. 12 on charges of grand theft, drunken driving, possession of a stolen vehicle, aggravated eluding, obstructing and resisting arrest.

S.D. Might Have New State Record Lake Trout

RAPID CITY (AP) — South Dakota might soon have a new state-record lake trout. The *Rapid City Journal* reports that Rapid City angler Aaron Jones snagged a fish on Pactola Reservoir after a 45-minute fight Wednesday that weighed 30 pounds at a sporting goods shop and at a state Game, Fish and Parks regional office. Neither had a certified scale, however. GF&P Regional Fisheries Manager Gene Galinat says the fish probably broke the state record by 1 1/2 pounds. All that's needed now is a certified weight. Until then, the record still belongs to Steve Matheny, another Rapid City angler. He caught a 28 pound, 5 ounce laker in May 2009.

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