

MIDWEST DIGEST

N.D. Group Worries About Pipeline Steel

BISMARCK, N.D. (AP) — A North Dakota environmental group wants government regulators to investigate whether a Canadian company used faulty steel in the construction of a pipeline that moves crude oil from Canada through six states.

Dickinson-based Dakota Resource Council says TransCanada Corp.'s Keystone pipeline used steel from a supplier that has had problems with steel in other pipelines.

TransCanada spokesman Terry Cunha says the group's worries are unfounded. He says all steel used in the 30-inch diameter pipeline exceeds federal specifications.

Cunha says the pipeline began operation last month. Its route is across Saskatchewan and Manitoba, and through the Dakotas, Nebraska, Kansas, Missouri and Illinois.

Obama Signs Tribal Law And Order Act

FLAGSTAFF, Ariz. (AP) — President Barack Obama has signed a bill he says will address the unique public safety challenges facing American Indian tribes.

Obama signed the Tribal Law and Order Act on Thursday.

The measure provides for the appointment of special U.S. attorneys to ensure violent crimes in tribal communities are prosecuted. It also revamps training for reservation police, expands the sentencing authority of tribal courts from one to three years, addresses jurisdictional issues and improves the collection and reporting of Indian crime data.

Democratic U.S. Sen. Byron Dorgan of North Dakota, who authored the bill, says millions of American Indians have lived far too long with unacceptable levels of violent crime.

Tribes hailed the signing as a reaffirmation of the federal government's trust responsibility to ensure their communities are safe.

Neb. Sees First Cases Of West Nile This Year

LINCOLN, Neb. (AP) — Two Nebraska men have tested positive for West Nile virus, marking the first cases in the state this year.

The Nebraska Department of Health and Human Services announced Thursday that a Scotts Bluff County man in his fifties and a Colfax County man in his forties had the illness. The Scotts Bluff County man was hospitalized for treatment but has since been released.

West Nile is transmitted through the bite of a mosquito that has picked up the virus by feeding on an infected bird.

HHS says four pools of mosquitoes have tested positive for West Nile. They're in Red Willow, Douglas, Lincoln and Cherry counties.

In 2009, there were 51 human cases of West Nile reported in the state, but no human deaths.

Spies Resigns From S.D. DOT Panel

PIERRE (AP) — Watertown businessman Jim Spies (spyz) has resigned from the South Dakota Transportation Commission just days after being appointed by the governor to another state commission.

A spokesman for Gov. Mike Rounds said Thursday that Rounds had accepted Spies' resignation and not chosen his replacement. He was appointed to the commission in 2005.

Earlier this month, Rounds appointed Spies to fill a vacancy on the Game, Fish and Parks Commission.

Family, Friends To Send Off Neb. Soldiers

LINCOLN, Neb. (AP) — About 300 Nebraska National Guard soldiers are saying goodbye to family and friends before a yearlong deployment to Afghanistan.

A farewell ceremony will be held Saturday morning at Hawks Field for the members of the 1-134th Cavalry Squadron. Units based in Lincoln, Fremont, Beatrice and Hastings are part of the squadron.

Nebraska's two U.S. senators, Gov. Dave Heineman and several other officials are expected to attend the farewell.

In Afghanistan, the members of the 1-134th Squadron will be supporting the Iowa Army National Guard's 2nd Brigade Combat Team, 34th Infantry Division.

Spanish Speakers Get Help From Agency

LINCOLN, Neb. (AP) — The Nebraska Department of Economic Development has developed a Spanish language version of its latest brochure on the state's scenic byways.

State officials say it will help broaden the state's appeal to more travelers.

The Spanish version of the brochure titled "Nebraska's Byways: An Unexpected Adventure" is available online at www.VisitNebraska.gov/espanol.

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Police Chief's Murder Conviction Tossed

BY WAYNE ORTMAN
Associated Press Writer

SIoux FALLS — The state Supreme Court on Thursday overturned the murder conviction of a former police chief who shot his wife in the head while she lay in bed, saying he hadn't been allowed to fully argue his case that the shooting was accidental.

Ken Huber, 43, should have been allowed to call an expert witness during his trial who could testify how muscles contract in the body, the court said in its decision.

Huber told investigators that his Glock .40-caliber pistol fired accidentally on Oct. 28, 2007, as he moved it from a bedroom dresser to a gun safe in his Highmore home.

The bullet struck his wife, 46-year-old Pam Huber, in the forehead. She died a few days later.

Prosecutors argued there was

no reasonable chance the shooting was accidental because of Huber's expertise with firearms and turmoil in the marriage. Huber had been police chief in Highmore and Miller but was unemployed at the time.

"The case highlights the challenges and difficult decisions attorneys and trial judges often face during a murder trial," said Attorney General Marty Jackley, whose office prosecuted the case.

"We respect the Supreme Court's decision and the matter will need to be retried to a jury as soon as practical."

Defense attorneys Mike Butler and Clint Sargent declined comment Thursday.

At trial, Butler and Sargent sought to present testimony from university professor Roger Enoka that well-trained law enforcement officers unintentionally discharge their firearm for any of four reasons, including muscle contrac-

tion or loss of balance.

The trial judge said the four possibilities were not relevant unless there was evidence that one of them occurred.

Huber argued on appeal that Enoka's testimony was important to his case and necessary to rebut testimony from the prosecution's expert witness that well-trained officers do not accidentally discharge firearms.

"The criminally accused's right to proffer a defense is fundamental," the Supreme Court said in its unanimous opinion.

"Dr. Enoka would have supported Huber's accident theory and rebutted the state's evidence regarding the well-trained officer theory. Without Dr. Enoka, Huber had no witness to rebut the state's numerous witnesses and present a complete defense."

Huber stood trial on alternate charges of first-degree murder and first-degree manslaughter. He was sentenced to life in prison without parole.

Dem. Lawyer Officially Joins Neb. Gov. Race

BY NATE JENKINS
Associated Press Writer

LINCOLN, Neb. — A self-described country lawyer made his candidacy for Nebraska governor official on Thursday, beginning his three-month sprint to the election by taking swipes at Gov. Dave Heineman's leadership style and his record on budget and economic issues.


The paperwork Mike Meister filed at the Capitol marked a new start for the state Democratic Party in a governor's race in which it has been beset by deep problems. The party's original candidate, Mark Lakers, dropped out earlier this month after allegedly

inflating or falsifying campaign-finance filings.

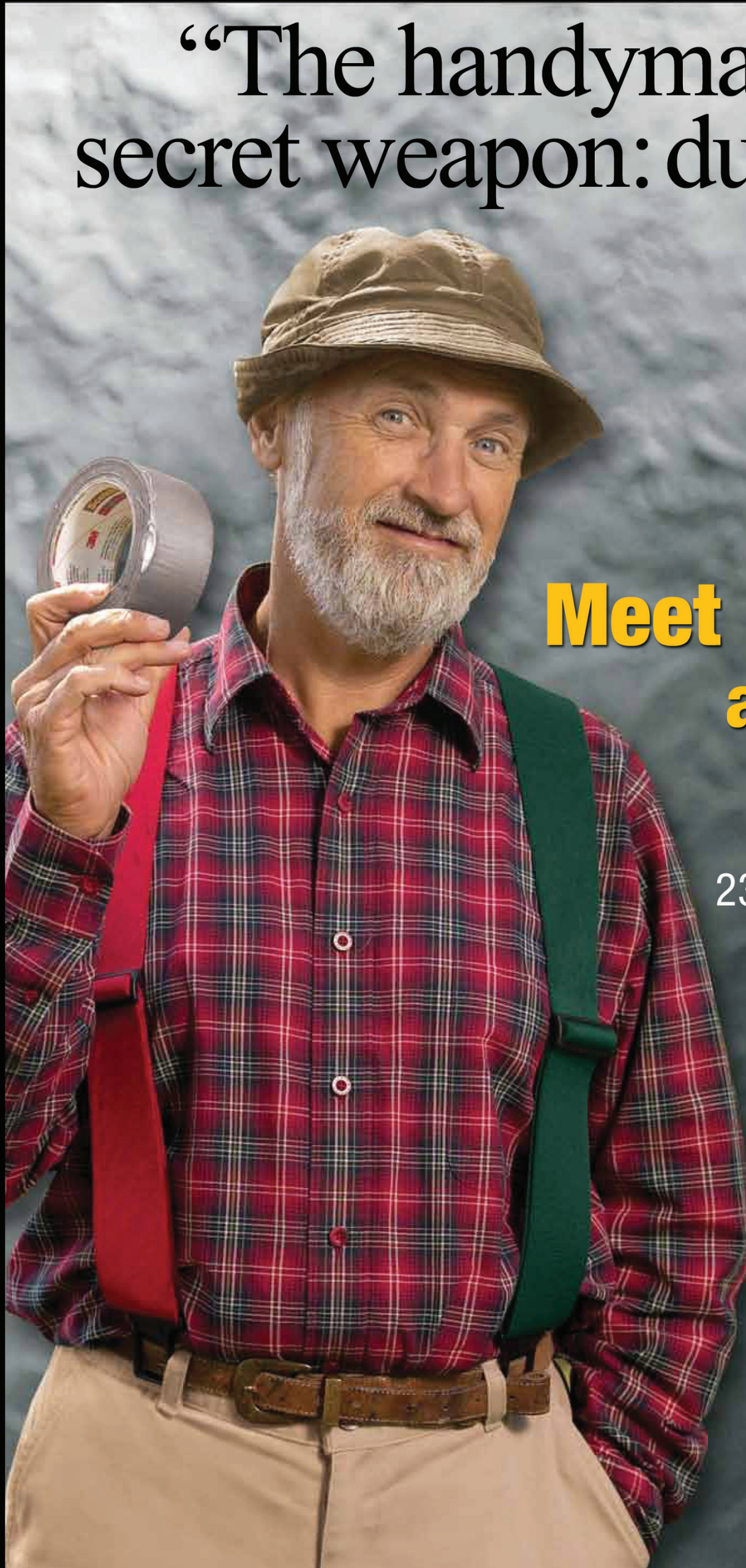
Meister, who said he was "just a country lawyer from Scottsbluff who sees something wrong and wants to fix it," tried to defuse speculation that his main job in the campaign is to attack Heineman and weaken his support among voters in the event that the Republican governor chooses to run for U.S. Senate in 2012.

"Can we win?" Meister said at a news conference. "By God, yes we can."

The 49-year-old trial lawyer got a reputation as a bruising campaigner during his failed bid for the state attorney general's office eight years ago, when he lost to current attorney general and Republican Jon Bruning.



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