

Nebraska

# Lawsuit Victor Yet To Be Paid

BY MARGERY A. BECK  
Associated Press

OMAHA, Neb. — An attorney for a California woman who successfully sued to get back more than \$1 million seized during a traffic stop in Nebraska said Wednesday that she has not yet been repaid.

Tara Mishra, 35, of Rancho Cucamonga, Calif., is due to give birth within a month and “could really use that money,” said her attorney, Roger Diamond of Santa Monica, Calif.

A Nebraska state trooper seized the money after a March 3 traffic stop on Interstate 80 near North Platte. Police arrested a husband and wife in the car, who told officers that Mishra had given them the money to invest in a New Jersey nightclub.

The two people were released without charges, but state officials kept the money, saying a drug-sniffing dog had indicated drug residue on the cash and that the large amount indicated it was

obtained in the illegal drug trade.

Mishra filed a claim to get the money back, saying it was her life savings earned over years as an exotic dancer. But the government argued she had no standing to object to the seizure, saying that because she had given the money to the couple driving the car, they were the only ones who had standing to make a claim for it.

Diamond took issue with the government’s arguments, saying the seizure “amounted to highway robbery.”

“The law in California is, if you entrust money to somebody to deliver it, you’re not giving it to them,” he said. “Otherwise, FedEx would be ... taking all of its customers’ money.”

A federal judge in Nebraska who presided over Mishra’s lawsuit also took issue with the government’s case, saying fingerprints on the bags containing the money belonged to Mishra and her husband, that Mishra showed she had claimed the earnings on tax returns and that the Mishras provided details about

an agreement they had to buy part of a New Jersey bar.

The government’s claim that the money was tainted with drug residue was of little value, the judge said, as there is a belief that nearly all cash in circulation is drug tainted.

He ordered the \$1,074,900 seized repaid to Mishra, with interest. It’s unclear whether the interest is market rate or set by law at another rate. But until it’s paid, Diamond said, that interest will compound daily.

Diamond said it’s the first time a person has successfully sued to get a large amount of money back after government officials in Nebraska seized it.

The government has 60 days from the July 18 ruling to appeal, according to the U.S. Attorney’s Office for Nebraska.

John Higgins, chief of the office’s Drug Enforcement Unit, said officials there are “evaluating our options.” He declined to comment further.

Mishra has declined to speak to reporters about the case, Diamond said.

## Neb. Lawmaker Eyes Higher Min. Wage

LINCOLN, Neb. (AP) — A state lawmaker says he will propose an increase in Nebraska’s minimum wage when the Legislature convenes next year.

Sen. Jeremy Nordquist of Omaha said Wednesday that he will introduce a bill to raise the rate from its current \$7.25 per hour. Nordquist and five other lawmakers released statements calling on the federal government to increase its minimum wage, which is also \$7.25 per hour.

The announcement is part of a series of actions taking place around the nation on Wednesday, which marks the fourth anniversary of the last minimum wage increase.

Five other Nebraska lawmakers voiced support for a federal increase: Sens. Tanya Cook, Sara Howard, Rick Kolowski and Heath Mello, all of Omaha, and Sen. Ken Haar of Malcolm.

## Gant Named Treasurer Of Association

PIERRE (AP) — South Dakota Secretary of State Jason Gant has been named treasurer to The National Association of Secretaries of State.

As treasurer of NASS, Gant will be a member of the executive committee and serve as president of the organization in 2015.

The organization is the oldest nonpartisan organization of public officials in the United States. The association focuses on elections and voting, state business services and digital archiving, and international relations and state securities regulation.

## New Stores Opening On SD Reservation

DUPREE (AP) — Three new stores will soon be opening up on the Cheyenne River Indian Reservation in north-central South Dakota.

KSFY-TV reports that convenience stores that sell gas and groceries will open in Takini and LaPlant. A new full-service grocery store will open in Dupree.

The grocery store is expected to open in October. Construction on the convenience stores has yet to start.

Funds for the stores come from the Tribal Equitable Compensation Act or TECA.

The new stores will build on the success of Lakota Thrifty Mart, a tribally owned full-service grocery store that has been operating on the reservation for 22 years.

A contractor from Blue Earth, Minn., is heading up the grocery store project and creating construction jobs, which is something the reservation is in desperate need of. Employment is high on the Cheyenne River Indian Reservation, and Ziebach County is the poorest county in the country.

“So it benefits all the membership, provides a service for our members, provides jobs for our members, and then generates revenue back to our tribal coffers which, again, helps all the members that need help,” said Lakota Thrifty Mart general manager Bernie LaPlant.

## Report Cites Irrigation’s Value To Neb.

LINCOLN, Neb. (AP) — A report for the Nebraska Farm Bureau says irrigation was worth \$11 billion to the state in agricultural production during the drought last year.

The study released Tuesday was conducted by Decision Innovation Solutions, of Des Moines, Iowa. The study estimated the total impact that irrigated agriculture had on the Nebraska economy in 2012. The economic impact estimates compared Nebraska’s economic activity with and without farmers’ and ranchers’ ability to irrigate last year.

The study also says Nebraska would have had more than 31,000 fewer jobs without irrigation. More than a third of them are outside of direct crop production.

The Nebraska Farm Bureau is an industry group representing more than 56,000 farm and ranch families in the state.

## Aberdeen Beef Plant Lays Off Workers

ABERDEEN (AP) — More than 250 workers at the embattled Northern Beef Packers plant in Aberdeen were laid off from their jobs on Wednesday.

This leaves just six remaining employees at the plant, Julie Johnson, executive director of Absolutely Aberdeen told the *American News*. Absolutely Aberdeen is an economic development and marketing program that aims to help grow the Aberdeen area.

Dan Thielsen, Department of Labor manager, said dozens of workers from the plant had been to the Labor office by Wednesday afternoon to file unemployment claims and look for jobs.

Several employees said Northern Beef Packers has not paid them in more than two weeks.

“They kept saying they were going to pay us, but they haven’t,” said Obono Alual, who has worked on the slaughter line.

Company officials have not commented on the layoffs.

Northern Beef Packers filed for Chapter 11 bankruptcy protection on Friday. The slaughter plant laid off 108 of its 420 workers in April because of a lack of working capital.

The plant started up last fall after years of delays that included financial problems, lawsuits and flooding. Officials had hoped to eventually process 1,500 cattle a day from the Dakotas, Nebraska, Iowa and Minnesota.

# ACLU Seeks Info About Neb. Lethal Injection Supply

BY GRANT SCHULTE  
Associated Press

LINCOLN, Neb. — The ACLU of Nebraska on Wednesday called on the state to surrender its supply of a key drug used for lethal injections, a day after a federal appeals court ruled that the foreign-made drug requires FDA approval.

The U.S. Court of Appeals for the District of Columbia Circuit said Tuesday that the Food and Drug Administration shouldn’t have allowed the sodium thiopental into the country without inspection for use in executions.

The court said its ruling only applied to three states — Arizona, California and Tennessee — and allowed Nebraska to keep its current supply. But the ACLU said the ruling makes it unlikely that the state’s existing supply would withstand a legal challenge from a death row inmate.

The ACLU of Nebraska requested records from the state Wednesday to see whether Nebraska has obtained any additional drugs since March. As of March, the Nebraska Department of Correctional Services had two

batches — one set to expire in May and another in December.

The group wants to determine whether Nebraska has found an additional supply, “or if it is continuing to waste taxpayer dollars purchasing an illegal drug,” said Amy Miller, the Nebraska ACLU group’s legal director.

“Our hope is the state will hand over its stock voluntarily without needing to resort to a costly lawsuit,” Miller said.

A spokeswoman for the Nebraska Department of Correctional Services didn’t immediately return a message for comment.

States have struggled to obtain sodium thiopental since the last American maker stopped producing it in 2009. The drug is one of three that Nebraska and other states use to carry out executions. Sodium thiopental puts the inmates to sleep, and the other two drugs paralyze them and stop their hearts.

Nebraska has not carried out an execution since 1997, when convicted killer Robert Williams was put to death for a double slaying. A death penalty repeal measure received majority support in the Legislature earlier this year, but supporters failed to overcome a filibuster.



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## Please Help Us Welcome Micah M. Likness, MD To Our Community

Dr. Likness completed his bachelors degree at the University of South Dakota and his medical degree from the Sanford School of Medicine of the University of South Dakota. He completed his residency with the State University of New York. As an Otolaryngologist, Dr. Likness is seeing patients in the Ear, Nose, & Throat Associates, P.C. office. Along with Dr. David Abbott and Dr. Catherine A. Wright, Board Certified Otolaryngologists, and Audiologists Dr. Beth Beeman and Dr. Todd Farnham, Dr. Likness joins our health care team to provide Yankton area residents with the highest quality of health care for the head and neck region.

Dr. Likness and his wife, Tabitha and son Grady, are eager to meet the people of our area. With the addition of Dr. Likness, patients of Ear, Nose & Throat Associates, P.C. will experience shorter wait times for appointments with a Doctor of Otolaryngology in the Yankton office on a regular basis.

If you suffer from sinus problems, balance disorders, hearing difficulties, sleep apnea, snoring, or any other ailment in the ear, nose or throat area, please call **605-665-0062** to make an appointment with Dr. Likness.

*Help is H“ear” with the addition of the Dr. Micah M. Likness*

AM 1450

### MORNING COFFEE

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**Thursday, July 25**  
7:40 am Yankton Chamber (Carmen Schramm)  
8:20 am Yankton Conv/Vis Bureau (Lisa Scheve)

**Friday, July 26**  
7:40 am Press & Dakotan (Nathan Johnson)  
8:20 am Riverboat Days (Nancy Teachout)

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