

Jury Can Hear Statements Of Confessed S.D. Killer

SIoux FALLS (AP) — A judge ruled Friday that statements made by a man who admitted killing an elderly Sioux Falls woman in her bed can be heard by the jury that will decide his fate.

James McVay, 43, has pleaded guilty but mentally ill to first-degree murder in the July 2011 stabbing death of 75-year-old Maybelle Schein. A jury will decide whether he gets life in prison or a death sentence.

His attorneys said statements McVay made following his arrest in Madison, Wis., hours after the killing should be thrown out because McVay was sleep-deprived, under the influ-

ence of drugs and alcohol, and influenced by his psychosis.

Circuit Judge Peter Lieberman said that while the comments McVay made to law officers were disturbing, he “articulates them in an intelligent way” that would suggest no hint of psychosis during the interview process, the *Argus Leader* reported.

Lieberman said his biggest concern was determining whether McVay had slipped into a psychotic state during the two times he gave statements to law officers about killing Schein, but the man in the interview recordings exhibited a cool, conversational demeanor.

“There was no evidence that at the time of the interview that (McVay) was experiencing delusions that would take away an intelligent decision to waive his rights,” the judge said.

McVay told investigators and a television reporter that he killed Schein and stole her car as part of a plot to drive to Washington, D.C., and assassinate President Barack Obama on a golf course. He also said he would kill again and wanted to be put to death.

Recordings of McVay’s statements were played Thursday during the

first day of a two-day hearing on whether the statements would suppressed.

“I’m really trying to work this in a way so you guys will be able to get me the death sentence, and I won’t appeal it or anything like that,” McVay said from jail the day after the killing, according to the recordings.

McVay also blamed the South Dakota Department of Corrections for Schein’s death. He said prison officials allowed him to get out despite his psychosis.

After spending two months in a prison cell alone for disciplinary rea-

sons, he had been placed in a minimum-security unit and walked away just hours before the killing.

In the hours and days after his arrest, McVay offered dozens of unsolicited statements about the slaying. He admitted to struggling with mental illness but denied that his psychosis contributed to the crime.

“I know perfectly well what I’m doing,” McVay said. “I’m gonna kill and kill and kill again.”

Defense attorney Traci Smith said McVay’s mental state and his drug use leading up to his arrest made his statements involuntary.

Nebraska

New Trial Ordered For Man In Abuse Case

BY MARGERY A. BECK
Associated Press

OMAHA, Neb. — The state Supreme Court ordered a new trial Friday for a former worker at a Nebraska center for developmentally disabled adults convicted of abusing residents.

Matthew Pangborn’s trial court should not have allowed a prosecutor’s chart, described as a “road map” detailing authorities’ version of when and how the abuse occurred, to be submitted to the jury for use during deliberations over Pangborn’s objections, the state’s high court said in an opinion Friday.

Pangborn was sentenced last October to 15 to 23 years in prison after being convicted in July 2012 on four counts of abuse of a vulnerable adult, one count of attempted abuse, three counts of strangulation and one count of attempted strangulation. He was accused of beating and choking residents when he worked at the Beatrice State Developmental Center in 2011. Sixteen employees were suspended after an investigation. Five

workers were charged.

Pangborn was the only one to face trial. The others pleaded to reduced charges.

At Pangborn’s trial, prosecutors submitted the chart of abuse for demonstrative purposes only.

At no point during the trial or during final jury instructions did the court inform the jury that the exhibit was admitted only for demonstrative purposes, Nebraska Supreme Court Judge William Cassel wrote in Friday’s opinion.

“If not instructed on the limited purposes of demonstrative exhibits, the jury may assume that demonstrative exhibits constitute primary proof of the information contained therein, leading the jury to shirk its duty to determine the truth and accuracy of the evidence,” Cassel wrote.

Neither Pangborn’s attorney nor the Gage County Attorney’s Office immediately returned messages left Friday seeking comment. The Nebraska Attorney General’s Office, which handled the state’s case for Pangborn’s appeal, referred questions to the Gage County prosecutor.

NPPD Lowers Likely Size Of 2014 Rate Hike To 2 Pct

COLUMBUS, Neb. (AP) — Higher electric rates are still expected for Nebraska Public Power District customers next year, but the increases could well be lower than originally forecast.

NPPD now says wholesale and retail rates likely will rise an average of 2 percent in 2014, compared with an earlier forecast of 3.5 percent. The 2013 hike of 3.75 percent was the district’s seventh general rate increase in seven years.

The increases are necessary to cover the higher costs of generating and delivering electricity, NPPD said. The utility has a total of about 600,000 wholesale and retail customers.

If the NPPD board approves the rate proposals at its meeting in November, the average retail customer using 1,000 kilowatt hours a month could expect an increase between \$2 and \$3 each month next year.

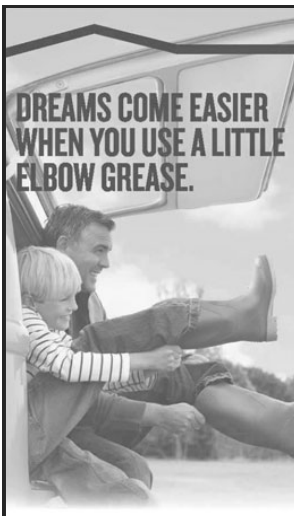
The utility intends to begin contract talks next month with its wholesale customers, which make their own decisions on whether to pass along the NPPD increases.

According to NPPD Vice President of Customer Services Ken Curry said the utility is “doing the best we can to control the costs we can control,” the *Columbus Telegram* said.

Staff reductions have contributed to a lower projected rate increase, said NPPD spokesman Mark Becker.

“We had a voluntary early retirement program in which 110 employees left by the end of June, and those people are not being replaced,” Becker told The Associated Press on Friday.

NPPD also has cut back on training, travel and outside services, he said, and nonessential projects have been eliminated or delayed.



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ASK THE EXPERTS

Comfort Care



Colette Broekemeier, RN
Autumn Winds
Comfort Care Administrator

Q. What is Hospice?

A. The word “hospice” comes from the same root as “hospital,” “hospitality” and “hotel” all referring to caring for a person’s comfort and needs. The most common providers of hospice care are in-home hospice services, which support persons who wish to be cared for at home. Some hospices are specialized, inpatient facilities where terminally ill patients come to stay. Hospice services may also be provided in long term care facilities or hospitals. But hospice is more than a place or agency. Hospice is a philosophy of healthcare for people at the end of life, which seeks not to prolong life unnaturally, but to ensure that in the time left of the person’s life, that their life is as full and comfortable as possible. Hospice provides support to the person, their family, and other caregivers. Care and support are provided by an interdisciplinary team of care providers.



Yankton, SD • 605-689-0382

Family Medicine



Jeffrey Johnson, M.D.

Q. What type of sunscreen should I use?

A. Sunscreens combine several ingredients that help prevent the sun’s ultraviolet (UV) radiation from reaching the skin. Two types UV radiation, UVA and UVB, damage the skin, age it prematurely, and increase your risk of skin cancer.

UVB is the primary cause of sunburns, while UVA rays are associated with wrinkling, leathery, and sagging of the skin. They also exacerbate the carcinogenic effects of UVB rays, and increasingly are being seen as a cause of skin cancer on their own. Sunscreens vary in their ability to protect against UVA and UVB.

SPF (Sun Protection Factor) is a measure of a sunscreen’s ability to prevent UVB from damaging the skin, if it takes 20 minutes for your unprotected skin to start turning red, using an SPF 15 sunscreen theoretically prevents reddening 15 times longer - about 5 hours.

Sunscreens should be applied 30 minutes before sun exposure. Reapplication of sunscreen is just as important as putting it on in the first place, so reapply the same amount every two hours. Sunscreens should also be reapplied immediately after swimming, toweling off, or sweating.

Buy a high-quality product with an SPF of 15 or higher and check its ingredients to make sure it offers broad-spectrum protection. Finally, look for The Skin Cancer Foundation’s Seal of Recommendation, which guarantees that a sunscreen product meets the highest standards for safety and effectiveness.

Using sunscreen helps decrease your risk of developing skin cancers. Checking your own skin on a regular basis and looking for changes in moles, including increased size, darkening in color, change in shape or bleeding/irritation will help you to recognize worrisome changes early.



2525 Fox Run Pkwy., Lewis & Clark Medical Plaza, Yankton • 260-2100

Ear, Nose & Throat



Matthew Rumsey, Au.D. CCC-A

Q. Dr. Neugebauer, after shooting fireworks on the 4th of July my hearing seemed to get worse and then eventually get better. Is this normal?

A. Great question! Your experience was what we call a temporary hearing loss or threshold shift. A temporary threshold shift (TTS) tends to occur after exposure to loud sounds and in this case, fireworks. The delicate parts of your ear have been overworked from the loud noise exposure, resulting in poorer function. Usually, hearing returns to normal within 48 hours. If your hearing hasn’t gotten better, I recommend contacting your physician or seeing an audiologist immediately. The best way to prevent noise related hearing loss is to use hearing protection. There is a wide variety of hearing protector styles to choose from. If you have any questions about TTS or what hearing protector would work best for you, feel free to call us at (605) 655-1220.

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Podiatry



Terence Pedersen, D.P.M.

Q. Are flip-flops bad for your feet. Is it better just to go barefoot?

A. We’re seeing more heel pain than ever in patients 15 to 25 years old, a group that usually doesn’t have this problem. A major contributor is wearing flip-flop sandals with paper-thin soles everyday to school. Flip-flops have no arch support and can accentuate any abnormal biomechanics in foot motion, and this eventually brings pain and inflammation.

I recommend wearing sandals with reasonably strong soles and arch support. Especially for girls and young women, thicker soled sandals with supportive arches might not be considered stylish, but if you want to wear sandals most of the time, you’ll avoid heel pain if you choose sturdier, perhaps less fashionable styles.

It is estimated that 15 percent of all adult foot complaints involve plantar fasciitis, the type of heel pain caused by chronic inflammation of the connective tissue extending from the heel bone to the toes. Being overweight and wearing inappropriate footwear, such as flip-flops, are common contributing factors for heel pain.

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Urological



Dr. Joseph Boudreau
MD, F.R.C.S.

Q. Did You Know?

A. Nutritional supplements can be harmful. New studies showed that Omega-3 fatty acids (fish oil) are associated with a 71% increase of aggressive prostate cancer and a 44% increase in the risk of less aggressive form of prostate cancer. The benefits of Omega-3 fatty acids in preventing heart disease has also been questioned in a recent study from Greece. Selenium has no benefit in preventing prostate cancer in men. Study showed an increase in prostate cancer in men who took Vitamin E. Soy products do not help reduce the progression of prostate cancer. Bottom line, Vitamin E, Selenium, fish oil and soy products are not useful for prostate cancer prevention or treatment.

What can you do to reduce the risk of aggressive prostate cancer? 1) limit red meat to 500 grams per week 2) exercise 3) more fruits and vegetables 4) whole grain foods 5) keep your body-mass-index where it needs to be 6) drop the belly fat 7) reduce your carbohydrates and consumption of white breads 8) eat walnuts and almonds

Yankton Urological Surgery, Prof., L.L.C.
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Chiropractic



Sheila Fitzgerald, DC

Q. Can chiropractic help my back during my pregnancy?

A. It is not unusual to experience back pain during some stage of pregnancy. Chiropractic is a great option for treatment. Treatment is drugless and safe for both the mother and baby. Treatment can start at any stage of pregnancy. Treatment includes techniques that are easy to apply and comfortable for the mother. Due to the nature of how the pregnancy can affect the spine, chiropractic will address both the mechanics of movement and the function of the body through its neurology. This approach has been quite successful and our patients go on to enjoy the rest of their pregnancy.



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Fitness/Health



Angie O'Connor
Clinical Exercise
Specialist

Q. Can exercise really increase my good cholesterol?

A. Yes, exercise can increase your HDL or good cholesterol. HDL is the portion of cholesterol in your blood responsible for scavenging out the bad cholesterol. The more good cholesterol you have the less bad there will be hanging around. High HDL can help reduce your risk for heart disease. Your doctor will know what a safe level is for you. Regular aerobic exercise such as walking, running, biking and swimming can make your body produce more. Generally for a healthy, inactive adult, regular exercise for 30-minutes, five times per week over the course of sixty days, can increase your good cholesterol by approximately 5%. If that sounds like a lot of activity just try breaking up your daily 30-minutes into three ten minute segments. Another great reason to exercise!

Avera
Sacred Heart
Wellness Center
501 Summit, Yankton • 665-9006

Pharmacy/Nutrition



Kim Kortje
Pharmacy Director

Q. How to take care of my bug bites and stings?

A. If you should have a local reaction, self-treatment is okay for local reactions. To treat a bug bite, apply a cold compress right after the bite to minimize the swelling. Applying hydrocortisone, menthol, calamine lotion all can help with pain and/or itch. A pain reliever (i.e. ibuprofen, acetaminophen) can help with the discomfort, also. These treatments can be applied multiple times a day for up to 1 week. Within the first few hours, an antihistamine can be taken to minimize the reaction. Any of the antihistamines will help (Benadryl, Zyrtec, Claritin, Allegra, and Chlortrimeton). If using an antihistamine, take the antihistamine orally or apply topically. Do not use both methods of treatment at the same time. A bug bite reaction will usually pass, but can become infected. If the pain or redness worsens, healing goes beyond 7 days, or if the site becomes tender and hot to touch it may be infected and you will need to see a physician to clear this up.

If a person has an allergic reaction to the bite (e.g. wheezing, hives, dizziness, difficulty breathing, chest tightness, itching or swelling of the eyes, lips or other areas of the face) within seconds or minutes of a bite, emergency contact is crucial. If you have a history of this type of reaction or have a reaction like this, visit with your physician about having an epinephrine syringe on hand for future care.



Pharmacy • 665-8261



AM 1450

MORNING COFFEE

WEEKDAYS MONDAY-FRIDAY

Monday, July 29

7:40 am Hillcrest Pro-Am
(Denny Fokken)

8:20 am Mount Marty 5-K
(Randy Fischer)

Tuesday, July 30

7:40 am Achievement Days
(Lauren Fosheim)

8:20 am Rotary Club
(Simon Fuller)

YOUR NEWS!

The Press &
Dakotan