

S.D. Inmate Asks For Execution To Proceed

BY KRISTI EATON
Associated Press

SIOUX FALLS — A man sentenced to death for killing a prison guard says the state Supreme Court's decision to delay his execution to allow for a mandatory review is denying him his constitutional rights.

Eric Robert, 50, will ask the South Dakota Supreme Court to allow his execution to proceed and is proposing legislative changes to prevent similar cases in the future in briefs that are expected to be filed later this week or early next week.

Robert pleaded guilty to killing prison guard Ronald Johnson during a botched prison escape in April 2011. A judge sentenced him to death for the crime last fall, and his execution was set for May. But the South Dakota Supreme Court stayed the execution in February to allow more time for a mandatory review, which could delay the execution for up to two years.

In briefs not yet filed with the court but given to The Associated Press in an email, Mark Kadi, Robert's lawyer, argues that Robert has a constitutional, due process right to be executed based on the trial court's order.

"If this process will take up to (two) years

as reported, Robert proposes we seek to answer the main underlying issue in this case: does a death row inmate have a constitutional right to die on time as ordered?" Kadi said in an email.

In the briefs, Robert proposed the Legislature consider changes to the law, allowing death penalty proceedings to be given priority in the state Supreme Court or, absent a voluntary appeal, requiring the court to review the case in a set number of days before the execution date.

The briefs noted that during the months since Robert was sentenced, the state Supreme Court has reviewed numerous cases, including civil cases such as the dispute between actor Kevin Costner and an artist about whether sculptures were appropriately displayed at a Deadwood resort.

"These civil cases are undoubtedly important to the parties involved regarding their equitable or monetary interests. Death penalty cases due to their special nature and consequences, however, deserve special consideration," the brief said.

Attorney General Marty Jackley said he could not comment on the new briefs because he has not yet seen them. Under appellate procedure, the state is only allowed to file one brief, which it has already done.

Robert was serving an 80-year-sentence on a kidnapping conviction when he attempted to escape April 12, 2011, with fellow inmate Rodney Berget.

Johnson was working alone the morning of his death — also his 63rd birthday — in a part of the prison known as Pheasantland Industries, where inmates work on upholstery, signs, custom furniture and other projects. Prosecutors said that after the inmates killed Johnson, Robert put on Johnson's uniform and tried to carry a large box toward the prison gate with Berget inside. The inmates were apprehended before leaving the grounds.

Berget also pleaded guilty and has been sentenced to death. Another inmate, Michael Nordman, 47, was given a life sentence for providing the plastic wrap and pipe used in the slaying.

The penitentiary made more than a dozen procedural changes less than a month after Johnson's death, including adding officers and installing additional security cameras. Other changes, outlined in a 28-page report, included further restricting inmate traffic, strengthening perimeter fencing, improving lighting and mandating body alarm "panic buttons" for staff.

Bias Suit For Oklahoma Man Names Nebraska Company

LINCOLN, Neb. — A Nebraska-based lighting supply company violated federal law when it refused to hire an Oklahoma man because of his religious beliefs, the U.S. Equal Employment Opportunity Commission alleges in a lawsuit.

The *Lincoln Journal Star* says the commission filed its claim Tuesday in U.S. District Court in Tulsa, Okla.

The lawsuit says Voss Lighting, of Lincoln, violated federal law by refusing to hire Edward Wolfe at its Tulsa location. The EEOC says Wolfe was a qualified applicant.

"Voss Lighting appears to have a corporate culture that requires employees adhere to certain religious beliefs that have absolutely no bearing on the business of selling lighting products," EEOC trial attorney Patrick Holman said in a news release. "This litigation, we hope, will serve to illuminate Voss Lighting as to Title VII's prohibitions against discrimination on the basis of religion."

Title VII refers to a title of the Civil Rights Act of 1964.

Company Vice President Steve Sanderson told the *Journal Star* that the company denied the allegation. He says the person hired was more qualified than Wolfe.

According to the lawsuit, Voss advertised the job in Tulsa through a Baptist church attended by one of the managers in the Tulsa office. Wolfe, who did not attend the church, learned

about the job and applied for the position.

The lawsuit says that during the interview, Wolfe was subjected to numerous questions about his religious beliefs and practices. He allegedly was asked to identify churches he had attended, where and when he was "saved" and whether he would have a problem coming to work early to attend Bible study.

In a second interview, Voss's Tulsa branch manager became upset over Wolfe's responses to the religious questions, according to the lawsuit.

The EEOC said it will seek reimbursement for the pay Wolfe would have received if he was hired, as well as an order for front pay or placement in the job. The agency also said it will seek damages, as well as a court order prohibiting Voss from any further religious discrimination. The company's website shows it has offices in 20 locations.

Johnson Leads Banking Hearing On JPMorgan Losses

BY DIRK LAMMERS
Associated Press

SIOUX FALLS — Sen. Tim Johnson is questioning why the largest bank in the U.S. failed to have more risk controls in place, leading to more than \$2 billion lost on trades.

Johnson, chairman of the Senate Banking Committee, opened a congressional hearing in Washington on Wednesday in which lawmakers questioned JPMorgan Chase CEO Jamie Dimon.

"How can a bank take on 'far too much risk' if the point of the trades was to reduce risk in the first place?" the South Dakota Democrat asked in his opening statement. "Or was the goal really to make money?"

JPMorgan's trading loss has heightened concerns that the biggest banks still pose risks to the nation's financial system less than four years after the start of the 2008 financial crisis.

Dimon told the panel Wednesday that JPMorgan has taken steps to prevent such losses from occurring again.

Johnson said he disagrees with the notion that Wall Street reforms now micromanage the operations of a large bank and that regulators can't keep up with bank innovation.

"While risk cannot be eliminated from our economy, we can and must demand that banks take risk management seriously and maintain strong controls," Johnson said. "We must also demand that regulators do their job well."

Since the crisis, Dimon has been an outspoken voice against stricter financial regulation. He has complained that lawmakers and regulators have gone too far in overhauling the financial system and might be slowing the economic recovery.

The start of the hearing was delayed by shouting demonstrators, and at least a dozen people were escorted from the room.

Johnson said questions must be answered if the nation wants its largest banks to better manage their risks to maintain financial stability.

Rape Trial Delayed Again For S.D. Bar Owner

HURON (AP) — Trial has been delayed again for a South Dakota bar owner accused of raping a 12-year-old girl and two 14-year-olds after serving them booze.

KOKK radio reports 35-year-old Werner Fajardo is now scheduled for trial beginning Aug. 15. A telephone survey is planned to help gauge whether Fajardo can get a fair trial in Beadle County or whether the judge will move the trial out of Huron.

Prosecutors allege Fajardo provided alcohol to the three girls at his El Cuervo bar in Huron and assaulted them. He's pleaded not guilty and initially had been scheduled for trial on multiple rape charges on May 16. The judge in early May granted a defense lawyer's request to delay the trial until June 27 to give the attorney more time to prepare.

Missing Man Found Dead In Vehicle

REDFIELD (AP) — The Spink County Sheriff says officers have found the body of a man in his 70s who was reported missing.

Sheriff Kevin Schurch tells the *American News* in Aberdeen that the man was found dead inside his vehicle in the Turtle Creek River, about five miles west of Redfield. The body was located Wednesday morning after law enforcement began looking for the man. He was last seen in Redfield about 12 p.m. Tuesday.

Authorities say they are investigating the death. Foul play is not suspected.

Schurch says the official cause of death has not been determined. The victim's name won't be released until next of kin are notified.

Tea Man Sentenced For Possessing Child Porn

SIOUX FALLS (AP) — A Tea man has been sentenced to five years in prison for possessing child pornography.

U.S. Attorney Brendan Johnson announced Wednesday that 21-year-old Cameron Schwartzle was sentenced by a federal judge last week.

Prosecutors say Schwartzle used file-sharing software to download 150 images and four hours of videos of child pornography on his computer.

Schwartzle was immediately turned over to the custody of the U.S. Marshal's Service.

Officials Release Name Of Dead Nebraska Boy

WAHOO, Neb. (AP) — Saunders County officials have released the name of an 11-year-old boy whose body was found in the spillway south of Lake Wanhoo in eastern Nebraska.

The sheriff's office identified the boy as Baden Martinez. The body was recovered around 10:30 a.m. Wednesday. The boy's mother reported him missing Tuesday about 10:30 p.m. when he didn't return to their Wahoo home. He'd gone fishing by himself around 5 p.m.

It's unclear whether an autopsy has been ordered. County Attorney Scott Tingelhoff, who also acts as the county coroner, didn't immediately return a call from The Associated Press.

Repeat DUI Offender In S.D. Convicted Again

RAPID CITY (AP) — A Rapid City man on parole for a drunken crash eight years ago that killed his 3-year-old daughter has been sentenced to a year in jail for another drunken driving conviction.

Prosecutors say it's the fifth lifetime DUI for 42-year-old Raymond Salvas.

Salvas pleaded guilty to manslaughter in the 2004 crash, which happened while he was out on bond for an earlier DUI conviction. He served five years in prison.

YANKTON AREA RELAY FOR LIFE

JUNE 29-30, 2012 • RIVERSIDE PARK
SURVIVORS' LAP • 6:00 PM



4:30-5:30 PM Survivor Registration
5:00-5:30 PM Survivor Celebration/Meal
5:45 PM Group Survivors Picture

SURVIVOR REGISTRATION PLEASE RETURN REGISTRATION BY JUNE 15TH

Name: _____ Gender: M / F

Address/City/State/Zip: _____

Phone: _____ Email Address: _____

Date of Birth (optional): _____

Month and Year of Diagnosis: _____ Type of Cancer: _____

T-Shirt Size (circle): YM, YL, S, M, L, XL, 2XL, 3XL, 4XL

* I am interested in hearing more about patient-related programs/services of the American Cancer Society. Yes/No

* Please contact me about volunteer opportunities with the American Cancer Society. Yes/No

* Please send me information about donating to the American Cancer Society. Yes/No

This registration form can be returned to:
Avera Sacred Heart Cancer Center – Attn. Darla Gullikson
1115 W 9th St., Yankton, SD 57078

Survivor Registration forms can also be completed on the Yankton Relay For Life website at www.relayforlife.org/yanktonSD (click on Survivors & Caregivers) **by June 15th** to ensure t-shirt size.

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NEWS AROUND THE CLOCK
www.yankton.net

Congratulations



Menards Ribbon Cutting

The Yankton Chamber of Commerce Ambassador Committee hosted a ribbon cutting for Menards, 3210 Broadway Ave. Lawrence Young, General Manager of the store stated the store hours are Monday through Saturday 6:30a.m.-9:00p.m. and Sundays 8a.m.-8p.m. For more information you can go to their website at www.menards.com or (605)665-0205.

YANKTON DAILY
PRESS&DAKOTAN

A Flag Day Salute

A special compliment and thank you to the businesses and professional people who sponsor the YANKTON COMMUNITY FLAG PROGRAM in our 27th consecutive year is given on this, our national FLAG DAY. They make our flag displays of patriotic and community spirit in Yankton possible and contribute tremendously to the Lion's commitment to serving the sight and hearing impaired citizens in the area.

YANKTON LIONS CLUB

5 STAR COMMUNICATIONS • 1ST NATIONAL BANK CARD CENTER, INC. • ACE HARDWARE (BOTH LOCATIONS) • AFFORDABLE SELF STORAGE • AFTER HOURS MOTOR SPORTS • ALL SEASONS POWERSPORTS • NEIGHBORHOOD DENTAL CLINIC • AMERICAN FAMILY INSURANCE-MIKE LEMON • ANDERSON REALTY • AVERA HOME MEDICAL • BANK 360 • JON BAUMANN DDS PC • BECKER BODY SHOP • BERKLEY MOTORS • BEST WESTERN KELLY INN YANKTON • BLACKBURN & STEVENS, PROF. LLC • BOB'S CANDY SERVICE • BONANZA (DAKOTA RESTAURANTS, INC.) • BONNIE'S SHEER DESIGN • BRIDGE CITY AUTO • BROADWAY BARBERS • BULTSMA INSURANCE • BUHL'S CLEANERS • BURGER KING • CAPTAIN NORM'S • CARDA • CASEY'S GENERAL STORES • CHARLIE'S PIZZA • CHESTERMAN CO. • CHRISTENSEN RADIATOR & REPAIR • CIHAK INSURANCE • CLARK'S RENTAL • CUSTOM CORNER INC. • JOHN A. KONKLING DISTRIBUTING CO., INC. • CORK 'N BOTTLE, INC. • CORTRUST • COX AUTO SUPPLY, INC. • CRESCENT ELECTRIC SUPPLY CO. • CRIST & WENANDE ORTHODONTICS, PROF. LLC • CULLIGAN WATER CONDITIONING • DAHLIN DRYWALL, INC. • DAIRY QUEEN OF YANKTON • DAKOTA ARCHERY & OUTDOOR SPORTS • DAM FIREWORKS • DAYS INN, YANKTON • ECHO ELECTRIC SUPPLY, CO • EDWARD JONES-CAL RIESGAARD • EDWARD JONES-WAYNE IBAROLLE • EISENBRAUN & ASSOCIATES • FAIRBANK EQUIPMENT INC. • FARM CREDIT SERVICES OF AMERICA • FEDERAL CREDIT UNION SERVICE CENTER • FEJFAR PLUMBING & HEATING, INC. • FIRST CHIROPRACTIC CENTER • FIRST DAKOTA NATIONAL BANK • FIRST NATIONAL BANK SOUTH DAKOTA • FLOOR TO CEILING • FOX RUN QUIK LUBE • HARMELINK, FOX & RAVNSBORG ATTORNEYS AT LAW • FRED HAAR CO., INC. • FREEDOM VALUE CENTER • FRICK HOG BUYING & TRUCKING, INC. • FRONTIER MILLS, INC. • FRYN' PAN • GEHM GROUP LTD. • GERSTNER OIL CO., INC. • GIFTS & GIGGLES • GOEDEN CONSTRUCTION, INC. • GOETZ & KLIMISCH • GRAHAM TIRE CO. 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