

NWS: Tornado Spotted NW Of Willow Lake

SIOUX FALLS (AP) — The National Weather Service says a confirmed tornado was spotted 9 miles northwest of Willow Lake. The storm was moving east at about 20 mph just before 3:30 p.m. The Weather Service issued a tornado warning for Central Clark County until 4 p.m. A tornado warning was also issued for southeastern Codington County, west central Deuel County and Hamlin County after a tornado was spotted near Hayti. That storm was moving northeast at 35 mph. Golf-ball-sized hail was reported with both storms.

Coroner: Creighton Prof Shot, Wife Stabbed

OMAHA, Neb. (AP) — Authorities say a Creighton University professor found dead in his Omaha home last month was shot, and his wife was stabbed to death. The Douglas County coroner reported Friday that 65-year-old Roger Brumback died of a gunshot wound, and his wife, 65-year-old Mary Brumback, died of stab wounds. Their bodies were discovered May 14. Omaha police have been trying to determine if the killings are related to another double-homicide five years ago. Eleven-year-old Thomas Hunter and his family's housekeeper, Shirlee Sherman, were found dead inside the Hunter home in March 2008. The case remains unsolved. Both sets of murders have a connection to the Creighton Pathology Department, where Thomas' father was a colleague of Roger Brumback.

Firefighters Battle Blaze In Downtown Beatrice

BEATRICE, Neb. (AP) — Firefighters have extinguished a blaze that broke out above a bakery in downtown Beatrice. No injuries were reported from the fire, which was reported just before 11 a.m. Friday. Fire officials say the damage was minimal in what was an all but empty room on the second floor above Sunrise Bakery. The cause of the fire is being investigated.

West Nile Virus Detected In Mosquito Pools

PIERRE (AP) — The South Dakota Department of Health is reporting the season's first West Nile virus detections in mosquito pools in Brookings and Hughes counties. In 2012, the first positive mosquito pool was detected July 2 and the first human case was reported July 13. State epidemiologist Lon Kightlinger says it might be tempting to be complacent about West Nile, but he warns that it can be a serious, even fatal illness. He says residents should protect themselves by using repellents, limiting exposure and getting rid of mosquito breeding spots. Those at high risk for complications include people over 50, pregnant women, transplant patients and those with diabetes, high blood pressure or a history of alcohol abuse. South Dakota since 2002 has reported more than 2,000 West Nile cases, including 29 deaths.

Appeals Court Rules In 'Traffic Pumping' Case

SIOUX FALLS (AP) — The federal appeals court in Washington, D.C., has ruled that a South Dakota-based rural telecom cannot charge access fees to long-distance carriers when servicing calls to large-volume businesses. The *Argus Leader* reports that Northern Valley Communications challenged an FCC ruling on the practice known as "traffic pumping." Small rural carriers are allowed to charge access fees to long-distance companies any time the rural company serviced a call from long-distance companies. But regulators at the FCC grew increasingly concerned as the rural carriers teamed up with high-volume businesses, including adult entertainment lines, conference call services or chat lines. Northern Valley CEO James Groft says the decision won't affect the rural carrier's business as it has been operating in accordance with the FCC ruling for the past three years.

Neb. Woman Makes Plea Deal In Child Abuse Case

COLUMBUS, Neb. (AP) — A 42-year-old Creston woman has made a plea deal and been convicted of felony child abuse. Janelle Gertsch pleaded no contest to three counts after prosecutors dropped two more at a hearing last week. The *Columbus Telegram* says Gertsch is scheduled to be sentenced on July 19. Prosecutors say Gertsch and her boyfriend, Larry Einspahr Jr., beat and spanked her 12-year-old son and 9-year-old daughter on multiple occasions. Last month Einspahr was sentenced to 30 to 36 months in prison.

Air Race Plane Makes Emergency Landing In SD

DE SMET (AP) — Two women from Tennessee who are competing in a cross-country air race are OK after making an emergency landing in eastern South Dakota. KSFY-TV reports that the women were flying in the Air Race Classic, an all-women 2,200-mile race from Washington state to Arkansas, when their small plane lost power Thursday night and they were forced to land in a pasture near the city of De Smet. Kingsbury County Sheriff Kevin Scotting says neither woman was injured and little damage was done to the plane.

Heartland Pride Parade Moves To Council Bluffs

COUNCIL BLUFFS, Iowa (AP) — An annual parade organized by a gay and lesbian nonprofit group will move from Omaha to Council Bluffs. The *Daily Nonpareil* reports the parade will begin at 9:30 a.m. in downtown Council Bluffs. More than 35 floats will join in the Heartland Pride Parade, which typically is held in Omaha but had to be moved because of the College World Series. Due to that event, there weren't enough police officers to block streets in Omaha. The parade is hosted by Heartland Pride, which advocates for the local gay, lesbian, bisexual and transgender communities. The parade is part of the 28th annual Live Proud event, which began Thursday and continues through Sunday at Omaha's Stinson Park at Aksarben Village.

STIP Public Meetings

S.D. Dept. of Transportation has developed a Tentative 2014-2017 Four-Year Statewide Transportation Improvement Program (STIP). The Tentative STIP includes all the state sponsored transportation projects for this time period. Prior to final approval of the STIP by the Transportation Commission, public meetings will be held on the following dates and locations to receive public comment on the tentative program.

July 16, 2013.....	Ramada Convention Center	Aberdeen	7:00 PM
July 17, 2013.....	Ramkota Hotel.....	Sioux Falls.....	7:00 PM
July 18, 2013.....	MTI Tech. Center (1800 E. Spruce).....	Mitchell	7:00 PM
July 23, 2013.....	Ramkota Hotel.....	Pierre	7:00 PM
July 24, 2013.....	Ramkota Hotel.....	Rapid City	7:00 PM

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House Farm Bill Failure Upsets Farmers

BISMARCK, N.D. (AP) — Farm groups and politicians in the Dakotas say they're disappointed in the failure of the U.S. House to pass a farm bill and think it could hamper farmers' ability to plan for the future. The five-year, \$500 billion proposal failed on a 234-195 vote Thursday. Many Republicans wanted deeper cuts to the food stamp program, and the traditionally bipartisan bill also suffered from lack of Democratic support. "Our hopes were up, but it's so divisive up there that it just didn't happen," Jeremy Freking, executive director of the South Dakota Soybean Association, told the *Argus Leader* newspaper. The Dakotas' two U.S. House members, Rep. Kevin Cramer, R-N.D., and Rep. Kristi Noem, R-S.D., both voted for the bill. "A majority of the House of Representatives today failed to do the right thing for producers and consumers across the coun-

"I am incredibly disappointed that while we were able to pass this bill out of the Agriculture Committee with strong bipartisan support, members today were unable to put their own politics aside to do what's best for the American people."

REP. KRISTI NOEM (R-SD)

try," Noem said after the vote. "I am incredibly disappointed that while we were able to pass this bill out of the Agriculture Committee with strong bipartisan support, members today were unable to put their own politics aside to do what's best for the American people." Cramer, like Noem, said he was disappointed in members of both parties. "At the same time, the committee and amendment action leading up to the vote was the most bipartisan, regular order process I have seen during my time so far in Congress,

and I believe it is a hopeful sign of what we can accomplish if President Obama and other House Democrats will come to the negotiating table," he said. The Senate passed its version of the farm bill last week. If the two chambers can't come together on a bill, lawmakers in farming-centric states could push for an extension of the farm bill that expires in September or negotiate a new bill with the Senate and try again. "There's a lot of work ahead of us. That much we know," North Dakota Farmers Union President Woody Barth told Agweek.

Woman Killed In Severe Storm At Lake Poinsett

BY DIRK LAMMERS
Associated Press

SIOUX FALLS — A fast-moving line of storms barreled across the northern Plains and Upper Midwest Friday evening, killing a woman in her trailer on a South Dakota lake and leaving thousands of people without power. Hamlin County Sheriff Chad Schlotterbeck said the 63-year-old woman was hunkered down in the bathtub in her trailer on the east side of Lake Poinsett when a storm lifted the structure and dropped it to the ground. Schlotterbeck said the county of about 6,000 residents was without power Friday evening, and the fire department was going

door to door to assess the extent of damage. "We've got homes destroyed," he said. The sheriff's office was waiting to release the woman's name until it could notify relatives. A man in his 60s was also injured in the storms, and another man was hospitalized from an electrical shock, Schlotterbeck said. The National Weather Service said tornadoes touched down in Clark, Hamlin, Spink and Kingsbury counties and brought damaging winds and golf-ball-sized hail. The storms later moved into Minnesota and were headed toward Wisconsin. Some of the most notable dam-

age occurred around Lake Poinsett, which is in northeast South Dakota and is home to numerous summer cabins. Jim Scarlett, a meteorologist with the National Weather Service office in Aberdeen, said the damage was likely caused by a tornado, but the office was still assessing what happened. Randy Knudtson was standing on the side of the road across from his cabin along Lake Poinsett when the storm moved in. "It was completely black on the tree horizon and then in less than five minutes all of the sudden it was right on top of us," said Knudtson, 64. "I've never seen winds like this." Knudtson went inside and hud-

dled in the cabin's laundry room with his wife, daughter, son-in-law and two grandchildren. The storm tossed around some of his neighbors' docks, pontoon boats and boat lifts, but his cabin was spared. Scarlett said there were also reports of heavy wind damage around Castlewood and in Deuel County near Clear Lake. "The town of Clear Lake just got devastated with wind damage," he said. The winds blew down trees and branches in several areas, and heavy rained caused some street flooding.

Neb. Man's Bid For Release From Prison Denied

BY MARGERY A. BECK
Associated Press

OMAHA, Neb. — The Nebraska Supreme Court on Friday rejected a motion by a convict who argued that he should be released from prison because his trial attorney was practicing with a suspended law license. Patrick Vanderpool was convicted in 2010 of attempted first-degree sexual assault and sentenced to up to 15 years in prison. Vanderpool's trial attorney was David Walocha, who was disbarred in March 2012 for working as a lawyer for nearly a decade without a valid license. Two months later, Walocha was sentenced to 30 days in jail for the offense.

When Vanderpool learned of Walocha's suspension, he sought post-conviction relief, claiming ineffective counsel. Prison inmates typically file post-conviction relief motions once they have exhausted all other appeals. Such claims rarely succeed, because prisoners must show that their constitutional rights were violated to such an extreme that it renders their convictions void. Such motions often claim that an inmate's lawyer did not effectively defend them. A Douglas County District Court dismissed Vanderpool's motion last year, finding that Walocha's suspension solely for nonpayment of dues did not equate to inadequate representation. The lower court also rejected Vanderpool's arguments

that Walocha's failure to file an appeal, interview some witnesses and issuance of questionable legal advice amounted to inadequate counsel. The Nebraska Supreme Court also rejected Vanderpool's per se argument — or one that says a lawyer is presumed to be ineffective because of certain circumstances. The high court said legal precedent requires that for the per se rule to apply, a convicted person would have to show that his lawyer failed to pass the bar and was never admitted to practice law, was admitted on false pretenses, was denied a law license due to lack of moral character, surrendered a law license while facing disciplinary proceedings or was deemed incom-

petent to represent clients. "Under this prevailing rule, suspension for nonpayment of dues does not render an attorney's representation per se ineffective," Nebraska Supreme Court Judge William Cassel wrote. "The payment of dues is a technical requirement for a license to practice law and does not reflect on an attorney's competence, ability, or legal skill." Vanderpool's appeal attorney, Douglas County Public Defender Thomas Riley, did not immediately return a message left Friday by The Associated Press seeking comment. The Nebraska Attorney General's office, which argued the case for the state, referred questions to the Douglas County Attorney's office.

Judge Criticizes Neb. Work Ethic Camp Results

LINCOLN, Neb. (AP) — A judge refused to send a man convicted of an attempted bank robbery to the Nebraska Work Ethic Camp, saying the man would only learn "how to be a criminal" at the facility. Judge Steve Burns made the remarks Thursday during the sentencing of 24-year-old Brett Dovel, who had pleaded guilty to attempted robbery, his first felony conviction, according to the *Lincoln Journal Star*. Burns sentenced Dovel to five years of probation, the longest he could, plus 180 days in jail. His lawyer said Dovel was hoping the judge would give him probation and rehabilitation services at the camp in McCook. The camp was originally meant as an alternative to prison solely for people on

probation for committing felonies. Burns said people he previously sent to the camp ended up violating their probation, after having problems with inmates housed there instead of in a state prison. "The only thing they learn is how to be a criminal," the judge said. "Therefore, that option is no longer available, as I feel it is detrimental rather than beneficial." Asked to respond to the judge's comments, Nebraska Department of Correctional Services spokeswoman Dawn-Renee Smith said inmates have been doing time at the camp for nearly six years. Smith said she doesn't know the numbers or whether more inmates have been sent there recently. According to the Corrections Department website, the camp's

mission is to provide a highly structured treatment environment and reduce the risk of recidivism by helping offenders change their behavior and get back into the community under close supervision. Dovel pleaded guilty to trying to rob a Union Bank branch in Lincoln. According to prosecutors, a customer stopped Dovel when he tried to leave the bank with some stolen money on Feb. 9. The customer wrestled Dovel to the floor, knocking a folding pocket knife out

of his pocket and held him down until police arrived. "I'm sorry for what I did," Dovel said in court Thursday. "It was a bad decision, what I did." Deputy County Public Defender Kristi Egger-Brown said Dovel had been struggling with money problems and having a hard time finding work. She said Dovel was "hoping against hope" to get probation and time at the Work Ethic Camp at McCook, where he hoped to get help finding employment and making good decisions.

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