

Seitz

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charges were dropped in exchange for his guilty plea on one count.

A Class I misdemeanor carries a maximum punishment of one year imprisonment in a county jail and a \$2,000 fine, along with any restitution ordered by the court.

During Wednesday's hearing, Bern accepted the plea bargain. The suspended imposition of sentence requires that Seitz have no violations of any kind, follow the conditions of the court and receive a chemical dependency (CD) evaluation.

Seitz indicated during his court appearance that he had already undergone the evaluation.

As part of Seitz's probation, Bern noted his file will come up for review Oct. 30. However, he doesn't need to appear in court at that time.

Bern ordered payment of a \$300 fine, \$84 court costs and \$63.11 transcript charges for a total of \$447.11.

Wednesday's appearance was considered a status hearing, Bern said. She had indicated during an earlier proceeding that she wanted to keep the case moving through the courts.

Deputy Attorney General Katie Mallery represented the prosecution. Yankton attorney Garrett Horn represented the defense.

At the end of the six-month probation, Seitz's guilty plea could be expunged from his record, Mallery told the *Press & Dakotan*.

Seitz was indicted on the three misdemeanor drug counts and turned himself in to Hutchinson County authorities. He posted a \$500 cash bond and was released.

Seitz was suspended indefinitely as police chief following his indictment on the drug charges, according to the *Freeman Courier*.

Freeman mayor Sam Sorensen suspended Seitz because the cash bond prohibits the police chief from carrying a firearm, not because of work-related

performance issues, City Attorney Mike Fink told the *Courier*.

Freeman has used other personnel to cover its law-enforcement needs during Seitz's absence, according to the *Courier*. A part-time officer was upgraded to full-time status, assistance was received from the Hutchinson County sheriff's office, and another officer was retained on a part-time basis.

At the time of his indictment, Seitz was not certified in South Dakota for law enforcement, said Sara Rabern, spokeswoman for the South Dakota attorney general's office.

Seitz had applied for certification about the time the investigation came up, so his application was denied, Rabern said. However, he can appeal to the Law Enforcement Officers Standards and Training Commission if he wants to work in law enforcement in South Dakota, the spokeswoman said.

The drug charges arose from incidents that occurred last summer.

Seitz obtained the prescription drugs between the approximate dates of Aug. 1, 2012, and Aug. 31, 2012, Mallery said. He obtained the original prescriptions at a Freeman pharmacy and then sought refills at a Yankton pharmacy, she said.

Seitz's effort to obtain the current prescriptions was detected during a refill request, Mallery said.

The court proceedings were held in Yankton County because it was the site of some of the charges, she added.

The prosecution efforts began at the county level. However, the attorney general's office generally takes over and prosecutes such cases when there could be a conflict for a state's attorney, Rabern said.

A message left Wednesday by the *Press & Dakotan* at Horn's office, seeking comment on the case, was not returned by press time.

You can follow Randy Dockendorf on Twitter at twitter.com/RDockendorf

Doma

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President Barack Obama praised the court's ruling against the federal marriage act, labeling the law "discrimination enshrined in law."

"It treated loving, committed gay and lesbian couples as a separate and lesser class of people," Obama said in a statement. "The Supreme Court has righted that wrong, and our country is better off for it."

House Speaker John Boehner, R-Ohio, said he was disappointed in the outcome of the federal marriage case and hoped states continue to define marriage as the union of a man and a woman. Boehner, as speaker, had stepped in as the main defender of the law before the court after the Obama administration declined to defend it.

The other case, dealing with California's constitutional ban on same-sex marriage, was resolved by an unusual lineup of justices in a technical legal fashion that said nothing about gay marriage. But the effect was to leave in place a trial court's declaration that California's Proposition 8 ban was unconstitutional. Gov. Jerry Brown quickly ordered that marriage licenses be issued to gay couples as soon as a federal appeals court lifts its hold on the lower court ruling. That will take least 25 days, the appeals court said.

California, where gay marriage was briefly legal in 2008, would be the 13th state, along with the District of Columbia, to allow same-sex couples to marry and would raise the share of the U.S. population in gay marriage states to 30 percent. Six states have adopted same-sex marriage in the past year, amid a rapid evolution in public opinion that now shows majority support for the right to marry in most polls.

The 12 other states are Connecticut, Delaware, Iowa, Maine, Maryland, Massachusetts, Minnesota, New Hampshire, New York,

Rhode Island, Vermont and Washington.

The day's rulings are clear for people who were married and live in states that allow same-sex marriage. They now are eligible for federal benefits.

The picture is more complicated for same-sex couples who traveled to another state to get married, or who have moved from a gay marriage state since being wed.

Their eligibility depends on the benefits they are seeking. For instance, immigration law focuses on where people were married, not where they live. But eligibility for Social Security survivor benefits basically depend on where a couple is living when a spouse dies.

This confusing array of regulations is reflected more broadly in the disparate treatment of gay couples between states. And the court's decision did not touch on another part of the federal marriage law that says a state does not have to recognize a same-sex marriage performed elsewhere.

Indeed, the outcome of the cases had supporters of gay marriage already anticipating their next trip to the high court, which they reason will be needed to legalize same-sex unions in all 50 states.

The Human Rights Campaign's president, Chad Griffin, said his goal is to legalize same-sex marriage nationwide within five years through a combination of ballot measures, court challenges and expansion of anti-discrimination laws.

The rulings came 10 years to the day after the court's Lawrence v. Texas decision that struck down state bans on gay sex. In his dissent at the time, Justice Antonin Scalia predicted the ruling would lead to same-sex marriage.

On Wednesday, Scalia issued another pungent dissent in the Defense of Marriage Act case in which he made a new prediction that the ruling would be used to upend state restrictions on marriage. Kennedy's majority opinion insisted the decision was limited to legally married same-sex couples.

Scalia read aloud in a packed courtroom that included the two couples who sued for the right to marry in California. On the bench, Justice Elena Kagan, who voted to strike down DOMA, watched Scalia

impassively as he read.

"It takes real cheek for today's majority to assure us, as it is going out the door, that a constitutional requirement to give formal recognition to same-sex marriage is not at issue here—when what has preceded that assurance is a lecture on how superior the majority's moral judgment in favor of same-sex marriage is to the Congress' hateful moral judgment against it. I promise you this: The only thing that will 'confine' the court's holding is its sense of what it can get away with," Scalia said.

Scalia and Justice Samuel Alito, who also wrote a dissenting opinion, said their view is that Constitution does not require states to allow gay and lesbian couples to marry.

Outside the court, some in the crowd hugged and others jumped up and down just after 10 a.m. EDT when the DOMA decision was announced. Many people were on their cellphones monitoring Twitter, news sites and blogs for word of the decision. And there were cheers as runners came down the steps with the decision in hand and turned them over to reporters who quickly flipped through the decisions.

Chants of "Thank you" and "U.S.A." came from the crowd as plaintiffs in the cases descended the court's marbled steps. Most of those in the crowd appeared to support gay marriage, although there was at least one man who held a sign promoting marriage as between a man and a woman.

In New York City's Greenwich Village, the Stonewall Inn, where a riot in 1969 sparked the gay rights movement, erupted in cheers and whooping.

Others were not celebrating. "We mourn for America's future, but we are not without hope," said Tim Wildmon, president of American Family Association, in a statement.

Said. Tony Perkins, president of the Family Research Council: "Time is not on the side of those seeking to create same-sex 'marriage.' As the American people are given time to experience the actual consequences of redefining marriage, the public debate and opposition to the redefinition of natural marriage will undoubtedly intensify."

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