

### Suspects Plead Not Guilty To Smuggling

CEDAR RAPIDS, Iowa (AP) — Three relatives charged in a conspiracy to ship weapons from Iowa to Lebanon are pleading not guilty.

Ali Herz; his brother, Bassem Herz; and Bassem Herz's wife, Sarah Zeaier, entered the pleas Tuesday in federal court in Cedar Rapids. Trial was set for Aug. 10.

The fourth suspect, Ali Herz's son, Adam Herz, is expected to follow suit during an arraignment hearing Wednesday.

The four were arrested last month after agents intercepted shipping containers headed from Cedar Rapids to Beirut that had many guns and rounds of ammunition hidden inside construction equipment. A 46-count indictment was returned by a federal grand jury this month.

Investigators say they were making money trafficking arms to a war-torn region and may have ties to Hezbollah, which the U.S. government considers a terrorist organization.

### Woman Accused Of Sexual Assault

PAPILLION, Neb. (AP) — A 47-year-old suburban Omaha woman has been accused of sexually assaulting a teenager several years ago.

Online court records say Stephanie Hagen, of Bellevue, is charged with sexual assault of a child. A public phone listing couldn't be found for Hagen, who's bonded out of jail. Her attorney didn't return a call Tuesday from The Associated Press, seeking comment on the allegations.

Prosecutors say Hagen assaulted the girl over three years, starting in April 2005, when the girl was 13. Under Nebraska law, people 19 and over cannot have sexual contact with people under 16.

### Ban On Dangerous Animals Is Possible

DEADWOOD (AP) — Deadwood officials are pushing to ban dangerous animals a month after state regulators ruled a Minnesota woman could house wolf pups at a wildlife education center in the town.

Commissioner David Ruth says officials recently revisited the city's rules governing dangerous animals and decided that their ordinances needed to be updated to protect the public.

In May, the South Dakota Animal Industry Board voted to grant a permit allowing Terri Petter to house wolf pups and fox kits in Deadwood.

Petter would be grandfathered in under the proposal, but she says she feels targeted.

Ruth says the new measure isn't in response to Petter but that her proposal caused officials to re-examine what ordinances were in place.

Commissioners voted 4-1 Monday to give the proposal a second reading in July.

### Woman Accused Of Killing Cleared

RAPID CITY (AP) — A Box Elder woman accused of murdering her boyfriend last year has been cleared of all charges after a video showed she was terrorized by the man prior to shooting him.

Pennington County State's Attorney Mark Vargo announced Tuesday that 24-year-old Kelly Croyle was cleared of her second-degree murder charge after a forensic expert reviewed the killing that was caught on video.

Croyle was accused of shooting Dick Mashek in a mobile home in September. She has maintained it was in self-defense.

Vargo says the video of the killing, which Mashek filmed, convinced mental health analyst Dr. Park Dietz that Croyle acted in her defense. Dietz concluded Mashek had assaulted Croyle frequently and repeatedly said she would not leave the mobile home alive.

### Ex-Tribe Chairman Pleads Guilty

OMAHA, Neb. (AP) — The former chairman of the Omaha Tribe of Nebraska has pleaded guilty to an accessory charge in the theft of money from the tribe.

The *Sioux City Journal* reports that 54-year-old Amen Sheridan, of Walthill, entered his plea on Monday in U.S. District Court in Omaha. He faces up to 30 months in prison when he's sentenced on Sept. 14.

Court documents say Sheridan knew that Julia Whiteskunk had illegally used tribal funds for a down payment on the house they bought in 2009 and had helped her to prevent her arrest.

Whiteskunk was executive director of the tribal housing authority. She was charged in the scheme, but she died in September.

### Man Gets Bit By Dog, Breaks Into House

SIOUX FALLS (AP) — Authorities say a Sioux Falls man grabbed an ax and broke into his neighbor's home after their dog bit him in the ear.

Forty-four-year-old Dean Hillestad is facing charges of aggravated assault, property damage and burglary.

Lt. Loren McManus says Hillestad saw his neighbor walking his dog Friday on South Western Avenue. She says he tried to pet the dog but that it bit him in the ear.

Authorities say Hillestad got upset, grabbed an ax and then broke his neighbor's window, trying to get inside. He allegedly said he was going to kill the dog.

Hillestad's attorney tells KELO-TV the dog was not up to date on its shots and that they are monitoring his client's wound.

### Officials Advise Remaining On Trails

INTERIOR (AP) — Officials at Badlands National Park are urging visitors to use the park's trails following a cave-in that injured several members of a family over the weekend.

An 18-year-old woman and four children on Saturday climbed a butte off the Door Trail to take a photo. KELO-TV reports all five were injured when it gave way. Three had to be taken to a hospital in Rapid City.

Record rainfall this year has loosened the soil in some areas outside the park's trails, which are monitored and maintained.

Park spokeswoman Julie Johndreau says trails are there for a reason and that they're reminding visitors to use them while they explore this summer.

### Livestock Facility Research Can Resume

CLAY CENTER, Neb. (AP) — A federal livestock facility in Nebraska said it can resume new research after addressing all recommendations of an independent review of its animal care practices.

U.S. Agriculture Secretary Tom Vilsack halted research in March at the U.S. Meat Animal Research Center until better animal welfare oversight procedures were put in place. The center conducts scientific studies to help the livestock industry increase the quantity and quality of meat production.

A U.S. Department of Agriculture panel toured the center in March and found no evidence of animal mistreatment. But it said the center's animal welfare committee wasn't fulfilling its responsibilities to review and oversee research. The panel's report came in response to a *New York Times* article in January that alleged systematic abuse of farm animals at the Nebraska facility.

The center's director, John Pollak, said it has addressed seven of the recommendations for animal care and well-being in the panel's report, the *Lincoln Journal Star* reported.

# Man Charged With 1989 Slaying Pleads Not Guilty

The Associated Press

SIOUX FALLS — A Florida man accused of killing his girlfriend more than 25 years ago pleaded not guilty Tuesday to first-degree murder.

Kim Aune appeared in court in Minnehaha County for the first time. The 57-year-old man was indicted in April in South Dakota and arrested in Florida.

Aune is accused of shooting his girlfriend at the time, 21-year-old Kimberly

Eidsness, on Nov. 13, 1989, at their home east of Sioux Falls.

State's Attorney Aaron McGowan has said Aune, who was 31 at the time, was living with Eidsness when she died. He reported the shooting to police, who initially did not consider it to be a murder case.

Authorities have declined to release what new details made them re-open the case.

Aune's appearance before Judge Joni Cutler was brief, the *Argus Leader* reported. Neither McGowan nor Public Defender Traci Smith made arguments.

Aune will remain in the Minnehaha County Jail on a \$1 million bond.

If convicted, he faces a mandatory life sentence or the death penalty.

His trial is scheduled to begin Sept. 8.

# Businesses Show Interest In Locating Along Railroad Trackage

BY BOB MERCER  
State Capitol Bureau

PIERRE — The prospect of regular railroad service starting again west of Chamberlain is stirring businesses to consider locating along that stretch of state-owned line.

The state Railroad Board received requests in the past two months to lease land for construction of a new siding at Reliance and to sell land for construction of a new siding at Presho.

The Warren Ranch seeks to build a pea-loading facility at Reliance.

The switches on the main line at Reliance need to be replaced as part of the rehabilitation work that will be done this year and next year between Chamberlain and Presho.

The new switches would be located to accommodate the proposed new siding.

Dakota Mill and Grain wants to expand its operation at Presho and develop a 25-car siding for grain loading and fertilizer delivery.

The Rapid City-based company would conduct a property survey and submit a plat to the board if there is preliminary approval of a sale.

The two projects would be in addition to the Wheat Growers fertilizer and grain terminal that is under construction at Kennebec.

The state board meets today (Wednesday) to consider the latest round of bids for several parts of the rehabilitation work.

Three firms submitted acceptable

bids this time for the installations. They are London, England-based Balfour and Beatty; Kansas City-based Musselman and Hall Contractors; and New York City-based RailWorks Tracks Systems.

RailWorks was the sole bidder in the previous round. The route is known as the Mitchell-Rapid City line.

Meanwhile a major business wants to lease some state-owned rail property in Rapid City known as the Maple Street Yard that is currently unused.

American Colloid Company proposes to repair the track at a cost estimated at \$25,000 to \$30,000 and in turn requests a free lease for four years with payment starting in year five. The estimated lease price is \$5,425 annually based on current values.

# CPA Selected For The Next Open Spot On Investment Council

BY BOB MERCER  
State Capitol Bureau

PIERRE — A certified professional accountant will be the newest member of the South Dakota Investment Council that oversees how billions of dollars in pension savings and government accounts are managed.

The Legislature's Executive Board recently chose Laura McNally of Belle Fourche for the next open slot on the council. She succeeds newspaper publisher Jon Hunter of Madison, who

is completing his five-year term this month.

The council has five voting members chosen by the Legislature, one per year, and second terms aren't allowed.

The council has three other voting members: Rob Wylie, representing the South Dakota Retirement System where he is the administrator; state Treasurer Rich Sattgast; and state Commissioner of School and Public Lands Ryan Brunner.

McNally is believed to be the second woman to be selected to the council.

Angeline Lavin of Sioux Falls served from mid-2003 through mid-2008.

McNally also reportedly is the second CPA to be a council member. David Anderson of Lemmon served from mid-1999 through mid-2004.

Other current council members who were appointed by the legislative panel are Jim Means of Yankton, David Hillard of Rapid City, Steve Kirby of Sioux Falls and Lorin Brass of Lennox.

# Lincoln Council OKs \$1M To Help Sewer Backup Victims

The Associated Press

LINCOLN, Neb. (AP) — The City Council has approved a \$1 million disaster assistance program to aid Lincoln residents whose homes were damaged by raw sewage that backed up during heavy rains, but some of the victims are still considering suing the city.

The council program approved Monday provides \$5,000 for victims of backups caused by storm runoff overwhelming the Theresa Street wastewater treatment facility on Oct. 1, 2014, and May 6-7 this year. Last month residents recounted at a council meeting how the sewage spilled from toilets, shower drains and basement floor drains into their homes and apartments.

But the new program is aimed at

protecting the health of residents, city attorney Jeff Kirkpatrick said, so covers only cleanup.

"This is a disaster assistance program, not an insurance program that reimburses all costs," Kirkpatrick said, according to the *Lincoln Journal Star*.

It's not enough help or compensation, resident Richard Avila told television station KOLN.

"I will not settle for that," Avila said. "That's nowhere close to the damage that we've sustained on both storms."

Kathy and Terry Danek, whose basement was damaged in both backups, are hosting a meeting Tuesday night at Huntington Elementary School with representatives of a law firm that a meeting notice said was "experienced in representing citizens injured by actions

or negligence of municipalities and government agencies."

Kirkpatrick has recommended that the council deny the official claims of 31 property owners and renters seeking reimbursement for the Oct. 1 sewer backup. And he told the council on Monday that his office likely will recommend denial of any claims filed for last month's backup.

The city is not legally responsible for the sewer backup damage, Kirkpatrick's office has said, because city staffers were not negligent and because the damage was caused by an "act of God" — the heavy rain.

# Nebraska Appeals Court Says State Unfair To Father

BY MARGERY A. BECK  
Associated Press

OMAHA, Neb. — A father was unfairly blindsided by allegations from state officials at a hearing to remove his and his wife's five children from their custody, the Nebraska Court of Appeals found Tuesday.

The ruling came in the case of a couple, listed only as Richard W. and Susan W., whose children were taken from them by local authorities following an investigation by state Child Protective Services last year. That action came after an investigator found three of their children — ages 12, 9 and 18 months — alone in a central Nebraska hotel room.

A month earlier, the family had moved to Albion, Nebraska, from Tennessee to live with Susan's sister, but was kicked out following a disagreement between the sisters.

The family had lived for several days in a room of a motel where the father was working when Child Protective Services was called to investigate accusations of child neglect and alcohol and prescription drug abuse by the parents.

While two of the children attended elementary school, the three others were found alone in the hotel room. The oldest child — a month from turning 13 — was in charge, and the children had access to both food and a phone in the room. Their father also regularly called to check on them. The Child Protective Services investigator found an empty bottle

of a prescription painkiller and a nearly empty bottle of Valium in the room.

The parents explained that Susan had a court hearing and Richard needed to go with her to collect her bond money to use to help care for the family. Because they could not bring the toddler with them to court, they had the 12-year-old and 9-year-old stay home from school to care for the young child.

Based on that and concerns that Richard and Susan were abusing prescription drugs and alcohol, officials sought to remove the children. At the hearing, however, the state presented additional evidence, including claims that the children had lice and that Richard and Susan had asked someone about buying drugs.

The Nebraska Court of Appeals agreed with Richard that the state's last-minute introduction of new evidence left him unable to provide a defense to them, violating his due process rights. It also found that the remaining allegations of leaving the children alone for several hours and drinking heavily on one documented occasion were not enough to remove the children. Allegations of drug abuse were never proven, the appellate court said.

"Based on this evidence, we cannot say that there was a definite risk of future harm to the minor children or that they were neglected, in a situation dangerous to life or limb, or lacked proper parental care under the circumstances," Judge Francie Riedmann wrote.

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