

## MIDWEST DIGEST

### S.D. Emergency Operations Center Opens

PIERRE (AP) — South Dakota's State Emergency Operations Center has opened in Pierre, in preparation for expected widespread spring flooding.

Gov. Dennis Daugaard ordered the center opened at 7 a.m. Tuesday.

The center houses representatives from state and federal agencies and other groups that help respond to flooding. Daugaard says it helps ensure a coordinated response.

Many rivers and streams already are overflowing, and Daugaard says there could be record flooding in some areas.

### 1st Lion Killed In Custer State Park Season

CUSTER (AP) — A mountain lion finally has been killed in western South Dakota's Custer State Park, where cougar hunting is being allowed for the first time this year.

The Rapid City Journal reports that a hunter killed an 85-pound female on Sunday that was 3 or 4 years old.

Ten licenses were issued for hunting in the park, where the limit is five lions killed. The season there is set to close at the end of the month.

### Lincoln Police Search For Man Who Shot ATM

LINCOLN, Neb. (AP) — Lincoln police are searching for a man who tried unsuccessfully to withdraw money from an ATM by firing a shotgun at it.

The Lincoln Journal Star says surveillance footage shows a man dressed in black and carrying a duffel bag approaching the machine in the parking lot of a Union Bank early Sunday.

A witness told police the man used what appeared to be a crowbar to try to break into the ATM. He then fired a shotgun at it at point-blank range.

Police say the blast caused about \$500 damage to the machine, but the man couldn't get to the cash.

### County Has One Of Largest Busts In Its History

HOT SPRINGS (AP) — Authorities say they seized 10 pounds of marijuana, more than \$50,000 in cash and two handguns during a bust at a home in the western South Dakota city of Hot Springs.

The Rapid City Journal reports that bond has been set at \$50,000 for 61-year-old Jimmy Gossel and at \$250,000 for Vernon McKenney, who were arrested in the Friday bust. Neither immediately returned a telephone call to The Associated Press on Tuesday seeking comment.

Fall River County prosecutors say it's one of the largest drug busts on record in the county.

■ Get Updates At Yankton Online ([www.yankton.net](http://www.yankton.net))

# Custody Case Reaches Neb. High Court

BY MARGERY A. BECK  
Associated Press

OMAHA, Neb. — The Nebraska Supreme Court will decide whether a Lexington man should regain custody of a boy he believed to be his biological son and raised for nearly three years.

Cesar Cano-Lopez's appeal contends that Dawson County District Court erred in allowing his former girlfriend to introduce paternity test results in the custody case, showing he was not the boy's biological father and subsequently causing the court to limit his legal rights as a parent. The appeal also asserts the lower court erred by not finding the woman unfit to have custody of the boy, among other things.

Court records show that Cano-Lopez believed the boy born in September 2006 to Alicia Berta Landa was his son. He is named on the boy's birth certificate as the boy's father.

Five days after the baby was born, Landa fled federal authorities who wanted her on drug charges, leaving the baby with Cano-Lopez. Landa was soon arrested in Colorado,

convicted of drug violations and sentenced to federal prison.

From Landa's arrest through mid-2009, Cano-Lopez raised the boy. During that time, Landa did not seek visitation with the baby and showed no interest in seeing the boy, Cano-Lopez said in his appeal. Landa disputes that claim in her appeal brief.

Cano-Lopez filed for sole custody of the boy in June 2009, after Landa took the boy for a visit and refused to return him to Cano-Lopez. Landa counter-filed, naming Cano-Lopez as the boy's father and seeking child support.

Cano-Lopez was awarded temporary custody of the boy, and Landa was ordered to pay child support to Cano-Lopez.

It was then, Cano-Lopez's appeal states, that Landa claimed Cano-Lopez might not be the boy's biological father and sought a DNA test for paternity, which showed Cano-Lopez was not the boy's biological father.

In August 2010, Dawes County District Court awarded custody of the boy to his mother, citing the state's parental preference principle, which declares the relationship between parent and a child is constitutionally

protected. The court also ordered Cano-Lopez to pay \$730 a month in child support to Landa, reversing its previous order.

The state's high court previously has ruled in other cases that a parent's natural right to the custody of his or her biological children trumps the interest of others, unless it can be shown that such parent is unfit to be a parent.

Cano-Lopez argues the lower court should have found that Landa is an unfit parent, saying Landa lied to Cano-Lopez about his paternity for years until it was convenient for her to assert otherwise in a custody filing. Cano-Lopez also insists that Landa had shown no interest in the child while she was in prison and, later, in a halfway house upon her release. During the custody trial, Cano-Lopez testified that Landa sent him numerous letters while she was in prison, none of which ask about her son.

But Landa insists in a brief filed by her attorney that Cano-Lopez knew she was intimate with other men when she became pregnant. Later, when she was in prison, she said she often asked about her son, but that Cano-Lopez resisted bringing the boy for visits.

# Attorney Argues S.D. Killing Was Assisted Suicide

BY DIRK LAMMERS  
Associated Press

VERMILLION — The lawyer for a Rapid City man convicted of first-degree murder in a killing he argued was assisted suicide asked the South Dakota Supreme Court to overturn the verdict Tuesday.

Robert Goulding, 52, was charged in the shooting death of his friend, 56-year-old Allen Kissner, near Sheridan Lake in November 2008.

Kissner, who had failed in an earlier suicide attempt, wanted to die because he was in chronic, terminal pain and was likely returning to prison. The two men drove to a remote location and, at Kissner's request, Goulding put a gun to Kissner's ear and pulled the

trigger, according to court briefs.

Goulding's attorney, Tim Rensch, argued that Goulding was prevented from having a fair trial because of jury instructions saying that a death is not suicide when someone else performs the overt act causing the death.

The jury instructions were as if the judge had directed them to convict Goulding of murder, Rensch said.

"This is a jury question, whether or not his act constitutes murder," he said.

Assistant Attorney General Ted McBride said the killing qualifies as murder, regardless of the reasons.

"Suicide is the killing of one's own self," McBride said. "If someone else does the actual killing, that can't be suicide."

The attorneys gave their oral arguments Tuesday during the high court's spring session at the University of South Dakota Law School in Vermillion. A written decision will be given later.

Goulding argued that if South Dakota's statutes on suicide, aiding and abetting suicide, and proof beyond reasonable doubt are read together, they contemplate commission of an overt act that could constitute aiding and abetting suicide.

The justices acknowledged some conflicting direction in those statutes, but Justice John Konenkamp said there's a large body of law that says murder is murder, even if the victim consents to it.

Justice Steven Zinter asked if Rensch was trying to have it both

ways because Kissner did not kill himself.

"Who did the killing?" Zinter asked.

"They both did," Rensch responded.

Rensch said that the question of "Why?" is important to the case because Goulding's act of pulling the trigger wasn't all that was behind Kissner's death.

"That wasn't the total cause," Rensch said. "It was caused by Mr. Kissner saying, 'I want to kill myself and I need your help.'"

McBride said the law was not ready to recognize someone wanting to die as an excuse for murder.

"Where do you draw the line?" McBride asked. "All the courts have drawn the line on the act of actual participation."

# A+ Students of the Week



**Karrah Johnson**  
Parents: Les & Amy Johnson  
Grade: 12th  
School: Bloomfield High School  
Favorite Subjects: Trigonometry & Anatomy  
Favorite School Memory(s): The day I qualified for FCCLA State with Anna.



**Colton Joe Wilson**  
Parents: Joe & Barb Wilson  
Grade: 12th  
School: Bloomfield High School  
Favorite Subjects: Anatomy & Trigonometry  
Favorite School Memory(s): Too many to list a favorite.



**Tanner Vincent Schumacher**  
Parents: Duane & Luann Schumacher  
Grade: 12th  
School: Bloomfield High School  
Favorite Subjects: Art & Trigonometry  
Favorite School Memory(s): All of the accomplishments I have had, and hanging out with my friends.



**Wayne Bruegman**  
Parents: Paula & Eric Bruegman  
Grade: 12th  
School: Bloomfield High School  
Favorite Subjects: Economics & Anatomy  
Favorite School Memory(s): First start on the varsity football team my sophomore year.



**Kylie Abbenhaus**  
Parents: Joe & Andrea Abbenhaus  
Grade: 11th  
School: Bloomfield High School  
Favorite Subjects: Math  
Favorite School Memory(s): Hanging out with friends and having fun.



**Brooke Hopkins**  
Parents: Shannon & Lois Hopkins  
Grade: 12th  
School: Bloomfield High School  
Favorite Subjects: Yearbook & Math  
Favorite School Memory(s): Random "adventures" around the school with my friends.

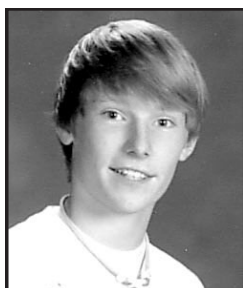


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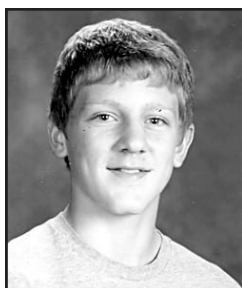
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**Collin Bertram**  
Parents: Jolynne & Randy Bertram  
Grade: 10th  
School: Vermillion High School  
Why nominated? Outstanding extra-curricular and academic achievement  
Favorite Subjects: Math & Science  
Favorite School Memory(s): My favorite memory happened during science class when my friend Joe was picked to answer the question my teacher had just asked. Joe had been daydreaming so he asked me what the answer was and I told him, "A." I knew the answer was photosynthesis, but anyway, Joe said the answer "A" in front of the whole class. Everyone laughed and the teacher said, "No Joe, the answer was photosynthesis, and it wasn't even a multiple choice question!"



**Jayce Huska**  
Parents: Jason & Sue Huska  
Grade: 9th  
School: Vermillion High School  
Why nominated? Outstanding extra-curricular and academic achievement  
Favorite Subjects: Science  
Favorite School Memory(s): During Homecoming week this year we had a volunteer day. For the entire day, we went around the city of Vermillion doing various jobs and projects. I enjoyed working with students throughout my school, and helping the community in the process. All-in-all, I thought the day was very successful, and helpful to my community, and I had fun with friends while doing it.



**Katie Wasley**  
Parents: Emery & Susie Wasley  
Grade: 11th  
School: Vermillion High School  
Why nominated? Outstanding extra-curricular and academic achievement  
Favorite Subjects: History & Science  
Favorite School Memory(s): Anything with friends. They've been with me in the good times and the bad times. Some of my favorite memories are from when we played "What's in your milk?" The things people said to get the person to talk or laugh were hilarious. My friends make it fun during school and sports.



**Cassie Waage**  
Parents: Brad & Patty Waage  
Grade: 10th  
School: Vermillion High School  
Why nominated? Outstanding extra-curricular and academic achievement  
Favorite Subjects: Science & Math  
Favorite School Memory(s): Helping out with school plays.



**Lexi Regnerus**  
Parents: Jay & Carissa Regnerus  
Grade: 11th  
School: Vermillion High School  
Why nominated? Outstanding extra-curricular and academic achievement  
Favorite Subjects: American Lit  
Favorite School Memory(s): T-Week

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