

Fire Danger Increasing In Western S. Dakota

RAPID CITY (AP) — Warm temperatures and low humidity are increasing the wildfire danger in drought-stricken western South Dakota.

Burn bans are either in place or being implemented in several counties, the *Rapid City Journal* reported. The National Weather Service is issuing fire weather reports nearly a week ahead of schedule.

"Temperatures are warming, and things are quite brown and dry, so that's why we're starting," meteorologist Gregg Richards said.

Temperatures pushed into the 60s in Rapid City and Spearfish on Wednesday and were forecast to climb into the 70s on Thursday. The best chance of measurable precipitation is at least 10 days away, Richards said Wednesday.

Rapid City Fire Department spokesman Brent Long urged residents to be careful while they enjoy the warm weather.

"We have to be vigilant with any ignition sources," he said. "We want to get our toys out and play, but there are so many ways we can create heat, friction or throw a spark."

The latest U.S. Drought Monitor map shows nearly all of western South Dakota in either extreme or exceptional drought, the two worst categories.

Norfolk Attorney Named Neb. District Judge

LINCOLN, Neb. (AP) — A Norfolk attorney and former prosecutor has been named a district judge overseeing cases in seven northeast Nebraska counties.

Gov. Dave Heineman appointed 57-year-old Mark Johnson as a judge in the 7th Judicial District.

Johnson is president and a partner at Johnson, Morland, Eastland & Lohrberg in Norfolk, a private law firm he started in 1989. He has previously worked in the Dodge County Attorney's Office, as well as in private firms in Norfolk and McCook.

He graduated from the University of Nebraska's law school. The district consists of Antelope, Cuming, Knox, Madison, Pierce Stanton and Wayne counties. Johnson replaces retired Judge Robert Ensz.

S.D. Man Dies When Vehicle Collides With Train

WAUBAY (AP) — A 38-year-old Waubay man died when his vehicle collided with a train in the northeastern South Dakota town.

The Highway Patrol says Jason Campbell's vehicle slid on the icy roadway Wednesday afternoon and into the path of the BNSF Railway train. He put the vehicle in reverse but was unable to back clear of the tracks in time.

Campbell was taken to a hospital in Webster and later transferred to one in Fargo, N.D., where he died.

The train engineer was not hurt.

South Dakota

ACLU Wants Execution Drug Documents

BY DIRK LAMMERS
Associated Press



Jackley

SIoux FALLS — The American Civil Liberties Union is asking a federal judge to force South Dakota's attorney general to hand over documents related to the drug the state used in an October execution.

Attorney General Marty Jackley is more than two months overdue in providing documents related to Donald Moeller's execution despite a judge's order requiring him to do so. Jackley has said in court filings that he's waiting for more guidance from the court on how to protect sensitive information.

The ACLU on Wednesday filed a motion asking U.S. District Court Judge Lawrence Piersol to enforce his order after Jackley did not meet Piersol's Jan. 7 deadline to provide documents, including depositions.

Jackley has said he's concerned about revealing the maker or supplier of the drug, and Piersol's order had said any such information could be blacked out.

But Jackley said that it's likely that references to protected information would be missed in more than 1,700 pages of briefs. And even if every instance of the manufacturer or supplier's name is redacted, the documents contain "potential clues that an astute investigator could use to identify the manufacturer supplier," Jackley wrote.

Robert Doody, executive director of the ACLU of South Dakota, said the public de-

serves to know whether the drugs are FDA-approved and whether they came from lawful or legitimate sources, not a questionable compounding pharmacy.

"The documents are sealed so close that all we can kind of do is speculate upon what might be in there or what might not be in there," Doody said Thursday. "We have a suspicion that if you're going to blanket seal documents, then you're trying to hide something."

Jackley, who could not immediately be reached for comment Thursday, argued in filings that the Arkansas Public Defender's Office, which had been representing Moeller, should provide searchable electronic files to the court.

But that office said it didn't have its files in that format and it's no longer part of the case. The public defender suggested that South Dakota officials use software to make their documents searchable.

Like many other death penalty states faced with dwindling supplies of sodium thiopental, South Dakota has turned to pentobarbital for its executions. The barbiturate is normally used to treat anxiety and convulsive disorders such as epilepsy.

South Dakota used the drug on Moeller, who was executed for the slaying of 9-year-old Becky O'Connell, and on Eric Robert, who was

put to death just weeks before Moeller for the 2011 killing of a prison guard.

Piersol had upheld the constitutionality of Moeller's conviction and sentence, but he never ruled on a challenge to South Dakota's execution protocol because Moeller had said he wanted no part of it and insisted he was ready to die. That legal challenge contended the use of pentobarbital in a one-drug method inflicts cruel and unusual punishment. South Dakota had previously used a three-drug protocol in its executions.

A July court filing by the state suggested it intended to obtain its pentobarbital through a compounding pharmacy. Such pharmacies custom-mix solutions, creams and other medications in doses or forms generally not commercially available. They've come under scrutiny after a deadly meningitis outbreak linked to contaminated injections made by a Massachusetts specialty pharmacy. The FDA considers compounding pharmacy products unapproved drugs and does not verify their safety or effectiveness.

Doody said the ACLU wants to make sure South Dakota didn't get its pentobarbital illegally, from either a veterinary supply store or another state. It also wants to know if the state actually ordered a precursor drug and made the final product itself.

Before Robert's execution, South Dakota hadn't put anyone to death since 2007. The state has no executions scheduled yet for this year.

Nebraska Auditor Says State Failed To Collect \$60,000 In Payments

BY GRANT SCHULTE
Associated Press

LINCOLN, Neb. — An agency that oversees Nebraska contracts failed to collect more than \$60,000 owed to the state by a Lincoln-based paper-recycling company, Auditor Mike Foley said Thursday.

Foley said Shredding Solutions Inc. should have paid a market-rate value for the paper, which it collects from state offices, shreds, and sells for other uses.

The company has since repaid \$27,000 to the Department of Administrative Services, which oversees recycling in states offices, but Foley said the firm still owes the state \$33,000. He said the agency received a flat rate of \$25 per ton, even though the company was at times obligated to pay \$55 to \$100 per ton of paper.

Foley said his office's review stretched from May 2010 to November 2012, but the company has held state contracts for the last 10 years.

"We think this problem goes back a lot longer," he said. "The dollar total involved could be much larger."

Department of Administrative Services director Carlos Castillo said the audit letter was based on Foley's interpretation of the contract, which his agency disputes. Castillo said the original wording in the written agreement was vague, and it has since been changed to make clear what the company has to pay.

"We believe the state was paid all the money owed," Castillo said. "We disagree with

his assertion that somehow, somebody was doing something wrong, and the state was short-changed. We do not believe that to be the case."

Castillo said Shredding Solutions Inc. has been the lowest bidder on state contracts and has worked with the state for years. The company collects paper from government buildings in Lincoln, including the Capitol, and from state offices in Kearney, Norfolk and other cities.

A man who answered the phone at Shredding Solutions said the company will return any money the state asks it to repay. He declined to comment further and hung up.

The state has contracted with Shredding Solutions since June 2003, and the agreement has been renewed and extended multiple times. About 400 tons of discarded paper are collected, shredded and sold each year.

The agreement requires the company to pay the state for the value of the paper it shreds every month. Specifically, Shredding Solutions is required to pay a monthly fee based on the per-pound rate set for the Chicago market. Foley said the Chicago market rate for paper ranged from \$55 to \$100 per ton. The state received a flat rate of \$25 during that period.

Foley said the department first received insufficient payments from the company, then "very late" insufficient payments, and then no payments whatsoever. He said the agency didn't act until his office raised the issue.

Man Says Omaha Company Fired Him Over Disability

BY MARGERY A. BECK
Associated Press

OMAHA, Neb. — A Nebraska man has sued his former employer, saying the company fired him because his medical bills were contributing to the company's rising cost of health insurance and he refused to fire another employee adding to those costs.

Theodore Bowser said in the federal lawsuit, initially filed in Lancaster County, that he was fired from WDD Inc., a lumber, millwork and window company in Omaha, in October 2011 after working there for five months. Bowser said he has a disability that requires expensive medical treatment, and that WDD was aware of that when he was hired.

Bowser also said he was asked by WDD to fire a subordinate who has a relative with a serious illness insured under the company's health plan. Bowser said he refused and that the company retaliated by terminating his position.

The company denied the allegations, arguing in a court brief that Bowser had not pursued other avenues for relief before bringing a

lawsuit. It also said WDD did not "engage in any intentional discrimination with malice or reckless indifference to the federally protected rights of" Bowser.

The company's attorney, Christopher Hoyme, did not immediately return a message left for him Thursday.

The lawsuit said Bowser was one of several people laid off due to the rising cost of health insurance. Following the layoff, he said, a nondisabled person was hired to replace him.

Bowser's attorney, Kathleen Neary of Lincoln, said Thursday that the company's actions violated state and federal law banning discrimination against those with disabilities.

"Employers cannot just hire Superman or Wonder Woman as their employees," Neary said.

Bowser's lawsuit seeks an unspecified amount for various damages, including lost wages and benefits, attorney's fees and punitive damages. Bowser also asked to be reinstated to his job or be compensated for the loss of future wages and benefits.

S.D. Officials Clarify Dogs-And-Lions Bill

RAPID CITY (AP) — A new South Dakota law that appears to authorize the use of dogs to hunt mountain lions does not actually change restrictions and is confusing hunters, state wildlife officials say.

The bill signed by Gov. Dennis Daugaard on Wednesday is titled, "An act to allow the use of dogs to hunt mountain lions and leashed dogs to track and retrieve wounded or presumed dead big game animals." That is misleading, Game, Fish & Parks Department Regional Supervisor Mike Kintigh told the *Rapid City Journal*.

"I've heard people say, 'OK, now we can go out anywhere and hunt

lions with dogs.' It doesn't do that at all," he said. "It actually started out to allow the use of leashed dogs to retrieve wounded big game, and then that lions stuff got confusing."

The state Game, Fish and Parks Commission already had the authority to allow the use of dogs for lion hunting — but dogs are still prohibited for that purpose outside of Custer State Park.

"The existing language in statute on that was reconfigured a bit, and unfortunately, that was misunderstood," said Emmett Keyser, an assistant Wildlife Division director for Game, Fish & Parks in Pierre.

OBITUARIES

Marvin Petzoldt

Mass of Christian Burial for Marvin Petzoldt, 91, of Scotland will be held at 10:30 a.m. on Wednesday, March 20 at St. George Catholic Church in Scotland with Fr. Mathew Vazhappilly as Celebrant. Burial will be held at 1 p.m. on Wednesday at the Garden of Memories in Yankton.

Visitation will be held on Tuesday, from 4-7 p.m. wake service, all at the church.

Marvin passed away on Wednesday, March 13, 2013 at the Good Samaritan Society of Scotland.

Arrangements are under the direction of Goglin Funeral Home of Scotland and online condolences may be sent at www.goglinfh.com.



Donald Chaussee

Donald L. Chaussee, 82, of Viborg, SD passed away Wednesday, March 13, 2013 at Pioneer Memorial Nursing Home in Viborg.

Funeral services will be 10:30 a.m. Saturday, March 16, 2013 at First Lutheran Church in Wakonda, SD, with Pastor Anna Peck officiating. Burial will follow in Union Cemetery at Wakonda.

Visitation will be from 5-8 p.m. Friday, March 15, 2013 at the Hansen Funeral Home in Irene.

Donald Chaussee was born May 1, 1930 in Westerville, SD to Raymond and Julia (Olsen) Chaussee. He graduated from Irene High School.

On March 9, 1951 he was united in marriage to Maxine (Dahlin) in Westerville, SD.

Grateful for having shared his life are three children: Linda (Jack) Earl of Mitchell, SD, Rick (Pam) Chaussee of Viborg, Sherry (Dan) Patzwald of Tea, SD, two sisters; LaVonne Anderson and Ruby Nissen, one brother Marlin (Neva) Chaussee, also survived by fourteen grandchildren and fourteen great-grandchildren.

He was preceded in death by his wife Maxine (Dahlin) Chaussee.

For obituary and online condolences visit hansenfuneralhome.com.

Service at 7 p.m. Visitation will continue on Saturday one hour prior to services.

Arrangements are under the direction of the Wintz Funeral Home, Hartington, Neb.

Earl Nelson

Earl Nelson, 76, of Viborg died March 13, 2013 surrounded by his family.

Earl G. Nelson was born October 14, 1936 in rural Viborg, SD and practiced medicine until his death. His pride and joy was in his children and grandchildren; Karen (Tom); Katelin, Lauren, Steven Albers of Apple Valley, MN. Carol (Gary); Emily, Garrett, Benjamin, Shon Miles of Hartford, SD. Craig (Jodi); Melanie, Alexa, Reid, Lance, Trent Nelson of Rosemount, MN. Brett (Andrea); Tory, Abigail, Nicholas Nelson of Clear Lake, MN. Amy (Chris); Evan & Easton Freed of Excelsior, MN. Special Friend Dori Viger & her family.

He is also survived by sisters Verna (Jack) Barker, and Janemarie Carlson and brother Terry (Charlotte) Nelson. Predeceased by parents Earl Sr. & Alma Nelson and Son-in-Law Shon Stallinga.

Visitation is Sunday, March 17 from 12-2 p.m. in the Viborg School Gym. Funeral Services will begin at 2 p.m. in the Gym. Luncheon from 2-4 p.m. at the Viborg Community Center.

For obituary and online registry please visit: www.heritagefsd.com.

Heritage Funeral Home, Sioux Falls, SD is in charge of arrangements.



Nelson

Melvin Arens

Mass of Christian Burial is at 10:30 a.m. Saturday, March 16, at St. Joseph's Catholic Church, Constance, Neb., with the Rev. David Fulton officiating. Burial will be at St. Joseph's Cemetery, Constance.

Visitation is 6-8 p.m. today (Friday) at the church, with a Vigil

Wagner

From Page 1A

ner housing project.

Laurie Cournoyer addressed the court during Thursday's sentencing.

"It hurts my heart to know that I failed them, not only as a mother, but as a protector," she said. "I have had time to see the mistakes I have made, and what it comes down to is the fact that I chose to put that needle in my vein. Now, for the rest of my life, I have to live with that choice."

Laurie Cournoyer received the first sentence under South Dakota's version of Caylee's Law, which went into effect July 1, 2012 — three days before RielLee's body was found. Authorities later indicated they didn't expect to prosecute a case so quickly under the new law.

Laurie Cournoyer and her husband, Taylor Cournoyer, were the first people charged under the South Dakota statute. The law says a parent, guardian or caretaker who knowingly fails to report a child's death within six hours could face a felony charge punishable by up to five years in prison.

In addition, Laurie Cournoyer was sentenced Thursday to 10 years — with eight years suspended — for possession of meth. The charge stemmed from her meth possession while jailed at the Charles Mix County law enforcement center in Lake Andes.

The additional two years are added to the 20 years on the other charges, for a total of 22 consecutive years in prison, according to Attorney General spokeswoman Sara Rabern.

Prosecutors said the Cournoyers used sleeping pills, meth and marijuana for a day and a half in July last year while they were supposed to be caring for several

children, including the one who died. The Cournoyers were not the parents of the girl whose death they failed to report.

Authorities found out about the death after another child in the couple's care invited two young neighbors to look at the dead toddler's body at the Cournoyers' home at Wagner.

A 911 call from the residence reported the child was not breathing.

Taylor Cournoyer pleaded guilty to possession of meth and keeping a place for use or sale of drugs as part of a plea agreement with prosecutors. He was sentenced to 13 years in prison last November.

An 11-year-old boy also has been charged in the case. Details of his alleged involvement have

not been released because he is a juvenile.

RielLee's death raised questions about the impact of meth and other drug use among area residents.

This case was investigated by the Division of Criminal Investigation and prosecuted by the attorney general's office with assistance by the Charles Mix County state's attorney.

Avon attorney Scott Swier represented Laurie Cournoyer as defense counsel.

The Associated Press contributed to this report.

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

Avon, SD Volunteer Fire Dept., has set up a special account for three year old **Ava Johnson**, daughter of Mark & Samantha Johnson, Avon. Little Ava has been diagnosed with brain cancer and any donations to help defer the mounting medical costs would be greatly appreciated.

Donations may be sent to:
Ava Johnson Fund • % Community Bank
P.O. Box 315 • Avon, SD 57315

Send an on-line sympathy card at www.wintzrayfuneralhome.com

WINTZ & RAY FUNERAL HOME and Cremation Service, Inc. 605-665-3644

WINTZ FUNERAL HOME INC. Hartington, Coleridge, Crofton 402-254-6547

YOU'RE INVITED!
Yankton Search & Rescue Fund Raiser

Saturday, March 16th 8 p.m. at **Round 3 Party Room**

Live music! Bayboy Brothers

Raffle
Grand prize: **43" Plasma TV**
Plus many more great raffle prizes!

\$5.00 Cover charge
For Info: Robert: 661-8274

Tickets: 1 - \$5 or 5 - \$20