

Committee Advances Death-Penalty Repeal Bill

LINCOLN, Neb. (AP) — Nebraska lawmakers will get a chance this year to debate a death-penalty repeal measure.

The Legislature's Judiciary Committee voted 7-0 on Tuesday to advance the bill for full debate. The bill was introduced by Sen. Ernie Chambers of Omaha, an outspoken opponent of capital punishment.

Nebraska has 11 inmates on death row, but the punishment has faced numerous legal challenges in recent years.

The last prisoner executed in Nebraska was Robert E. Williams, who died in the electric chair in 1997 after confessing to three murders. Nebraska has executed three inmates out of 1,600 homicide cases in the last four decades.

Chambers has chosen the measure as his priority bill, which increases the odds that will get debated.

Lake Area Tech Receives 2-Year College Honor

WATERTOWN (AP) — Lake Area Technical Institute has received a trophy and a \$100,000 prize after being named one of the top four, two-year colleges in the nation.

KWAT radio reports that the Aspen Institute named the school one of its two "finalists with distinction" on Tuesday.

Selection committee co-chair John Engler says one of LATI's achievements is a graduation rate of 76 percent, which is more than triple the national average. The school also graduates students who are paid 40 percent more than others in their first year of employment.

Lake Area Tech President Deb Shephard says the school's success comes from the school board, students, faculty, staff and business partners.

Shephard says LATI made Aspen's Top 10 list last September and has been waiting for Tuesday's announcement.

Mitchell Moves Toward Texting & Driving Ban

MITCHELL (AP) — The Mitchell City Council is drafting an ordinance to ban texting while driving in city limits.

The *Daily Republic* reports that a draft ordinance will be presented at the April 1 council meeting. At least half of the eight council members support a ban, and Mayor Ken Tracy — who would cast a tie-breaking vote — has repeatedly said he favors a ban.

Four South Dakota cities have instituted similar bans, including Sioux Falls. A bill that called for a statewide ban failed during this year's Legislature.

Iowan Gets Prison For Bank Robbery In Neb.

DAKOTA CITY, Neb. (AP) — An Iowa man has been given 10-14 years in a Nebraska prison for bank robbery.

Twenty-nine-year-old Robert Thomas, of Marshalltown, Iowa, pleaded no contest in January to attempted robbery. Prosecutors had reduced the charge in exchange for Thomas' plea. He was sentenced on Monday in Dakota County District Court.

Thomas also must pay \$6,150 in restitution to Bank of the West. Police say Thomas robbed a Bank of the West branch in South Sioux City on July 23.

Authorities say Thomas told investigators that he robbed the bank so he could pay bills for his family.

Northern State To Vote On Smoking ban

ABERDEEN (AP) — Students at Northern State University are voting this week on whether to ban smoking from campus.

Student representative Kody Kyriss tells the *Aberdeen American News* that voting begins Wednesday morning and ends Friday at 5 p.m. If students pass the referendum, it would then be referred to the faculty and staff for a vote.

The smoking referendum calls for signs to be placed around Northern declaring the campus smoke free, and disposal bins for cigarettes would be taken away.

Kyriss says the results of the vote are expected to be tallied quickly.

Northern State and South Dakota State University are the only public universities in the state without a completely smoke-free policy. The most recent state university campus to become smoke-free is the University of South Dakota.

Historic Train Depot Back In Fort Pierre

FORT PIERRE (AP) — A historic train depot is back home in Fort Pierre.

KCCR and KGFX report that the train depot returned to the town after being used as a storage building on a Mud Butte area ranch since the 1960s.

The depot was built in 1906 and used by the Chicago and North-Western Railroad system. It was moved to the ranch after Shirley Miller had purchased it. Miller recently gave permission to send the depot back to Fort Pierre to be used as a tourist and historic attraction.

A foundation has been built for the structure along Highway 83.

Firm Says 2 Ex-Employees Stole Trade Secrets

BEATRICE, Neb. (AP) — A southeast Nebraska manufacturer is suing two of its former employees because it believes they stole trade secrets about its high-tech retail displays.

KWBE reports that Beatrice-based Store Kraft Manufacturing is suing former CEO Jac Crawford and former technology manager Michael Sterling.

Store Kraft is also suing Q5, the Plano, Texas-based firm Crawford and Sterling work for now.

The lawsuit says the technology Q5 offers customers is similar to what Store Kraft's 5-Stat unit developed. And Store Kraft says the name of Q5 is too similar to 5-Stat's name.

Q5 was just incorporated in January.

The lawsuit was filed late last week, so Crawford, Sterling and Q5 have yet to respond to the allegations.

OBITUARIES

Ferd Spenner

Ferd Spenner, 93, of Hartington, Neb., died on Saturday, March 16, 2013, at the Avera Sister James Care Center, Yankton.

Mass of Christian Burial is at 10:30 a.m. Friday, March 22, at the Holy Trinity Catholic Church, Hartington, with Father Jeffery Loseke officiating. Burial will be in St. Michael's Cemetery in Hartington with military honors provided by the Hartington VFW Post 5283.

Visitation is 6-8 p.m. Thursday, with a vigil service at 7 p.m., at the Wintz Funeral Home, Hartington. Visitation will begin one hour prior to services on Friday at the church.

To send online condolences, visit [www.wintzrayfuneralhome.com](http://www.wintzrayfuneralhome.com)

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South Dakota

Man Seeks New Trial In Kidnapping, Rape Case

BY CHET BROKAW  
Associated Press

PIERRE — An attorney for a South Dakota man convicted of rape and kidnapping asked the state Supreme Court on Tuesday to grant his client a new trial because he was not allowed to question one of the experts who analyzed DNA evidence used against him.

Gabriel D. Medicine Eagle Jr., now 35, was convicted in 2011 and sentenced to life in prison after advances in DNA testing prompted the state to charge him with assaulting a 15-year-old girl in 2000 near Winner.

Medicine Eagle's lawyer, Paul Jensen of Winner, said his client was denied his constitutional right to confront a witness against him because one of the experts who analyzed and wrote a report about DNA evidence did not testify in the trial.

"If there are scientific findings being made, scientific conclusions being made by somebody in the laboratory that implicate the defendant, I think that's an accuser," Jensen told the Supreme Court.

But Assistant Attorney General Kirsten Jasper told the justices that Medicine Eagle's defense did question the expert who conducted the final DNA analysis. Some of those who did not testify at the trial merely prepared the DNA evidence for testing, she said.

"The state asserts Medicine Eagle had full exercise of his confrontation rights in this case," Jasper said.

The high court will issue a written decision in the case later.

Jensen also told the Supreme Court that Medicine Eagle should get a new trial because prosecutors improperly used evidence that he had allegedly assaulted another girl in a similar manner.

If the high court finds that Medicine Eagle was properly convicted, the justices should require that he be resentenced without considering allegations that he is a habitual offender, allegations used to enhance the sentence, Jensen said.

Jasper said evidence of the second assault was properly admitted in the trial to show Medicine Eagle had a common plan or scheme. She said the trial judge also properly considered a prior conviction in enhancing Medicine Eagle's sentence.

Medicine Eagle was first charged in 2001 with assaulting the 15-year-old girl in September of 2000, but those charges were dismissed after testing failed to implicate him and instead indicated the presence of DNA from another male.

After the girl acknowledged she had sex with her boyfriend on the day of the alleged rape, the case was reopened in 2008 and additional DNA

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After the girl acknowledged she had sex with her boyfriend on the day of the alleged rape, the case was reopened in 2008 and additional DNA

testing was done with a new method to determine if Medicine Eagle's DNA was also present. A jury later convicted Medicine Eagle of rape, kidnapping and sexual contact with a child younger than 16.

In Tuesday's hearing, Jensen told the Supreme Court that Medicine Eagle's convictions should be thrown out because an expert who analyzed DNA evidence in 2008 did not appear in the trial.

Jasper said Medicine Eagle's rights were preserved because he questioned the expert who analyzed the DNA evidence in 2011 and presented that final analysis to the jury.

Jensen also said Medicine Eagle was harmed when the trial judge allowed testimony that Medicine Eagle later assaulted another girl in a similar manner by offering to give her a ride and then taking her to a remote place outside of town.

The Supreme Court should forbid such evidence unless a judge or jury finds that a common scheme or plan existed at the time of the offense at issue in a trial, Jensen said. Otherwise, evidence of an alleged similar assault becomes an impermissible character attack, he said.

Jasper said that evidence was properly admitted in the trial. She said the jury was correctly told it could only consider the alleged second crime as evidence of a common plan or scheme, not as evidence that Medicine Eagle was guilty of the offenses at issue in the trial.

Wallace

From Page 1

During a family visit to Cascade Park near Orem, UT, "Madison loved to climb tall trees quite often and watch her family try to find her," Knaphus said, causing laughter to roll through the church.

"She would often call her brother, Corbyn, over and tell him she had a secret to share," Knaphus said, reading text prepared by Madison's mother, Lara. "She would whisper in his ear, 'I love you.'"

"Madison wanted to make it clear that she loved us," her grandmother said, "by telling us often and by showing us whenever she could."

She underwent therapy as a youngster to help improve her communication skills and cognitive ability.

"She wanted so much to do well in school," Knaphus said. "Her teachers always commented on her work ethic. Madison just gave her all to everything she does. She loved her teachers in Vermillion."

Her school activities included playing the French horn in the high school band.

"She loved being in the (Vermillion High School) marching band. She loved everything about it," Knaphus said.

She also auditioned this year for the South Dakota Youth Philharmonic Orchestra.

"She desired to reach out to people and share the things that were exciting to her," Knaphus said.

Madison's life sketch includes a quote from Jenkin Lloyd Jones to give listeners a greater perspective her life and the outlook the Wallace family has adopted as they cope during this time of sadness and loss:

"Anyone who imagines that bliss is normal is going to waste a lot of time running around shouting that he has been robbed. The fact is that most putts don't drop, most beef is tough, most children grow up to be just like people, most successful marriages require a high degree of mutual toleration, and most jobs are more often dull than otherwise. Life is just like an old time rail journey ... delays, sidetracks, smoke, dust, cinders, and jolts, interspersed only occasionally by beautiful vistas and thrilling bursts of speed. The trick is to thank the Lord for letting you have the ride."

Lidia Dotson, Madison's seminary teacher, also spoke at Tuesday's service. She began taking the religious classes last year, early in the morning, along with several other students, many of who were loud and outgoing.

"Last year, I never heard her speak," Dotson said. This year, in a much smaller class, "she found her

voice."

Dotson said Madison always showed up at least 15 minutes early for class. "This is the time I really got to know Madison," she said.

This year, Dotson course of study is the New Testament, and she chose to teach the four gospels independently, meaning Madison and her classmates heard the stories of Christ's life, suffering and resurrection repeatedly.

"She was a keen student this year," the teacher said. "She was always anxious to put into action what she had learned."

During one of those quiet moments early in the morning, Dotson said Madison told her about an important lesson she had just learned from her grandmother.

"She shared with me that her grandmother had told her the most important thing she could do is attend seminary and pay attention," Dotson said. "And she had changed after that. She was so sincere in her pursuit."

"She would ask questions, and I found myself reaching deeply that I might find a way to let her know the things that were important," she said. "Teaching Madison was a humbling experience. I could not be unaware of the way her heavenly father and my heavenly father wanted me to teach. She knew that she was a child of God ... and that when she came to life on this earth, it was with a purpose."

Madison, Dotson said, was fully

aware that people are perfect, and of the need for repentance.

"She absolutely trusted her Father in Heaven," she said. "Madison knew that she could be confident in all that she attempted to do."

At times, Dotson's voice strained with emotion as she recalled her young student.

"I have no sense of sorrow for Madison," she said. "She was good with God. She was where she needed to be."

Matt Fairholm, the president of the congregation, thanked the young people in attendance, many of whom were classmates at Vermillion High School. "While we mourn her physical absence, we celebrate her new life with the Heavenly Father ... Madison's sweetness and goodness brings us together tonight because we love her and respect her."

Fairholm admitted that he "didn't know all of the answers," when tragedy strikes, or when contemplating what made Madison so willing to love and sacrifice.

"My part of that answer is that Madison knows that God lives," he said. "She always knew that, through her faith and her relationship with Christ ... That her life was cut short is difficult for us to grasp, but we know that her mission beyond the veil continues. She knew that she was a daughter of God."

City

From Page 1

OK a new treatment plant, I'd say no just because I don't have enough information — none of us do," Ferdig added.

Water is a vital resource needed by any community to thrive and grow, noted Schumacher.

"You always want to be able to say we can trim costs here or there," he said. "It's something we need to look at, but it's not something you want to necessarily do on the cheap. If we're going to do it, we want to do it right. It is something we have to do."

The water treatment upgrade issue reminded Bixler of the debate over an aquatic center while he was on the Parks and Recreation Advisory Board years ago.

"A lot of people didn't like it because they didn't want their taxes going up," Bixler stated. "When I look at this water treatment plant, what you have to do is say, 'What are our needs now?' and fix them. And then see if we need to do anything more a little later. We can't just come up with \$28 million right away."

The city has just submitted an application for approximately \$28.7 million from the Drinking Water State Revolving Fund Loan Program at a rate of 3 percent for 20 years.

Gleich said there is no choice but to move forward with the project.

"It's something we need," he stated. "You can't just buy 100,000 water bottles for everybody."

To avoid a water shortage, Blaalid said the commission needs to look at long-term needs.

"What we need to think about is, do we want to invest in the short term and only maybe take out \$5 million, or do we want to invest in our future?" she asked. "I think we really owe it to the community to look at the data and reports that HDR has produced ... It's also really important if we want to see Yankton grow as a community that we make this investment now and not down the road."

Gross pointed out that the two water treatment plants were built in 1929 and 1972, respectively.

"It really is time for us to move forward," he said. "We can't Band-Aid fix the old water plant anymore."

Similarly, Woerner said action is needed soon.

"The (old) plant has been held together through the efforts of city staff, and it's time for a new one — period," he stated. "How do we keep the costs down? We do it sooner rather than later. As time moves on, everything increases in cost. We also educate and inform the public on the problems excessive water demands can cause on the system."

When asked if a second opinion other than HDR is needed on the water challenges, the candidates were skeptical. No one said it was necessary.

"Having a second opinion never

hurts, but you have to think about the costs of it," Blaalid said.

Ferdig pointed out that HDR's assistance has cost \$160,000.

"In a sense, HDR is a second opinion," Gross added. "Our staff has been telling us for years about these issues."

On the subject of whether a new library is needed, the consensus was that the community will have to decide if it is something it wants to pursue down the road. The immediate concern is the water system.

Also, all candidates said they are happy with the current volunteer fire department and a full-time department is not needed.

You can follow Nathan Johnson on Twitter at [Twitter.com/AnInlandVoyage](https://twitter.com/AnInlandVoyage)



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