

### Judge Finds Lawsuit Malicious, Frivolous

PIERRE (AP) — A South Dakota judge has found that a lawsuit challenging the candidacy of a state lawmaker was frivolous and was filed for malicious purposes.

Rapid City businesswoman Stephanie Strong earlier lost a lawsuit that sought a court order removing Rep. Brian Gosch of Rapid City from the November ballot.

In a hearing Friday, Circuit Judge Kathleen Trandahl said the timing of Strong's actions indicated she filed the lawsuit in an attempt to prevent Gosch from being elected, not to protect voters' rights. Gosch is speaker of the South Dakota House of Representatives.

The judge says she will consider Gosch's request to have Strong pay for his cost of defending against the lawsuit.

Strong did not appear at Friday's hearing. She did not immediately return a phone call seeking comment.

### Storm Could Dump 8 Inches Of Snow To Midwest

KANSAS CITY, Mo. (AP) — The Midwest is gearing up for its third major storm in a month, with up to a foot of snow expected barely a week after some cities saw record highs.

The storm system also could generate thunderstorms and tornadoes in parts of the South this weekend.

The National Weather Service says up to a foot of snow could start falling on northwest Kansas on Friday night, while Kansas City, Mo., Indianapolis and Omaha, Neb., could get up to 8 inches. Snow is expected to start in those cities late Saturday afternoon and continue through midday Sunday.

The system is expected to carry snow into the Northeast early next week.

In the South, forecasters say the system could spark tornadoes in Louisiana and Mississippi on Saturday.

### Plea Deal May Be In Works In Child Porn Case

RAPID CITY (AP) — A Rapid City man facing more than eighty years in prison for allegedly creating images and videos of child pornography is in talk with the state for a plea deal.

KOTA-TV reports that 32-year-old Jason Wolf is charged with eight counts of manufacturing child pornography with children as young as 11 years old. Wolf is also charged with two counts of disseminating videos and images with the intent to harass, sell or embarrass teenagers as young as 14 years old.

On Friday, defense attorney Arnie Laubach told a 7th Circuit Court judge that plea negotiations with the state have been on going.

Another status hearing is set for April 19.

### Firefighter's Wife Accused Of Welfare Fraud

LINCOLN, Neb. (AP) — A Lincoln firefighter's wife has been charged with felony welfare fraud.

Online court records list a Fremont address for 32-year-old April Houchin. But an affidavit from a Nebraska Health and Human Services Department official says the couple bought a house in Lincoln in February 2008, sold it in April 2012 and bought a Fremont home in December 2009.

The records say the couple married in September 2010 but had lived together longer.

The affidavit says Houchin fraudulently obtained nearly \$15,000 in benefits over varying time periods by lying about her relationship with her husband and failing to list the homes and car she owned with him.

A public phone listing for Houchin couldn't be found. Her attorney didn't immediately return a call Friday from The Associated Press.

### Neb. Campaign Staffer Quits Over Vulgar Slur

LINCOLN, Neb. (AP) — A campaign staffer for Republican gubernatorial candidate Charlie Janssen has resigned in a flap over his use of a vulgar slur to refer to state Sen. Danielle Conrad.

The Lincoln Journal Star reports that Janssen announced the resignation of Jeremy Jensen on Friday.

Jensen had recently been hired as field director for Janssen's campaign for governor. Before he was hired, Jensen used a vulgar slur in reference to Conrad in a private posting on his Facebook page.

Janssen initially told news organizations this week that he disapproved of Jensen's comment, but did not plan to fire him. On Friday, Janssen said Jensen's conduct "is clearly not reflective of my campaign or my values, and his resignation is appropriate."

Jensen could not be reached Friday for comment.

### New Member Appointed To Board Of Regents

PIERRE (AP) — A vice president of Avera Health is the newest member of South Dakota's Board of Regents.

Gov. Dennis Daugaard has appointed Bob Sutton, of Pierre, to the board that governs public higher education in the state. Sutton begins serving April 5. He will succeed James Hansen, of Pierre, who is retiring from the board after 18 years.

Sutton has a bachelor's degree in political science and a master's in public administration, both from the University of South Dakota. He is Avera's vice president for community relations. He also has held leadership positions with the South Dakota Community Foundation, the South Dakota Association of County Officials and the South Dakota Bankers Association.

### High Court Upholds Murder Conviction, Sentence

LINCOLN, Neb. (AP) — The Nebraska Supreme Court has upheld the convictions and life sentence of an Omaha man for his role in the stabbing death of a pizza delivery man.

Dontavis McClain was convicted last year of first-degree murder and other counts in the 2010 death of Christopher Taylor.

Prosecutors said McClain and three others lured Taylor to a vacant apartment and killed him.

Bryton Gibbs, believed to be the man who stabbed Taylor, was sentenced to 100 years, and two others were sentenced to less than 15 years in exchange for their testimony against McClain.

In his appeal, McClain argued that some evidence should not have been allowed and that the judge gave a faulty jury instruction.

On Friday, the state's high court ruled that none of McClain's arguments had merit.

# Board OKs Inspection Fee Increase

BY CHET BROKAW  
Associated Press

PIERRE — A state board on Friday approved a 10-cents-a-head increase in the fee for livestock inspections designed to prevent the theft of cattle, horses and mules in western South Dakota.

The Brand Board voted 4-1 to raise the inspection fee from 90 cents a head to \$1, a move board members said will keep the brand inspection program in the black for a few more years. If a legislative review committee endorses the plan, the higher fee is expected to take effect July 1.

Larry Stearns, the board's executive director, said the fee increase is needed to cover the rising costs of the inspections required when cattle, horses or mules are sold, slaughtered or moved out of the inspection area west of the Missouri River. Farmers and ranchers have been reducing their herds because of the lingering drought, which means there will be fewer cattle sold and inspected in the future, he said.

The program has been inspecting the brands of about 1.5 million head of livestock a year, but that could drop to 1.2 million head

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LARRY STEARNS

this year, Stearns said. Most of the inspections are at local sale barns, but some are conducted at ranches for private sales or when livestock is shipped elsewhere.

"Even with precipitation, it's going to take at least a year or maybe two before this country is able to carry the amount of livestock that it had before this drought situation," Stearns said.

The board a year ago increased the fee from 80 cents to 90 cents with the expectation an extra fee could be charged to those who have small numbers of cattle inspected at their farms or ranches. After the Legislature rejected that extra fee, the board decided to seek the overall fee increase for all inspections.

The South Dakota Cattlemen's Association supported the fee increase, but the South

Dakota Stockgrowers Association opposed it. Sylvia Christen, director of the Stockgrowers Association, urged the board to delay any increase for a year or at least raise it by only 5 cents this year, which she said should keep the program solvent for at least two years.

Farmers and ranchers don't want to pay a higher fee just so the board can hold money for the future, Christen said.

"Since the producers are paying for this, we'd ask you to go a little slow on this," she said.

Stearns said the board needs to raise the fee for the long term in case livestock sales drop quickly, cutting the number of inspections and fees collected.

"If it goes really bad really fast, I don't know if the board would be able to make an increase in that time to keep it viable," Stearns said.

Board member Curt Mortenson of Fort Pierre said the increase to \$1 a head will delay the need for a further fee increase for a number of years. The board could have trouble raising the fee above \$1 because the Legislature's approval would be needed to do so, he said.

# ACLU: Public Defender Office Understaffed

BY MARGERY A. BECK  
Associated Press

OMAHA, Neb. — The public defender's office in central Nebraska's Dawson County is understaffed to the point of violating state and federal law, a Nebraska civil rights organization said in a letter to the county.

Dawson County last year had only a part-time public defender with a part-time deputy to handle more than 250 cases — most of them felony cases, the Nebraska chapter of the American Civil Liberties Union said in a news release issued Thursday.

The organization cited Gideon v. Wainwright, the landmark Supreme Court decision handed down 50 years ago this week that guarantees a lawyer for criminal

defendants who are too poor to afford one.

"This case isn't just about a speech you hear on television police dramas," said ACLU Nebraska Executive Director Becki Brenner. "Keeping Gideon's promise by adequately funding public defenders preserves justice today and saves taxpayer dollars tomorrow."

The ACLU's letter sent Thursday to the Dawson County Board of Commissioners said it believes the county has not been in compliance with state or federal requirements to adequately staff its public defender's office.

The standard set by National Advisory Commission on Criminal Justice is no more than 150 felonies per full-time public defender a year, the letter notes. Ne-

braska law states that "caseloads shall allow each lawyer to give every client the time and effort necessary to provide effective representation."

Dawson County Commissioner Butch Hagan said Thursday that he had not seen the letter, but said the board intends to vote soon on staffing the county's public defender's office. The current part-time public defender, Derek Mitchell, and his deputy recently put in their notices of resignation.

Neither Mitchell nor Dawson County Clerk Karla Zlatkovsky immediately returned messages left Thursday and Friday by The Associated Press seeking comment.

Hagan said the board is considering hiring a full-time defender, but may be prohibited by a limited budget.

"We're just trying to figure out

what we're going to do for costs," he said. "We're limited on what we can levy (for taxes)."

But if the board fails to significantly increase staffing for the office, the ACLU said, it will consider suing the county.

"Counties like Dawson are expecting the impossible," Amy Miller, legal director of ACLU Nebraska, said. "Even a dedicated public defender, when given a client list of over 250, will struggle to give each client more than a few minutes of her time."

The organization is conducting an analysis of all the state's public defender programs, Miller said. The group singled out Dawson County, she said, because it has the soonest opportunity to increase staffing in its public defender's office when it votes to fill Mitchell's position.

# Abortion

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heartbeat can be detected, which can happen as early as six weeks into a pregnancy. Another would make North Dakota the only state to prohibit women from having the procedure because a fetus has a genetic defect, such as Down syndrome.

Though similar proposals in other states have faced fierce opposition, almost all of the anti-abortion measures in North Dakota this year have passed with little debate and with overwhelming support. One Democrat, Sen. Connie Triplett, walked out of the Senate in a silent protest during debate last week on the genetic abnormalities bill, knowing her vote wouldn't keep the measure from passing.

The only significant measure to fail so far was a second personhood bill debated Friday that would have automatically defined in state law that life begins at conception. Lawmakers worried the wording would jeopardize couples' efforts to get pregnant using in vitro fertilization.

So why is this happening in North Dakota, and why now?

The answer lies in part with the disintegration of an anti-abortion caucus that used to take the lead on introducing bills aimed at the procedure. Longtime Sen. Tim Mathern, a Democrat from Fargo who once led the caucus, said the group favored a more gradual approach to ending abortion in the state, focusing on measures it

thought would withstand legal challenges. Without the caucus, some of the Legislature's most ardent abortion opponents are taking up the cause, introducing bills crafted by out-of-state organizations or from examples found on the Internet.

Mathern, a Roman Catholic, fears the approach could backfire in the courts and with the state's residents.

"In the long term, no question, it hurts," he said.

The caucus that once helped organize and streamline anti-abortion proposals didn't formally go away. Mathern said it just "petered out little by little" in recent years, amid disagreements over what approach to take with legislation.

The group often whittled proposals down to just a few, if any, bills each session that had the backing of lawmakers and national anti-abortion groups.

"The problem was we could never get all the groups on the same page," Bismarck Republican Sen. Margaret Sitte said.

Sitte introduced some of this year's anti-abortion measures, including the "personhood" resolu-

tion. She said the idea came from her heart — with inspiration from former President Ronald Reagan and legal language lifted from an online encyclopedia.

"There was no grandiose plan," Sitte said, adding that the template for the personhood resolution came from a quick web search. "It came from Wikipedia."

Sitte and other abortion foes acknowledge they want to shut down North Dakota's only abortion clinic, which is in Fargo, the state's largest city. They also hope to challenge the U.S. Supreme Court's 1973 Roe v. Wade ruling that legalized abortion up until a fetus is considered viable, usually around 22 to 24 weeks into a pregnancy.

Jordan Goldberg, state advocacy counsel for the New York-based Center for Reproductive Rights, said the measures are backed by large anti-abortion organizations or smaller "fringe" groups.

"None of the bills originated in North Dakota. All the bills came from out of state, every single one of them," Goldberg said.

Critics of North Dakota's proposals say the state of about

700,000 residents is setting itself up for a costly legal battle that would be tough to win.


North Dakota is uniquely positioned to undertake an expensive legal fight. Fueled by the unprecedented oil bonanza in the western part of the state, North Dakota boasts a nearly \$2 billion state budget surplus and has the lowest unemployment rate in the nation.

Still, the record production that has thrust the state to the nation's No. 2 oil producer behind Texas also has brought challenges, including more crime brought on by an exploding population and torn-up roads from increased traffic. Hundreds of millions of dollars in new housing construction and infrastructure improvements haven't kept pace.

Rep. Kathy Hawken, a Republican from Fargo who supports legal abortion, said she believes most of the state's residents would prefer to see lawmakers focus on other issues, such as taxes and education.




"This is not coming from here, from the people of our state. It's coming from out of state," she said of the anti-abortion legislation.

*Celebrating the Ordination  
of Donald Barbalace*



**Saturday, March 23rd  
3:00pm**  
Reception to Follow  
Please join us as we  
welcome Don to Yankton.

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206 E. 31st. Street, Yankton, SD 57078 • 665-0448  
email: ppcoffice@iw.net

**Introducing  
Dr. Adams**  
Orthopedic Surgeon.

Yankton Medical Clinic, P.C. is pleased to announce the association of Brent Adams, MD. Board Certified Orthopedic Surgeon

Dr. Adams is originally from Yankton, completed his undergraduate degree at South Dakota State University, and is a graduate of The University of South Dakota School of Medicine.

Dr. Adams completed his orthopedic surgery residency at the University of Kansas-Wichita and a fellowship in spine surgery at the Twin Cities Spine Center in Minneapolis, MN. He is board certified in orthopedic surgery and has also been a faculty member for the University of Kansas-Wichita orthopedic surgery residency program.

He will provide care for a multitude of musculoskeletal conditions with a subspecialty focus in spine surgery. Conditions that he will treat include cervical and lumbar spinal stenosis, scoliosis, disk herniations, sciatica, traumatic rotator cuff repair, total joint replacement of the hip, knee and shoulder, fracture care, carpal tunnel surgery and athletic injuries.

He is a member of the American Academy of Orthopedic Surgeons, North American Spine Society, and Scoliosis Research Society.

Dr. Adams began seeing patients at the Yankton Medical Clinic, P.C. March 11, 2013.

**Appointments can be made by calling 605-665-1722.**

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