

Inmate Pleads Not Guilty To Attacking Guard

MITCHELL (AP) — An inmate accused of attacking a guard at the Davison County Jail in Mitchell has pleaded not guilty.

Twenty-three-year-old Jeremiah Hart, of Huron, allegedly attacked jailer James Dietz on Jan. 1. The *Daily Republic* newspaper reports that Dietz suffered facial injuries and had to be hospitalized.

Hart was indicted in January for aggravated assault against a law officer. He is to stand trial in May.

Hart initially was jailed last September on charges of robbery, reckless burning and intentional damage to property. He allegedly assaulted a woman and stole her purse, and allegedly was involved in another incident in which a car was set on fire. He also has pleaded not guilty to those charges.

Neb. Assistant State Fire Marshal Gets Top Job

LINCOLN, Neb. (AP) — The assistant state fire marshal has been promoted into the top job.

On Wednesday the office of Gov. Dave Heineman said Jim Heine would become fire marshal. Heine has been acting state fire marshal since January. He took over for John Falgione, who retired on Dec. 28.

The 59-year-old Heine, of Lincoln, was assistant fire marshal for six years and a deputy state fire marshal for 17 years before that. The governor's office says Heine has been a volunteer firefighter for more than 30 years.

Neb. Hells Angel Member Makes Freedom Bid

OMAHA, Neb. (AP) — A Hell's Angel member serving a life sentence for the 1975 murder of a 19-year-old woman has filed in federal court for habeas corpus, or relief from illegal detention.

Thomas "Red" Nesbitt was convicted in 1986 of first-degree murder in the death of Mary Kay Harmer, who disappeared in 1975. Her skeletal remains were found nine years later in a manhole near Omaha's E-pley Airfield.

This week, U.S. District Judge Laurie Smith Camp allowed Nesbitt to proceed without paying the \$5 filing fee.

In his latest effort, Nesbitt resurrects claims that his trial attorney was ineffective. He also says evidence that would have benefited him was destroyed and suppressed, violating his constitutional rights.

Nesbitt's previous state appeals, as well as one in federal court, were all thrown out.

Child's Death Believed To Be Accidental

RAPID CITY (AP) — Authorities say preliminary autopsy results indicate that an 8-year-old girl who died at a Rapid City hotel accidentally drowned.

The Rapid City Police Department and Pennington County Sheriff's Office are continuing to investigate the Saturday death of Jasann Dubray, of Parmalee. Her body was pulled from the hotel pool.

Suit Blames Neb. Prison Doctor For Inmate's Death

LINCOLN, Neb. (AP) — A lawsuit that alleges a prison doctor missed signs that could have saved a Nebraska inmate's life has been turned over to a judge for his decision.

The lawsuit said prisoner Darryl Reed had complained of chest pains and other problems on the morning of Nov. 2, 2010. The lawsuit says Reed died that day of a pulmonary embolism — a blockage of a main artery to the lungs. An autopsy showed there were several blood clots in both of his lungs.

In final arguments on Tuesday in a Lincoln courtroom, plaintiff's attorney Leonard Shefren said Dr. John Casebolt didn't care enough about Reed to check his lungs.

Casebolt testified that he saw Reed at the Diagnostic and Evaluation Center infirmary and that he "seemed totally at ease and under no stress whatsoever," according to the *Lincoln Journal Star*.

The lawsuit against the state of Nebraska

was filed in November 2011 by Reed's son, Dominique Reed, who was acting for his father's estate and for his sister, Brianna Reed, who also lives in Los Angeles.

The lawsuit and a doctor who testified for the plaintiffs said state authorities, including Casebolt, should have known that Reed had a history of heart problems.

The doctor, James Elston, said Reed showed signs that he couldn't breathe when he was taken from a work-release center in Lincoln to the infirmary.

Reed would have been in pain, Elston said. "It's like drowning," Elston said.

But Casebolt testified that Reed was taken to the infirmary because guards suspected that his problems stemmed from his using drugs while at his work-release job. Casebolt said he ordered a urine test and 24 hours of observation.

He had no reason to check Reed further or

order more tests, Casebolt said as he testified about Reed's demeanor.

The Reeds' attorney Shefren said it shouldn't matter that Reed was a prisoner.

"We have to evaluate (the case) as if it was any one of us," Shefren told Judge John Colborn on Tuesday.

Reed was imprisoned on a cocaine conviction in Douglas County.

Shefren asked the judge to make the state pay \$130,000 for Reed's pain and suffering and award \$96,440 each for the loss suffered by his two children.

But defense attorney Ryan Gilbride said there was no evidence Casebolt caused Reed's death and "we don't know doing anything else would have saved his life."

Colborn took the case under advisement and didn't indicate when his decision might be announced.

Neb. Legislature

STD Partner Bill Advances In Senate

LINCOLN, Neb. (AP) — Sexual partners of patients who are diagnosed with chlamydia or gonorrhea could receive prescription antibiotics without a medical exam, under a bill that gained first-round approval Wednesday from Nebraska lawmakers.

The 32-3 vote followed hours of debate.

Sen. Sara Howard of Omaha said she introduced the bill in response to high rates of sexually transmitted diseases in Omaha. More than 3,300 cases of chlamydia and more than 860 cases of gonorrhea were reported in Douglas County last year.

Howard said the legislation would allow treatment for people who are unable or unwilling to visit the doctor, and decrease the odds that infections would spread. Doctors, physician assistants, nurse practitioners and nurse midwives would be able to prescribe antibiotics for the diseases if the bill becomes law.

Opponents argued that the medications could have risky side effects, and questioned who would be responsible for follow-up care. Sen. Mark Christensen, of Imperial, said he thinks the legislation would encourage promiscuity by allowing partners to have sex and get treatment without seeing a doctor.

Partner treatment is allowed in 32 states. Nebraska is one of 11 states that does not expressly allow or forbid the practice, but Howard said some health care providers have hesitated to prescribe medications. The practice is recommended by the U.S. Centers for Disease Control.

A similar measure was introduced last year, but fell four votes short of the 25 needed to advance through first-round legislative debate.

The bill is LB528

S.D. Sees Record Number Of Corporate Filings

SIOUX FALLS (AP) — South Dakota saw a record number of new corporate filings in December. Secretary of State Jason Gant says that suggests the state's economy is improving.

Corporate filings in December totaled 827, a 23 percent increase over the year and the highest number on record. Gant says that he thinks the numbers show that economic development is thriving in the state.

University of South Dakota Beacom School of Business Dean Mike Keller says he also thinks the record number of filings indicates optimism about the future.

For all of last year, there were 7,108 new entities created in a state that has more than 100,000 corporations on file. Gant did not have data on how many businesses in South Dakota closed last year.

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