

## Shooting Leads To Attempted Murder Charge

FORT PIERRE (AP) — A Fort Pierre man has been charged with second-degree attempted murder in a weekend shooting.

KCCR radio reports that 39-year-old Ronald Berens Jr. also faces other charges including reckless discharge of a firearm. Stanley County Chief Deputy Greg Swanson said Berens was likely to make an initial court appearance later Monday.

Swanson says the shooting late Sunday afternoon began as a domestic violence incident at an apartment. Authorities allege Berens fired one shot inside the apartment and two more outside. One of the shots fired outside hit an occupied house.

No one was hurt.

## \$500K Bond Set For R.C. Shooting Suspect

RAPID CITY (AP) — A judge set bond for a 20-year-old Rapid City man accused of shooting another man this weekend at \$500,000.

KOTA-TV reports that Kelsey Reavis appeared in court on charges of attempted first degree murder, aggravated assault, possession of a loaded firearm while intoxicated and possession of alcohol by a minor.

Meanwhile, police have released the name of the man shot Saturday. Police say officers were called to the outside of a residence at 4:50 a.m. Saturday and found a conscious 28-year-old Christopher Levin with a gunshot wound to his head. They say a witness told them that the man was shot after a suspect asked him for a cigarette.

Levin has been listed in critical condition at Rapid City Regional Hospital.

## Couple Pleads No Contest To Animal Cruelty

FREMONT, Neb. (AP) — A Nebraska couple who pleaded no contest to animal cruelty charges won't be allowed to own animals for five years as part of a plea agreement.

The *Fremont Tribune* says Daniel and Ellyn Newcomer entered the plea to six misdemeanor counts on Monday in Dodge County Court. The Newcomers, who currently live in Wahoo, were arrested earlier this year after authorities removed nine dogs, three cats and a pot-bellied pig from their home in Fremont.

County Attorney Oliver Glass says he sought the six misdemeanors because six of the dogs had to be euthanized, and he wants to make sure they don't legally own pets for five years. Sentencing is June 11.

Glass says authorities won't seek charges against the Newcomers for seven dogs that were found in February inside a storage unit they rented. Those dogs were taken to an animal shelter.

## Neb. Farmers Make Progress On Corn Crop

LINCOLN, Neb. (AP) — Nebraska farmers have taken advantage of drier fields to make progress on getting the corn crop planted.

The U.S. Department of Agriculture says in Monday's report that 44 percent of the corn was planted before rain moved in late in the week. That compares to 14 percent the week before and ahead of last year's 12 percent. The average is 23 percent.

Four percent of the corn has emerged.

Six percent of the soybean crop has been planted, ahead of the average of two percent.

Sorghum planting is just beginning, while 93 percent of the expected oat crop has been planted. The winter wheat crop is rated 70 percent good to excellent.

The report says spring calving is 94 percent complete.

# Hookah Lounge Dispute Heats Up

**BY AMBER HUNT**  
 Associated Press

SIOUX FALLS — A hookah lounge in western South Dakota is firing up for a court fight over the state's smoking ban by asking a judge Monday to block police from targeting the business until the case hits a courtroom.

Attorney Stephen Wesolick, who represents Irit's Hookah Lounge in Rapid City, filed a motion for a temporary injunction and asked that a judge forbid police from ticketing the lounge for selling tobacco products alongside wine and beer — actions that a prosecutor has said violates the smoking ban.

In the meantime, the lounge has voluntarily quit serving alcohol even though owners believe that hookah isn't covered by the law, Wesolick said.

Pennington County State's Attorney Glenn Brenner earlier this month sent Wesolick a letter stating that Irit's was violating the smoking

ban approved by state voters in November 2010. The ban exempts retail tobacco stores as long as they generate at least 65 percent of their income from tobacco sales and don't allow alcohol consumption.

Brenner gave Irit's 15 days to either quit allowing customers to smoke or quit selling alcohol. Owners chose the latter.

"It's not a voluntary act in that we agree with the decision," Wesolick said. "What could we do?"

As the letter promised, Rapid City police followed up Monday with a compliance check and found that the business was no longer selling spir-its.

Police Chief Steve Allender applauded the move, saying in a news release that Irit's made the right choice "from a legal standpoint." But he acknowledged that, "from a business standpoint, this must have been a tough decision for the owners to make."

Wesolick said he hopes the sales halt is temporary.

Irit's owners, Charles Desmond and Brian Winckel, opened the store in late 2009 and have invested nearly \$200,000 in it, according to court documents. They started selling beer and wine more than two years ago, and those sales make up about 20 percent of profits.

Hookah smoking, which originated in India and the Middle East, involves using water pipes with burning charcoal to ingest tobacco. Wesolick said the tobacco product in a hookah pipe produces vapor, not smoke.

"The statute does not ban all tobacco use or even nicotine delivery systems. Other non-smoking uses of tobacco products are left alone," Wesolick argued in court documents.

"Obviously, the statute does not broadly im- plicate all activities that involve or result in odors, aromas, fragrances, incense, scents, vapors, mists, and the like. Only the acts of smoking tobacco and carrying a lighted tobacco product are prohibited by the statute."

A court date hasn't been set.

# Neb. Court To Hear Appeal In Edwards Case

**BY MARGERY A. BECK**  
 Associated Press

OMAHA, Neb. — An Omaha man convicted of murdering a college student whose body hasn't been found wants the state Supreme Court to overturn his conviction because he claims he was framed by a crime scene investigator who was later convicted of planting evidence in another case.

The high court is set to hear arguments in Christopher Edwards' appeal on Wednesday.

Edwards was convicted of second-degree murder in the 2006 disappearance of 19-year-old Jessica O'Grady and was sentenced to 100 years to life in prison. Edwards maintains that he's innocent, and he contends that David Kofoed, the former commander of Douglas County CSI unit, planted some of the evidence used to convict him.

Kofoed was convicted in March 2010 of tampering with evidence in a Cass County double slaying in which two men were wrongly charged and

spent several months in jail before being cleared. Kofoed, who insists he's innocent, is serving a sentence of up to four years in prison.

Edwards points out in his appeal that Kofoed worked on his case, and he contends there are similarities in how evidence was collected following the double slaying and O'Grady's disappearance.

Prosecutors relied heavily on DNA evidence collected from Edwards' bedroom and car to secure his conviction. Investigators found O'Grady's blood in Edwards' car trunk and on his bed, bedroom ceiling and garden shears. DNA evidence also was found on what investigators say was the murder weapon: a Bangkok battle sword with an 18-inch-long blade. The sword was found in Edwards' closet.

Edwards contends that Kofoed planted O'Grady's blood in his car and on the sword. The car had already been extensively searched by the Douglas County Sheriff's Department when Kofoed ordered that it be searched again.

"It was during the second search of the defendant's vehicle, ordered by Kofoed, that the blood evidence was discovered in the trunk," Edwards' attorney, Brian Munnelly, wrote in the appeal.

In the other case, Kofoed claimed he found a drop of blood from one of the victims in a car linked to the men who were later cleared. Kofoed claimed he found the blood after the car had already been combed over by another forensic investigator. Two people from Wisconsin were eventually convicted of murder in the double slaying.

In response to Edwards' claim, assistant Attorney General Kimberly Klein pointed to the massive amount of blood evidence found by investigators, as well as evidence that blood splattered on Edwards' bedroom walls had been cleaned up and painted over.

"Even if the blood evidence from his car was fabricated, the rest of the evidence adduced at trial, including substantial amounts of the victim's blood found all over the defendant's

bedroom and Edwards' actions in trying to cover up the murder scene ... established that Edwards was responsible for this offense," assistant Attorney General Kimberly Klein wrote in the state's reply.

In his appeal, Edwards also claims a lower court erred by not granting his request for a change of venue, saying news coverage of O'Grady's disappearance made it impossible for him to receive a fair trial in Douglas County. He also argues that his trial attorney was ineffective.

Edwards first appealed his conviction to the Nebraska Supreme Court in 2008, arguing there wasn't enough evidence to show O'Grady had been murdered, but the high court upheld the conviction. He filed an appeal in 2010 in Douglas County District Court, this time claiming the evidence was planted, but that court denied his request for an evidentiary hearing, citing the "massive amount of blood" found and the many investigators who worked on the case.

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