

## S.D. Court: Plea Bargain Was Unconstitutional

PIERRE (AP) — The South Dakota Supreme Court ruled Thursday that plea bargains that defer prosecution for crimes cannot force defendants to plead guilty later if they violate the terms of probation for other offenses.

The high court's unanimous ruling overturns a South Dakota man's conviction of grand theft for allegedly stealing a car in August 2010.

The justices said the terms of a plea bargain that required Travis Long Fox, now 21, to plead guilty to grand theft after he violated probation for other crimes took away his constitutional right to enter the plea of his choice.

Long Fox, of Onida, was accused of stealing a car, driving into rural fences, getting stuck and leaving the scene of the accident. He was charged with grand theft and other offenses. In a plea bargain, he agreed to plead guilty to reckless driving, ingestion of a drug and failure to report an accident. In return for his guilty pleas, prosecutors agreed to defer prosecution of the grand theft charge and dismiss it if he complied with the terms of his probation for two years.

After Long Fox was found to have violated his probation by testing positive for marijuana use, prosecutors refilled the grand theft charge. A judge denied Long Fox's request for a jury trial on the grand theft charge, ruling that Long Fox was bound by the earlier plea bargain to plead guilty to that charge. Long Fox then reluctantly pleaded guilty to grand theft and was sentenced in February 2012 to five years, with all but 60 days suspended, according to court records.

## Recent Rain Alleviates Drought In Nebraska

LINCOLN, Neb. (AP) — The recent rain has helped alleviate drought in Nebraska, but most of the state remains dry with the worst conditions being reported out west.

The latest U.S. Drought Monitor report released Thursday says that nearly 7 percent of Nebraska in the southeast corner of the state is no longer experiencing drought.

The National Drought Mitigation Center at the University of Nebraska-Lincoln says the other 93 percent of the state is still experiencing drought, but the severity of it has improved this spring.

Only 39 percent of Nebraska in the western half of the state is currently experiencing either extreme or exceptional drought. Three months ago, 96 percent of the state fell into one of those two categories of drought.

## Weather Service Says Tornado Hit S.D. Town

ALLEN (AP) — The National Weather Service has determined that storm damage in the South Dakota town of Allen was caused by a tornado.

The weather service sent an investigator to the Pine Ridge Indian Reservation community of about 420 people after the Tuesday storm. The official concluded that the tornado touched down briefly on the south edge of Allen.

It smashed a mobile home, tore the roof and several walls from another home, and damaged the roofs of several other houses. No injuries were reported.

The tornado was rated EF1 on the enhanced Fujita scale, which ranks the strength of twisters on a scale of zero to five. Wind speeds were estimated between 105 mph and 110 mph.

# USGS Takes Over Satellite Mission From NASA

BY DIRK LAMMERS

Associated Press

SIoux FALLS — NASA on Thursday handed over operational control of the Landsat 8 satellite to the U.S. Geological Survey's Earth Resources Observation and Science Center, allowing the federal repository to collect, archive and make available for download more than 400 data-filled images of the Earth each day.

The space agency launched Landsat 8 into space in February, and teams have since been busy running the orbiter through a barrage of tests before placing it into orbit 438 miles above the planet's surface.

Mike Freilich, director of NASA's earth science division, said the satellite and the ground process systems and operations from USGS have operated "near flawlessly" since launch.

"Unprecedented world class measurements have been returned and are now being made available to the science community and to decision makers across the nation and across the world," Freilich said Thursday.

The new Landsat has several advantages

over its still-functioning predecessor Landsat 7, which captures just 250 images a day.

Landsat 8 boasts two new spectral bands — one to see deeper into oceans, lakes and rivers, and another to detect cirrus clouds and correct for atmospheric effects. And its infrared band is split into two, allowing for more accurate surface temperature readings.

"It's the most advanced and the most capable of the Landsat series of satellites," said Frank Kelly, director of the EROS Center north of Sioux Falls.

Suzette Kimball, acting director of USGS, called February's launch a "truly inspirational and aspirational moment" because the agency is entering its fifth decade of continuous earth observations.

Since 1972, Landsat satellites have been snapping pictures across the globe as part of a continuing mission to document the planet. Satellites in the fleet have helped document forest fires, tsunamis and everyday changes in the Earth's geography.

"This will help us make firm and well-informed decisions about how we manage our land resources, how we address water resource

issues, how we address our agriculture needs across the nation," Kimball said.

Landsat 8, which is about the size of UPS truck with a 30-foot-long deployed sheet of solar panels, is stocked with a 10-year supply of fuel. It travels at a speed of 17,000 mph.

Landsat 8 will work in tandem with Landsat 7, launched in 1999, to take pictures of each inch of the planet's surface every eight days. Landsat 7 continues to operate despite a faulty scan line corrector that leaves zigzag gaps in some images.

Landsat 5, which dates back to 1984, worked decades past its expected mission end but began failing in November. Landsat 6 never reached orbit after its 1993 launch because of a ruptured manifold.

The EROS Center has been preparing for the wave of new data, overhauling its data processing and storage systems and upgrading its ground station near Sioux Falls, as well as partner facilities in Alaska and Norway.

"We now have over 20,000 Landsat 8 scenes that have already been collected dating back to April 12, and they are now available to the world at no cost," Kelly said.

# Nebraska Lawmakers Authorize State Tax Study

BY GRANT SCHULTE

Associated Press

LINCOLN, Neb. — Lawmakers gave the go-ahead on Thursday for a study of Nebraska's tax climate, with expectations that they'll reform the system and warnings that not everyone will see their taxes cut.

Senators voted to create a 15-member committee that will focus on property, income and sales taxes, and report its findings back to the Legislature.

The committee will look to create tax policy that's fair, simple and stable, while helping Nebraska compete with other states. It will also explore how to keep the system adequate to

pay for essential state services, said Sen. Galen Hadley of Kearney, chairman of the Legislature's Revenue Committee.

But Hadley — who will lead the tax modernization committee — cautioned that the findings may not mean across-the-board tax cuts. He said lawmakers may need to show the political courage to enact tax increases in some areas so they can lower others.

Such a battle unfolded earlier this year, when Republican Gov. Dave Heineman released a proposal to eliminate or reduce the state's income tax. In exchange, Heineman recommended that lawmakers abolish millions of dollars' worth of state sales tax exemptions. The plan drew

a torrent of criticism from farm groups, manufacturers, nonprofits and others who each stood to lose a sales tax break, and Heineman withdrew the proposals in favor of the study.

"This study is not going to come in and have sweeping reductions in all our taxes," Hadley said. "... This study is to determine is their equity in our tax system? Have things changed that we need to look at?"

Lawmakers have reviewed the state's tax policy at least three times since a much-touted overhaul of the system in 1967, Hadley said. He said lawmakers will use those studies as a starting point as they develop a plan.

Hadley said lawmakers will examine whether the state should allow

sales tax exemptions for services. Hadley said a serviceman recently visited his condo, and left him with a bill of a \$97.25 — \$95 for labor that wasn't taxed, and \$2 for parts that were.

"What's the rationale for that? Well, we're going to look at that," he said. "We're going to look and see how property taxes, sales taxes and income taxes work together. Does that mean every single person in Nebraska is going to have their tax burden lowered? No."

The tax modernization committee will include all members of the Revenue Committee, leaders of five other legislative panels, and two at-large members who will likely be freshman senators.

## OBITUARIES

### Dean Luikens

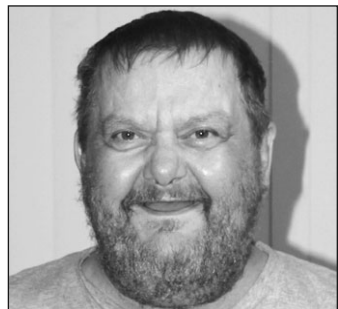
Funeral services for Dean C. Luikens of Scotland will be held at 10:30 a.m. on Monday, June 3 at St. George Catholic Church in Scotland with Fr. Matthew Vazhappilly officiating. Organist will be Georgianne Pravecek. Military rites will be presented by members of the Paul Grosshuesch V.F.W. Post #2966 and Joseph Verm American Legion Post #155, both of Scotland.

Interment will take place on Monday, June 3 at 4 p.m. in St. Joseph Catholic Cemetery in Waverly, SD with Fr. Kenneth Koster officiating. Honorary casketbearers will be members of the South Dakota Amateur Baseball Umpire's Association, all area amateur baseball teams, and all of Dean's nieces and nephews.

Casketbearers will be Jim Pesicka, Fred Eisenbraun, Dale Luikens, Erik Nusz, Jim Zeeb, Dan Zeeb, Floyd Pesicka, Ron Thyen, Ken Thyen, Bernie Thyen, Dan Thyen, Jim Thyen, Russ Thyen, Pat Kari, Tom Berg and Doug Dahlgren. Military graveside rites will be presented by members of the Codington County American Legion Post #17 and the Ellsworth Air Force Base Honor Guard.

Visitation will be held on Sunday, June 2 from 3-5 p.m. at the Goglin Funeral Home in Scotland. There will be a 7 p.m. prayer service on Sunday, June 2 at St. George Catholic Church in Scotland. Online condolences may be sent at [www.goglinfh.com](http://www.goglinfh.com).

Dean Craig Luikens was born Tuesday, July 4, 1950 at Yankton, South Dakota to Jacob and Esther (Bartsch) Luikens. He graduated from Menno High School in 1968. He joined the US Air Force in 1969 and completed his basic training in San Antonio, Texas where he achieved the rank of Sergeant. He specialized



Dean Luikens

in communications during his time spent at Akin Air Base in Ankara, Turkey and later in Cheyenne Mountain AFB in Colorado and Ellsworth AFB in Rapid City. Upon the completion of his military service, Dean studied electrical construction and maintenance at Mitchell Voc-Tech. He later owned and operated a gas station in Olivet and drove truck for Mehlhoff Trucking of Kaylor. In recent years, he drove school bus for B-J School Buses. Dean was active in amateur baseball and served as an umpire for 37 years. Dean was united in marriage to Mary Ellen Thyen on December 22, 1984 at St. George Catholic Church in Scotland. He was an avid outdoorsman and loved hunting, fishing and trapping. He was a member of Pheasants Forever and Ducks Unlimited. He enjoyed playing Scrabble, word search and other word games. He loved all sports, especially baseball. Dean died on Wednesday, May 22, 2013 at Avera McKennan Hospital in Sioux Falls at the age of 62 years, 10 months, and 18 days.

Dean is survived by his wife, Mary Ellen, of Scotland; one daughter, Emily Luikens of Tea; a granddaughter: Shantel Geiman Milliken of Gettysburg; his parents, Jacob and Esther Luikens of Menno; his mother-in-law, Clarice Thyen of Waverly; six sis-

ters: Brenda Dobbe of Sioux Falls, Phyllis (Pat Kari) Sour of Blackhawk, Lois (Doug) Hyde of Castlewood, Rita (Tom) Berg of Baltic, Sharon (Doug) Dahlgren) Thyen of Watertown and Diane (Dan) Seitz of Alaska; six brothers: Ron (Dianne) Thyen of Hayti, Ken (Marlys) Thyen of Sioux Falls, Bernie Thyen of Norfolk, Nebraska, Dan (Becky) Thyen of Waverly, Jim (Penny) Thyen of Waverly and Russ (Heather) Thyen of Grove City, Minnesota; a sister-in-law, Susan Luikens of Story, Wyoming; an uncle, Albert (Irene) Luikens of Menno; his aunts: Ruth (Carroll) Dupraz of Arizona, Marge Eisenbraun of Creighton, Viola Ulmer of Menno, Mary Luikens of Freeman, Helen Haan of Kranzburg and Ruth Ebberts of Estelline; 25 nieces and nephews, 18 great-nieces and great-nephews, and 1 great-great-nephew.

Dean was preceded in death by a daughter, Theresa Ann Luikens; two brothers: Lewis Luikens and Roger Luikens (in infancy); his father-in-law, Ralph Thyen; brother-in-law, Corky Sour; his uncles: Leon Bartsch, William Luikens, Edmond (Fryda) Rempler, Fred (Esther) Luikens, Jerry Haan and Paul Ebberts; and aunts Alice Frasch and Mary Gunderson.

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Goglin  
Funeral Home

Tyndall - Scotland - Tripp



[www.goglinfh.com](http://www.goglinfh.com)

### Donald Zavadil

Donald J. Zavadil, 92, of Yankton, passed away early Wednesday, May 29, 2013 at the Avera Sister James Care Center, Yankton.

Mass of Christian Burial will be 10:30 a.m., Monday, June 3, 2013 at St. Benedict Catholic Church, Yankton, with Rev. Ken Lulf officiating. Burial will be in the Sacred Heart Cemetery, Yankton, with Military Graveside Rites by the Ernest-Bowyer VFW Post #791 Honor Guard and the SDARNG Honor Guard.

Visitations will begin at 5 p.m., Sunday evening at the Opsahl-Kostel Funeral Home & Crematory, Yankton, with a rosary at 7 p.m. followed by a Scripture service at 7:30 p.m. with the Patriot Guard Flag Line in attendance. Visitations will resume one hour prior to the service at the church

Donald Zavadil was born August 26, 1920 to Frank and Rosena Zavadil at home. He attended District Number 112 through the eighth grade and then began working on the family farm near Fordyce, Neb. Donald entered the United States Army September 15, 1942 and served under George S. Patton in the North African Campaign. Donald fought on the front lines in Tunisia, Naples-Foggia,



Zavadil

mous 10th Mountain Division.

On July 10th, 1950 Donald married Helen Huntley at Sacred Heart Catholic Church in Yankton. They lived and farmed 32 years on a farm northeast of Crofton Nebraska and raised 6 children. In addition to raising crops and livestock, he enjoyed repairing farm machinery and had operated his own repair shop overhauling tractors. Donald also enjoyed attending Czech ethnic music festivals and liked listening to polka music. Donald enjoyed target shooting and hunting in his free time and belonged to the citizen band radio club.

Donald retired from farming in 1981 and moved to Yankton where he continued to work a variety of part time jobs. One job Don particularly enjoyed was being a greeter for K-Mart. Due to

failing health Donald entered the Sister James Nursing home in the Fall of 2010 where he resided until his death. While living at the nursing home he enjoyed talking with staff and residents and playing bingo as well as taking short community excursions. He especially liked Sundays when his sons would take him for drives out in the country to look at the crops and enjoy the scenery.

Survivors include his wife of 62 years, Helen of Yankton; children: Karen of New Berlin, WI, Therese of Phoenix, AZ, Bob & Jeanie of Yankton, Mary and Keven Kopecky of Desoto, Kansas, Frank and Dawn of Yankton; and Pam and Duncan Gallagher of Minneapolis, MN; many grandchildren; and one sister, Lucille Arens of Yankton.

Donald was preceded in death by his parents and brother, Wilfred.

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Online condolences at:  
[www.opsahl-kostelfuneralhome.com](http://www.opsahl-kostelfuneralhome.com)

### John Brand

John A. Brand, 77, of Fordyce, Neb. passed away on Wednesday, May 29, 2013 at Avera Sacred Heart Hospital, Yankton.

Mass of Christian Burial will be 10 a.m., Saturday, June 1, 2013 at Holy Family Catholic Church in St. Helena, NE with Rev. Eric Olsen officiating. Burial will be in the Holy Family Catholic Cemetery.

Visitations will begin at 5 p.m., Friday, May 31, 2013 at the Opsahl-Kostel Funeral Home & Crematory with a 7 p.m. Wake service. Visitations will resume one hour prior to the service at the church. Pallbearers will be Vern Arens, Bill Arens, Jim Arens, Tom Arens, Paul Arens and Louie Arens.

John was born May 21, 1936 in



Brand

ated from District 57 School located at the end of the driveway to the Brand farm. John spent his life on the Brand family farm, working with his parents, sister, Elizabeth and nephew, Dan, who had lived with them all his life. The Brand family farm became a Century Farm in 1984. Till his death, John lived on the family

farm. John loved the John Deere green tractors, watching game shows; especially the Price is Right, and playing bingo.

John is survived by his sisters, Theresa (Ben) Arens of Yankton, SD and Elizabeth Brand of Fordyce, NE and numerous nephews and nieces.

He was preceded in death by his parents, four sisters and two brothers.

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[www.opsahl-kostelfuneralhome.com](http://www.opsahl-kostelfuneralhome.com)

### Erma Kreitzinger

Erma M. Kreitzinger, 90, of Lesterville, passed away early Wednesday morning at the Avera Yankton Care Center, Yankton.

Funeral services will be 10:30 a.m., Saturday, June 1, 2013 at the United Church of Christ (Congregational), Yankton, with Rev. Rick Jensen officiating. Burial will be in the Civil Cemetery, rural Lesterville, at approximately 12:45 p.m. Saturday afternoon.

Visitations will begin at 5 p.m., Friday, at the Opsahl-Kostel Funeral Home & Crematory, Yankton, with a Scripture service at 7 p.m. Visitations will resume one hour prior to the service at the church. Pallbearers will be Neal, Eric, Michael, and Christopher Kreitzinger, Verlyn Vanorny and Kelly Kumm. Honorary pallbearers are Matthew and Jacob Kreitzinger; Gary Kumm; Jim Payne and other nieces and nephews.

Erma was born June 6, 1922 to John and Nancy (Schroeder) Moeller on their farm near Lindy, Neb. She was baptized and confirmed at Good Shepherd Lutheran Church. She grew up in the Lindy community and attended Tewsville School District 139. She worked in Yankton and



Kreitzinger

and raising chickens and ducks.

She was a loving and caring mother, grandmother, sister and aunt. She enjoyed farm life and the serenity of living there. Phone calls and visits brought her much enjoyment and her memory was amazing! She was fond of baseball, word search books, journaling, photos, playing cards, making spaghetti & treats for her grandchildren and handiwork. Her distance travels took her to Arizona, California and Texas, and loved to reminisce about them. The family is grateful for the wonderful friends that have allowed her to live independently. She was a blessing to our lives — her light will shine in our hearts forever.

She is survived by her sons, Walter (Mary) Kreitzinger of Arlington, TX and Vernon Kre-

itzinger of Yankton; one daughter, Sharon Kreitzinger of Yankton; one granddaughter, Christina Kreitzinger of Arlington, TX; six grandsons: Neal of Corpus Christi, TX, Eric and wife Kristen and Michael, both of Arlington, TX, Christopher, Matthew and Jacob Kreitzinger of Yankton; two brothers, Mervin (Scottie) Moeller of Taylors, SC and Willard (Norma) Moeller of Bloomfield, NE; sister in law, Roberta Moeller of Lincoln, NE and two sisters, Thelma (Hank) Wesseln and Mary Jane Carter of Tucson, AZ; along with many nieces and nephews.

She was preceded in death by her parents; her husband in February, 1993; son, Kenneth in March 1977; brothers: Elmer, Howard and Ralph Moeller; sister-in-law, Elsie Moeller; brother-in-law, Elmer Carter; along with a niece and nephews.

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[www.opsahl-kostelfuneralhome.com](http://www.opsahl-kostelfuneralhome.com)

### Clinton Bereuter

Memorial services for Clinton Bereuter, 95, of Bloomfield, Neb., will be 4 p.m. Sunday, June 2, 2013, at First Trinity Lutheran Church, Bloomfield.

Graveside services will be 2 p.m. Monday, June 3, at the Utica Cemetery, Utica, Neb.

Brockhaus Funeral Home, Bloomfield, is in charge of arrangements.

Clinton died Saturday, Sept. 22, 2012, at Bloomfield Good Samaritan Society in Bloomfield, Neb.

### Jerry Kurtzhals

Jerry T. Kurtzhals, 41, of Gayville died Thursday, May 30, 2013, at Sanford Medical Center in Sioux Falls.

Arrangements are pending with the Wintz & Ray Funeral Home and Cremation Service, Yankton.

NEWS AROUND THE CLOCK  
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### Olive Callahan

Olive G. Callahan, 89, of Elk Point died Thursday, May 30, 2013, at Prairie Estates Care Center, Elk Point.

Funeral arrangements are pending with Kober Funeral Home, Elk Point.

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