

Judge Allows Release Of Documents In 1971 Case

BY CARSON WALKER
Associated Press

VERMILLION — Court documents that supported three search warrants in the investigation of two girls missing since 1971 can be unsealed but without the names and other identifying information of numerous reported victims of sexual assaults, a judge ruled late Friday.

Judge Steven Jensen granted an attorney general's office request to release redacted copies of the documents that another judge used in 2004 to grant the searches at the boyhood home near Alcester of David Lykken. Authorities said at the time that Lykken might have been involved in the disappearance of Cheryl Miller and Pamela Jackson as well as other unnamed people.

A Union County grand jury indicted Lykken on six murder counts, but state prosecutors later dropped all charges after concluding a jailhouse informant lied about Lykken admitting to killing



Jackson



Miller

the girls. Attorney General Marty Jackley said last month that Miller and Jackson died when their Studebaker drove off a gravel road and landed in a creek.

Lykken, who is in prison on an unrelated 227-year sentence for rape and kidnapping, appeared at Friday's hearing over interactive video from the penitentiary in Sioux Falls. He served as his own lawyer, wore prison garb and sat behind a table covered with documents.

Lykken argued against the release of the search warrants, saying he was 16 at the time and his privacy was protected as a juvenile.

"These were made against an innocent

minor resident and none of these allegations in these search warrants are true in any way, shape or form," Lykken said.

Jensen concluded the dismissal of the indictment and closure of the case both support the documents' release. All of the victims in the case agreed to it, as well, as long as identifying information is redacted.

"The court has no legal basis to prevent disclosure of these affidavits at this point," he said.

Jensen denied Lykken's request to delay the hearing on grounds he wasn't given enough time to prepare.

The documents will be released 10 days after the order is entered, which will likely happen next week.

"It gives the opportunity for the public to see why it was important for law enforcement to be searching in that location for the two missing South Dakota teenagers," Jackley said after the hearing. "This is a really a final opportunity to bring closure to all the families involved."

Contractor: Hellwig Recruited Him To Return To Project

BY BOB MERCER
State Capitol Bureau

PIERRE — The trial phase concluded Friday in federal bankruptcy court over the claim by Scott Olson Digging, Inc., that the Huron contractor is still owed \$2.1 million for work done seven years ago while preparing the Northern Beef Packers site at Aberdeen.

Olson's company did the topsoil stripping and hauled in clay fill at the site in the late fall and winter of 2006 and early 2007. Olson moved his equipment back to Huron when he thought they were done.

Olson said Friday that Northern Beef founder Dennis Hellwig telephoned him several times in the spring of 2007 asking that Olson return to the site.

Olson said he told Hellwig he would need \$75,000 up front to get his staff and equipment back to Aberdeen. That was the same amount as Hellwig paid Olson in fall 2006 for the similar purpose.

Olson said that after his crew returned in 2007 to the project Hellwig personally approved hundreds of thousands of dollars in additional work for the contractor but was soon behind on payments.

"There was a promise every two weeks he'd get us

money," Olson testified.

He said Northern Beef officials kept telling him they had lost or didn't receive the bills that he would send.

Olson said he finally stopped sending bills.

"Dennis just gave us lump sums until he run out of money," Olson said. "I wasn't getting paid. I didn't make the invoices out."

Lori Olson, the contractor's wife and business manager, said Northern Beef didn't make a payment between February and August of 2007.

Scott Olson Digging received in excess of \$3.1 million for its 2006 and 2007 work. Olson submitted bills in December 2007 for an additional \$3 million and then pared the amount to about \$2 million.

Hellwig took the stand for a brief rebuttal Friday to deny he had called Olson to return in 2007. "I didn't have any reason to have him come back," Hellwig testified.

Hellwig also denied that he told Olson to buy sand and said Olson "absolutely" never discussed billing by the truckload for clay fill to be moved to the project site.

Olson said he was "pretty sure" he talked to Hellwig about using truckloads to determine how much fill was hauled from the pit on two neighbors' properties next

to the project site.

Harlan Young, one of the landowners, testified earlier in the trial that he had secretly rigged a camera to shoot photos every few seconds to keep track of the numbers of trucks coming out of the pit.

Young said his numbers were "pretty close" to the numbers that Olson submitted.

Federal bankruptcy Judge Charles Nail Jr. told the two sides' lawyers they can have 14 days to submit post-trial arguments in writing and he will make his decision after receiving those.

Northern Beef operated for less than a year before shutting down last summer and declaring bankruptcy. The White Oak investment group from San Francisco, California, subsequently purchased it. The plant remains closed.

One of the big disputes throughout the trial was whether Olson was to be paid separately for removing topsoil from the job site.

None of the four written agreements between Olson and Hellwig refer to topsoil removal.

Olson said Friday he didn't know that he was supposed to perform that responsibility until after his crew was on the site in November 2006.

Francis Brink of

Aberdeen, a civil engineer and land surveyor who helped Hellwig with the site's general design, told Olson the topsoil needed to be removed, according to Olson.

Olson later billed Northern Beef specifically for that work but hasn't been paid.

Olson's original agreement with Hellwig called for Olson's company to receive \$900,000 for delivering 200,000 cubic yards of fill and performing a variety of small tasks.

Olson and Hellwig later signed another agreement that called for Olson to deliver another 167,000 cubic yards of fill.

The main building's elevation was raised twice from the original specifications and the main floor eventually sat nine feet above the original terrain.

Hellwig in his rebuttal agreed that he and Olson went to look at a pile of sand but Hellwig denied he told Olson that he wanted it.

Olson said Hellwig specifically told him to purchase it.

But Hellwig described himself as a cattleman without the knowledge to make that decision.

"I would never, ever tell him to buy a big pile of sand that I don't know nothing about," Hellwig said.

Neb. Democrats File Ethics Complaint

LINCOLN, Neb. (AP) — The Nebraska Democratic Party has filed an ethics complaint against Gov. Dave Heineman, alleging that he illegally used state resources to announce that he would apply for the University of Nebraska presidency.

The complaint says Heineman, a Republican, announced his candidacy using his state staff, stationary, office space and social media. It also alleges that the governor used public money to set up a meeting with Howard Hawks, chairman of the university's Board of Regents.

Heineman is accused of violating laws that prohibit public employees from using state resources for financial gain or to campaign for a public office.

The governor's office says it hasn't yet received the complaint, but deputy communications director Sue Roush says Heineman believes it's politically motivated.

Corn Prices In So. Dak. Up 2 Cents

SIoux FALLS (AP) — The U.S. Agriculture Department says the preliminary corn price is up 2 cents per bushel from last month.

The South Dakota office of the National Agriculture Statistics Service says the May price is \$4.21 per bushel.

Preliminary winter wheat prices are up 36 cents to \$7.09 a bushel. Spring wheat, at \$7.02 a bushel, decreased 14 cents from April.

The preliminary all sunflower price, at \$20.80 per hundredweight, is up 80 cents from last month.

The Ag Department says the price for soybeans, at \$14.10 per bushel, is up 40 cents from April.

Health Alert Issued At Neb. Rec. Area

HUMBOLDT, Neb. (AP) — State officials have issued a health alert at a recreation area in Richardson County.

The state Department of Health and Human Services said in a news release Friday that the alert is for toxic blue-green algae at Kirkman's Cove Recreation Area.

Samples taken earlier this week at Kirkman's Cove were above the state's threshold.

Officials say the alert will continue at the lake for at least two more weeks because testing will require two consecutive weeks.

The alert means designated swimming beaches are closed. Recreational boating and fishing, as well as camping and other outdoor activities, are still permitted.

Marijuana Seized In Buffalo County

KEARNEY, Neb. (AP) — Authorities have seized 60 pounds of marijuana following a traffic stop on Interstate 80 in Buffalo County.

The Nebraska State Patrol says a trooper stopped a vehicle Friday as it traveled east near the Kearney exit. The trooper says the car was following too close.

A service dog indicated the odor of drugs. A search led to the seizure of marijuana found in the trunk.

The driver, 31-year-old David H. Esty III, of Surry, Maine, was arrested and taken to the Buffalo County Jail. He faces a charge of possession with intent to deliver. Court records do not list an attorney.

Fish Hatchery Supporters Seeking Info.

SPEARFISH (AP) — Backers of the D.C. Booth Historic National Fish Hatchery and Archives are trying to find out whether the Spearfish facility is again on the chopping block.

Officials with the nonprofit Booth Society tell the *Black Hills Pioneer* that they've filed a Freedom of Information Act request with the U.S. Fish and Wildlife Service's regional office in Denver and the national office in Washington, D.C.

Booth Society and hatchery officials learned in August that the service planned to close the Spearfish hatchery as well as others throughout the country. The service later offered a year's reprieve.

Sen. Tim Johnson told Booth Society officials recently that regional director Noreen Walsh indicated that the future of the hatchery is in jeopardy and the service is considering removing the archives.

Police Say Omaha Fire, Death A Suicide

OMAHA, Neb. (AP) — Police say a 57-year-old man who died after being pulled from an Omaha mobile home fire set the blaze before shooting himself.

Police say Craig Fuhrer died earlier Wednesday morning at the Nebraska Medical Center.

Emergency crews were called just after midnight to Maplewood Estates in northwest Omaha, where firefighters saw light smoke coming from Fuhrer's home. Inside, firefighters found Fuhrer injured in a back bedroom.

Paramedics took Fuhrer in extremely critical condition to the hospital, where he died.

Late Thursday, police said it appeared Fuhrer had used an accelerant to start the fire, then shot himself.

Agency Internships Draw Fewer Applicants

BY NORA HERTEL
Associated Press

PIERRE (AP) — The number of applicants for internships in South Dakota state agencies is down about 17 percent compared with last year, a decline the program's administrator says is partly due to an improved job market.

The state received 707 applications, down from 854 last year, and state offices are welcoming 202 interns to Pierre this summer, also down from 251 last year, about a 20 percent change.

The South Dakota internship program is a way for state offices to recruit employees, as many departments hire former interns into full-time positions. Interns are typically college students with ties to South Dakota who arrive in May after the end of their spring semesters.

Bureau of Human Resources Commissioner Laurie Gill said each agency determines how many interns to hire according to

need, budget and existing staff.

Gill attributes the decrease in applicants is partially due to the state's workforce climate, saying there are more jobs than available people.

"Finding workers ... is an issue across the state for both the private and the public sector," Gill said.

"When people weren't hiring, state government internships, we would have potentially had more people looking at that as a viable summer job. But now there are more options."

South Dakota unemployment rates over the past 15 years peaked around 2009 and 2010. Current rates are dropping near 2004 levels, according to the Bureau of Labor Statistics.

The pay rate for most

interns has not changed since 2004, when it was set at \$9 per hour for new interns and \$9.45 for returning interns.

The exception are legal interns, who tend to make around \$15 per hour, and departments are allowed to determine the wage to draw competitive candidates. State officials say they will soon review the pay structure for the interns, considering the pay has not changed in 10 years.

Education Secretary Melody Schopp called her department's intern program a "win-win." She said it helps employees with their busy summer work load and gives students a broad view of education in the state.

Matt Gill is a program specialist in the Education Department, and he started

as an intern there while he was still in college. He is the son of Laurie Gill.

Matt Gill spent four summers interning in different state offices. He said the experiences provided him with insight and connections that brought him back to the Department of Education after he worked a few years as a teacher.

Health Secretary Doneen Hollingsworth said interns in that department do much more than make coffee and copies. Every summer an intern studying the West Nile virus learns to determine the sex and species of mosquitoes, and others work in labs doing chemical and microbiology analyses.

Some former interns from her agency have made their way into leadership positions in correctional health care.

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