

## Inmate Allegedly Tried To Take Cop's Gun

ST. PAUL, Minn. (AP) — An inmate is facing more charges after authorities say he attempted to take a deputy's gun in the emergency room at Regions Hospital.

St. Paul police say there were no shots fired, and no one was injured in the incident. Sgt. Paul Paulos says the deputy's gun never left the holster.

The Ramsey County Jail often sends inmates to Regions for medical care. The sheriff's office says the prisoner was awaiting extradition to Missouri on a parole violation.

Regions Hospital spokeswoman Annelise Searle says the incident happened shortly before 1 p.m. Thursday. She says the hospital is safe.

The hospital was never on lockdown and there was no evacuation.

St. Paul police and the hospital are investigating.

## SUV Catches Fire At Dealership

MITCHELL (AP) — Authorities in Mitchell say an SUV caught fire at a car dealership as a couple was finishing a test drive.

Fire Marshal Marius Laursen tells *The Mitchell Daily Republic* that a salesman from the Vern Eide Chevrolet took the couple out in a Buick Enclave on Thursday afternoon. Upon returning, he noticed smoke pouring out from the hood. The car soon caught fire and became engulfed in flames.

No one was injured, but the SUV was totaled and two other cars were damaged.

Laursen says a mechanical failure may have caused the fire.

## Six Guns, More Than \$3,000 Stolen

RENNER (AP) — Authorities in Minnehaha County are investigating a burglary at a home north of Renner in which burglars stole six guns, including three AR-15 style rifles, and more than \$3,000 while residents were at a graduation ceremony.

The Minnehaha County Sheriff's Office says officials were called to investigate the burglary on May 17.

Along with the four rifles and two handguns, the burglars took ammunition, coins and jewelry.

An investigation is still ongoing and arrests are expected.

## 1 More Turkey Farm Struck By Bird Flu

ST. PAUL, Minn. (AP) — One more Minnesota turkey farm has been struck by bird flu, this time in Renville County.

The Board of Animal Health announced the new presumptive case Thursday. The size of the flock is still being determined.

The new case raises the total of Minnesota farms affected to 98 since the state's first case of H5N2 avian influenza was confirmed in early March.

The board says the outbreaks have cost Minnesota turkey and chicken producers nearly 8.3 million birds, not counting some farms where flock sizes remain pending.

Minnesota went 10 straight days with no reports of new cases until six new cases were reported Tuesday. Three more cases were reported Wednesday.

## Supreme Court Sides With Panhandler

PIERRE (AP) — The South Dakota Supreme Court has reversed the conviction of a panhandler who argued a police officer had no reasonable suspicion to stop and frisk him.

The high court ruled Thursday in an appeal from Rapid City resident David Walter, who received a three-year suspended sentence in June when he was found guilty of possession of a controlled substance. The court said methamphetamine evidence at trial "was the product of an illegal search" because the mere report of a panhandler at a park, who wasn't violating state or local laws, didn't give Walter's arresting officer a reasonable suspicion of criminal activity to pat him down.

Rapid City Police Officer Dale Ackland arrested Walter in October 2013 after he was sent to investigate reports of a panhandler near a park. Ackland arrived to find Walter, and said he feared a bulge in Walter's pocket might be a weapon.

When he told Walter he was going to pat him down, Walter responded: "You can't frisk me. I have needles on me."

Ackland searched anyway and found an open bottle of liquor in one of Walter's pockets. As the pat-down continued, according to court records, Walter manipulated something out of another pocket and a container with two syringes fell to the ground. The syringes tested positive for meth.

Walter was charged with possession of a controlled drug or substance and one count of consuming alcohol in public. Walter sought to suppress the meth evidence at trial, but his request was rejected.

In its brief filed with the Supreme Court, the state argued that the frisk was legal because it "was not the product of a mere hunch or idle curiosity, but instead was based on a complaint that defendant was panhandling."

"Officer Ackland was dispatched to the ice arena due to a report of a possible ongoing crime," the state explained in its brief. "... Because Officer Ackland had reasonable suspicion that criminal activity might be afoot and that Defendant might be presently armed and dangerous, the circuit court was correct to deny Defendant's suppression motion."

## Budget Deal Remains Out Of Reach

ST. PAUL, Minn. (AP) — Gov. Mark Dayton and House Republicans are chipping away at a special session deal but haven't found a final agreement yet.

The Democratic governor and House Speaker Kurt Daudt met Thursday for a third day of private negotiations over three incomplete pieces of the state's budget. They need to strike a deal and finalize the budget before July 1 to avoid another partial government shutdown and more than 9,400 employee layoffs.

Agriculture, environment, jobs and economic development are all on the table due to the governor's veto of those budget bills. But the main dispute is over public school funding.

Dayton wants a statewide preschool program and more funding for schools. Daudt says he's open to increasing school appropriations but says that money should go to the per-pupil funding formula.

# Nebraska Death Penalty Backers Consider Challenges To Repeal

BY GRANT SCHULTE

Associated Press

LINCOLN, Neb. — Death penalty supporters are preparing to challenge Nebraska's repeal of capital punishment through the courts and on the campaign trail.

The office of Attorney General Doug Peterson said Thursday that it plans to challenge part of the law that effectively changed the sentences of Nebraska's 10 current death row prisoners to life in prison. Attorneys plan to argue that the law violates the state constitution, which gives the Board of Pardons exclusive power to change final sentences.

The attorney general's office cited a portion of the law that says: "It is the intent of the Legislature that in any criminal proceeding in which the death penalty has been imposed but not carried out prior to the effective date of this act, such penalty shall be changed to life imprisonment."

"We believe this stated intent is unconstitutional," the office said in the statement.

Sen. Ernie Chambers, the new law's sponsor, said his measure makes clear that the Legislature isn't changing the sentences. Chambers said the law merely removes the death penalty as a punishment, meaning the state has no legal way to carry out executions. So-

called intent language doesn't carry the force of law, he said.

Chambers said it's up to the Department of Correctional Services to decide whether the men remain on death row.

The attorney general's announcement came one day after state Sen. Beau McCoy of Omaha announced the formation of a new group, Nebraskans for Justice, which will look into a citizen-led ballot initiative to reinstate capital punishment.

Nebraska's referendum process allows citizens to suspend a law if they can collect signatures from 10 percent of the state's registered voters — roughly 115,000 people — in the 90 days before the law goes into effect.

Death penalty supporters also have the option to gather signatures from 5 percent of Nebraska's registered voters, which would place the issue on the ballot but wouldn't keep the law from going into effect.

In either case, voters would decide the death penalty's fate during the next statewide election in 2016.

McCoy said he would prefer a third option that would give organizers more time: a petition drive for a constitutional amendment to restore the ultimate punishment. Citizens can propose a law for the ballot if they gather signatures from 7 percent of registered voters, and a constitutional amendment if they

collect signatures from 10 percent of registered voters. Petitions would have to be submitted to Nebraska's Secretary of State by July 2016.

"I would like to see this enshrined in the constitution so that it can't be removed by a future Legislature without a vote of the people," McCoy said Thursday. "That's certainly a process we're likely to explore. But we're going to look at all of the options."

Chambers said Wednesday that McCoy was within his rights, but said he doubts it will succeed.

"He won't get to first base with it," Chambers said.

Putting the death penalty on the ballot would likely require an organized and well-financed campaign to gather enough signatures. Last year, the group Nebraskans for Better Wages campaign spent nearly \$1.5 million on its ballot drive and subsequent campaign to raise the minimum wage.

Sen. Jeremy Nordquist of Omaha, a death penalty opponent who led the minimum wage effort, questioned whether the issue of capital punishment would attract enough donors for a sustained ballot drive.

"I think there are a lot of other causes that people would put their money behind first," Nordquist said.

## Bosworth To Appeal Conviction For Election Law Violations

BY JAMES NORD

Associated Press

PIERRE — Former South Dakota U.S. Senate candidate Annette Bosworth plans to appeal to the state Supreme Court over her conviction for election law violations, her attorney said Thursday.

Bob Van Norman, an attorney for the 43-year-old Sioux Falls physician, said she will appeal to the high court after her expected sentencing in July. A jury found Bosworth guilty Wednesday of six counts each of perjury and filing false documents. The charges stemmed from mishandling her candidate petitions for the 2014 Republican U.S. Senate primary.

Bosworth faces a maximum punishment of 24 years in prison and \$48,000 in fines. Attorney General Marty Jackley has said prosecutors will review mitigating and aggravating circumstances before making a sentencing recommendation.

Van Norman said the defense will push for a sentence that would allow

the conviction to disappear if Bosworth successfully completes probation. He said he plans to bring up the "political context this all arose in" during the sentencing process. Bosworth has said she's been the target of "political persecution" from the attorney general's office in her case.

But Jackley said in a recent interview that the "prosecution has simply been under the rule of the law and the letter of the law."

Bosworth's husband, Chad Haber, unsuccessfully ran against Jackley in the 2014 election as a Libertarian.

Van Norman said Bosworth is guaranteed an appeal to the Supreme Court after sentencing.

Bosworth admitted that she didn't personally gather some signatures on her nominating documents, despite attesting on the petitions that she had witnessed people signing them. Under state law, the person circulating petitions must witness the signings from

registered voters.

Bosworth's defense team argued during the trial that she was a rookie candidate who knows more about medicine than politics and said that her actions were a mistake.

"She is devastated," Van Norman said on Thursday.

The convictions could also jeopardize Bosworth's medical license.

"I am going to miss being a doctor," Bosworth told The Associated Press in a text message. "I really love being a doctor."

Margaret Hansen, executive director of the South Dakota Board of Medical and Osteopathic Examiners, declined in an email to speak specifically about Bosworth's case.

But she said generally a felony conviction could be grounds for revocation of a license, though it "is not an automatic disqualifier."

There have been two cases of physicians convicted of felonies before the board over the past five years, and the board revoked both of

the physicians' licenses, she said.

Political activists who have watched Bosworth's case have mixed views about its potential political effects in South Dakota.

Drake Olson, vice chairman of the state Republican Party, said the party doesn't get involved in primary elections, where Bosworth's problems occurred.

Ann Tornberg, chairwoman of the state Democratic Party, said she's concerned with election law changes that came about in part as an "overreaction" to Bosworth's case. But she said the conviction likely wouldn't discourage candidates from running.

Cory Heidelberger, a liberal blogger and activist who challenged Bosworth's nominating documents, said he's noticed the trial has made people pay more attention.

"This trial has raised awareness," he said. "Regular folks on the street understand the petition process a little better."

## Nebraska Ends Ban On Driver's Licenses For Immigrant Youths

BY ANNA GRONEWOLD

Associated Press

LINCOLN, Neb. — Nebraska ended the nation's last ban on driving privileges for young people brought into the United States illegally as children, after the Legislature voted Thursday to override a veto from the state's new Republican governor.

Senators in the one-house Legislature voted 34-10 to override Gov. Pete Ricketts, who has backed the strict policy of his GOP predecessor that left Nebraska as the only state to deny the licenses to the youths granted temporary protection from deportation. Senators said Nebraska youth who have been granted deferred-action status are active contributors to the state's economy and should not be penalized for their parents' actions.

"Forty-nine other states recognize this hypocrisy ... let's make it 50," said Sen. Mike Gloor of Grand Island.

President Barack Obama announced an executive action in 2012 that creates the Deferred Action for Childhood Arrivals program, which gives the youths a Social Security number, a two-year work permit and protection from deportation. Although a few states initially announced that they would deny licenses to those youths, only Arizona and Nebraska ultimately adopted policies to exclude them. A court blocked Arizona's law in July, leaving in place only Nebraska's, which former Gov.

Dave Heineman approved three years ago.

The deferred-action category applies to youths who are at least 15 years old, arrived in the U.S. before their 16th birthday, were under 31 in 2012, have lived continuously in the U.S. since 2007 and are in school or working toward a degree. An estimated 2,700 recipients of the program have been raised and educated in Nebraska.

Sen. Les Seiler of Hastings said he supported the override because under the current policy, DACA individuals who have become lawyers and doctors still cannot transport themselves to work.

"You mean to tell me we will authorize and license a person to practice medicine in the state of Nebraska but they can't drive a car?" Seiler said. "Are you kidding me? What kind of mentality is that?"

But Ricketts vetoed the bill Wednesday, saying that those who arrived in the country illegally shouldn't receive privileges intended for legal residents and that the bill would allow driver's licenses to millions of other immigrants if Obama's proposal to extend deferred-action status is upheld by federal courts.

"The Legislature's decision to provide driver's licenses and state identification cards to illegal immigrants is an inappropriate benefit to non-citizens," Ricketts said in response to the override.

# Ex-Nuclear Plant Contractor Charged With Terroristic Threats

ST. PAUL, Minn. (AP) — A disgruntled contract employee who had been working at Xcel Energy's Monticello nuclear power plant harassed and threatened union officials before police discovered he had a carload of explosive materials and ammunition, prosecutors allege in a criminal complaint.

Robert James Johnson, 58, of Sioux Falls, South Dakota, was charged in Ramsey County last week with three felony counts of making terroristic threats. The complaint alleges he had been confrontational with carpenters' union officials leading up to his May 13 firing and became increas-

ingly threatening to them before his arrest May 20, as first reported by the St. Paul Pioneer Press.

The complaint said Johnson worked at Monticello for three months and "has a history of being removed or fired from job sites for a variety of reasons." It said the steward at the job site told union officials May 10 he could no longer work with Johnson because of Johnson's behavior. It said an attempt by a chapter president to mediate ended with Johnson being escorted out of the union office.

Johnson allegedly told another union official May 18 he was "an ex-Marine and

certifiably crazy. ... You'd better resign or the last thing you're going to hear," then "made a whistling sound like a bullet."

When police searched his car May 20, they found 6 pounds of the explosive Tannerite, lighter fluid, propane, 500 .22-caliber rifle rounds, nine 20-gauge shotgun shells, a 5-gallon bucket and leg irons, the complaint said. It alleged that he told investigators he was planning "a surprise attack."

"Johnson said he had ammunition and a bear trap in his car," the complaint said. "Johnson clapped his hands together and said, 'Boom. Tick tick tick tick.'" Police checked the North Central States Regional Council of Carpenters union hall for explosives but found nothing, the complaint said.

Johnson posted bond and was released from jail Tuesday. His attorney, Eric Hawkins, did not immediately return a call seeking comment Thursday. He's due back in court June 11.

Peter Gardner, site vice president for the Monticello Nuclear Generating Plant, said in a statement Thursday that Johnson was not an Xcel Energy employee. He was employed as a contractor through the union and was terminated by his employer, not Xcel Energy, he said. No

threats were made against the plant or plant employees, he added.

"The safety and security of our facilities and employees are our top priorities,"

Gardner said. "We're working with law enforcement to assist in this investigation."

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