

## Man Gets Life In Prison For Death Of Child

SIOUX FALLS (AP) — A man convicted in the death of the 2-year-old son of Minnesota Vikings running back Adrian Peterson has been sentenced to life in prison in South Dakota.

The child, Tyrese Robert Ruffin, died in October 2013. An autopsy concluded he sustained four blows to the head that doctors said couldn't have been accidental.

A jury in September convicted 29-year-old Joseph Patterson of second-degree murder, which carries a life sentence. He was sentenced Thursday.

Tyrese was the son of Patterson's girlfriend and Peterson, who has said he found out Tyrese was his son about two months earlier.

Peterson had been working with Tyrese's mother to arrange meeting the boy when he was told Tyrese was hospitalized. Peterson said he raced to South Dakota and saw Tyrese a day before he died.

## Grant To Help School Respond To Suicides

PINE RIDGE (AP) — The U.S. Department of Education has awarded Little Wound School on the Pine Ridge Reservation a \$325,000 grant to help the school recover from 12 suicide deaths on the reservation.

The Project School Emergency Response to Violence grant aims to help the Oglala Sioux Tribe deal with the deaths of current and former Little Wound School students and relatives and friends of the students. There have also been more than 100 suicide attempts on the reservation during the 2014-15 school year.

Education Secretary Arne Duncan says the grant will help the community receive the services it needs to move forward in restoring the learning environment.

Little Wound School is a Bureau of Indian Education funded, tribally-controlled school serving approximately 800 students in kindergarten through 12th grade.

## Liquor License Denied Based On Character

REDFIELD (AP) — The City Council in Redfield has refused to grant a retail liquor license to a man who crashed into a van filled with high school girls while driving drunk in 2012.

Dennis Weideman, 61, was seeking the license to operate a bar in town. The council's decision to reject his request came after a public hearing this week with emotional testimony, *The American News* reports. The council cited "questionable moral character" for denying the license.

Scott Anderson, a father of one of the five girls who suffered minor injuries in the 2012 crash, said issuing Weideman a liquor license would be detrimental to the community. Spink County Sheriff Kevin Schurch also urged the council to deny the liquor license.

State law allows for someone to be denied a liquor license if they have a felony conviction or is deemed to have questionable moral character. That determination was ultimately up to the City Council, said Tim Boman, an attorney advising council members at the meeting.

Weideman said no one feels worse about the crash than he does, and that he doesn't drink and drive anymore.

The owner of the bar, Nancy Terry, hopes to get around the issue by hiring Weideman to manage the bar. She holds the liquor license currently, but said she can't operate it herself due to illness.

The bar has been closed recently. Terry said she needs help to reopen it.

"It's very devastating to me when I worked 40 years of my life in that building," she said.

## Sales Remain Steady Despite Bypass

WAHOO, Neb. (AP) — Restaurant and convenience store owners in Wahoo say business has remained steady despite a new state highway bypass that diverts traffic around the town.

The *Lincoln Journal Star* reports that before the bypass opened on Aug. 25, traffic on U.S. 77 and Nebraska 92 went through the town of about 4,500 people. Wahoo lies north of Lincoln.

According to Nebraska Department of Roads spokeswoman Mary Jo Oie, a traffic count on the four-lane bypass on Sept. 28 tallied 4,800 vehicles. Oie said that 710 of them were heavy trucks.

Jacob Pokorny, manager of the Dairy Queen in town, said his business has not been significantly impacted by the bypass, even on Saturdays when the fans head to and from Memorial Stadium for University of Nebraska football games.

"I think there are less people wearing red, but local youth leagues (who like to stop at Dairy Queen) are making up what we've lost in the football traffic," Pokorny said.

Joe Spicka, owner of the Corner Market, a convenience store along the former highway, says less traffic makes it's way through town.

"I think it's probably nicked everybody," said Spicka.

Spicka serves on a committee that plans to erect two large "Wahoo arrow" signs along the bypass to attract drivers to the downtown area. According to Doug Watts, executive director of the Wahoo Economic Development Office, each of the lighted signs will be about 24 feet long, 6 feet wide and will sit 15 feet off the ground.

Each sign will cost about \$20,000.

Watts also said that retail companies that he has tried to recruit in the past are giving Wahoo another look because of the bypass.

## Five Charged In May Prison Riot

TECUMSEH, Neb. (AP) — Charges have been filed against five inmates in connection with a May riot at the state prison in Tecumseh that left two inmates dead, authorities said Thursday.

The Nebraska attorney general's office said in a news release that the five inmates charged each face felony counts. William Harris is charged with making terroristic threats toward a correctional employee. John Zalme, Roger Weikle and Frederick Gooch each are charged with assault by a confined person on an officer. Ian Yelton is charged with first-degree assault.

They are the first charges stemming from the May 10 riot, state prisons spokeswoman Dawn-Renee Smith said.

Harris is serving 51 to 73 years for first-degree assault, a weapons conviction and fleeing to avoid arrest. Zalme and Weikle have lengthy sentences as habitual criminals for various violent crimes. Gooch is serving up to 30 years for drug dealing and assaulting an officer.

Yelton is serving up to 50 years in prison for sexual assault. Smith said phone interviews with the inmates were not being allowed Thursday.

No one has yet been charged in the deaths of two sex offenders who were found dead at the prison once order was restored after the riot. Two guards and four inmates were injured.

An investigative report released in June concluded that the riot started after too many prisoners were allowed to leave their cells at once to get medication while the prison was at minimum staffing levels.

Officials said Thursday that the deaths and property crimes related to the riot are still under investigation and additional charges could come.

State prisons director Scott Frakes said Thursday that the charges against the five inmates sent "a strong message that assaultive behavior toward staff or other inmates will not be tolerated."

## 25 Antelope Illegally Shot, Killed In Field

BROADWATER, Neb. (AP) — Nebraska conservation officials say 25 antelope were illegally killed and left in a field near Broadwater in Morrill County.

The *Omaha World-Herald* reports the animals, which included bucks, does and fawns, were shot and killed sometime last week.

Sean McKeenan with the Nebraska Game and Parks Commission says he investigated Monday after hearing reports about the killings from area residents. The carcasses were discovered near an access road between two main roads that are usually used by local farmers, ranchers or someone who is hunting.

"I was very, very upset when I was about halfway through finding all these antelopes," he said. "Then to walk over another little hill, and there was that many more. I was pretty upset."

# 5 Years After Smoking Ban Approved, Opinions Still Mixed

BY TOM GRIFFITH  
Rapid City Journal

DEADWOOD (AP) — Five years after South Dakota voters overwhelmingly approved a ban on smoking in restaurants, bars and casinos, the issue remains divisive, with proponents lauding the improved health of state residents, and detractors claiming the ban led to a business decline from which they've never recovered.

On the day of the annual Great American Smokeout, the American Cancer Society says fewer South Dakotans are smoking tobacco than ever. Still, about 19 percent, or 126,000 South Dakota adults, continue to smoke, while youth smoking stands at 16.5 percent. Both were 23 percent in 2011 and remain about 1 percentage point higher than the national average, according to David Benson, South Dakota government relations director for the American Cancer Society Cancer Action Network.

"We're seeing declining rates of individuals smoking, a decrease in youth using cigarettes, a decrease in the use of chewing tobacco, and those numbers are a reflection of fewer individuals having to deal with an unhealthy smoking environment," Benson said from his Sioux Falls office. "We've made it easier for people to quit."

In November 2010, South Dakota voters approved the smoking ban in a landslide referendum election, 65 percent to 35 percent.

"There was a lot of smoke and mirrors presented to voters, distractions meant to divert the focus from public health, and that is what this issue is about," Benson told the *Rapid City Journal*. "A 2013 poll showed 85 percent of South Dakotans support or strongly support the smoke-free law. It is clear from the outcome of that vote five years ago that the ban is incredibly popular."

But not universally. Opponents of the ban say the one-two punch of the ban and a sagging economy ended a winning streak for South Dakota video lottery and Deadwood gambling.

"Yes, I think the smoking ban was the major factor in the reduction of gross revenues for South Dakota's video lottery," said Deadwood Mayor Chuck Turbiville, who also serves as chairman of the state's Video Lottery Commission. "We noticed it in Deadwood, and it certainly was evident from the video lottery establishments across the state."

State statistics seem to bear him out. In 2010, net video lottery income stood at \$215 million. The following year, the first year in which the smoking ban took effect, revenues plummeted to \$191 million, then to \$176 million in 2012. Those figures rebounded somewhat to \$184 million in 2013, and \$185 million last year, but have yet to hit the levels recorded before the smoking ban.

Deadwood's experience matched that of the video lottery.

"I don't think Deadwood has ever recovered from the smoking ban," said Tom Rensch, managing partner of the Silverado/Franklin Historic Gaming Complex. "We've never gotten to that level of gaming again."

According to Rensch, a high percentage of smokers gamble, and when they were banned from casinos, the bottom line suffered.

While video lottery and cigarette-tax revenues dropped 10 to 20 percent in the first year after the ban, Deadwood gambling revenues recorded their biggest year-over-year loss since gambling was legalized in 1989.

After a Deadwood then-record of \$106.2 million in revenues in 2010, that figure decreased to \$100 million in 2011, rebounded to \$107 million in 2012, then dropped again to \$103 million in 2013. Gross gambling revenues stood at \$104 million last year, according to statistics from the South Dakota Commission on Gaming.

But for some gambling operators, the smoking ban did more than reduce revenues and lead some casinos to cut hours of operation and reduce staff. The ban, some private business owners said, stepped on their rights and the rights of their customers.

Lifelong Deadwood resident, businessman and long-time smoker Mike Trucano said that every gambling jurisdiction in the U.S. that had banned smoking had at least a 15 percent decline in

revenues.

"I thought the business owner should make the smoking policy for their own building," he said. "Let the market decide."

Despite their opposition to the ban, Rensch and Trucano said they've gotten over the issue in the past five years and continued working on marketing efforts designed to expand Deadwood's visitor season and attract new customers.

"We've adapted," Rensch said. "I think smokers have adapted also by going outside and smoking. We've moved on. We've found new ways to grow our business."

Louie Lalonde, the co-owner and general manager of the Saloon No. 10 who said she quit smoking only when she realized she was waking up at 3 a.m. to light a cigarette, said the smoking ban has helped her bar business.

"I was probably the only saloon-keeper in the world who didn't favor smoking," Lalonde said. "But I worried about my bartenders and wait staff, who were being subjected to eight hours of constant smoke in their faces for 40 hours a week."

"I think the ban's been absolutely 100 percent positive," she added. "Those who have stubbornly stayed home because they couldn't smoke are far outnumbered by those who have come back downtown and those who have adjusted to stepping outside to have a cigarette."

# Avera Health Buying The Dakotacare Health Insurance Company

BY DIRK LAMMERS  
Associated Press

SIOUX FALLS — Regional health system Avera Health announced Thursday that it plans to buy the Dakotacare health insurance company, creating what it said would be the second-largest health insurer in South Dakota.

The two Sioux Falls-based companies said customers wouldn't experience any change in service or access to hospitals, pharmacies or doctors. Avera said the deal allows it to expand its insurance to cover not only its facilities, but to offer choice-base plans, which allow patients to choose any health care provider in the state.

No purchase price was disclosed, but the companies said the deal was expected to be finalized Nov. 30. Here are some details about the deal:

**STATE'S SECOND LARGEST HEALTH INSURER**

Avera, which owns 32 hospitals and more than 200 clinics in a five-state region, has been in the insurance industry through its insurance arm, Avera Health Plans, since 1999. Dakotacare, created by doctors in 1986, is the

health care plan of the South Dakota Medical Association.

Together, the companies will serve nearly 200,000 members, marking the state's second largest health insurance company behind Wellmark Blue Cross and Blue Shield of South Dakota, according to Avera.

Avera plans to operate Avera Health Plans and Dakotacare as separate organizations, allowing it to offer South Dakota residents a variety of options and price points, said Rob Bates, senior vice president of Avera Health.

Kevin Bjordahl, Dakotacare's board chairman, added: "For Dakotacare subscribers, nothing will change."

South Dakota Department of Labor Secretary Marcia Hultman, whose agency oversees the Division of Insurance, said she doesn't anticipate any great impacts to health insurance competition.

"Avera has indicated it is committed to maintaining the Dakotacare brand, its network and agent relationships," she said.

**HEALTH CARE ACT CHALLENGES**

Dakotacare began discussions with Avera after its board realized it would

be beneficial to partner with a larger health care system, especially after the federal health care law took effect.

The company announced in October that it could no longer afford to offer individual policies through the federal health insurance marketplace. Bjordahl said there have been instances in which people have walked into a hospital, signed up for insurance and used services for a major disease, and then stopped paying their premiums after being discharged.

"These challenges of the Affordable Care Act have made it necessary to partner with somebody bigger," Bjordahl said.

**COMPANY CHANGES?**

Bates said there were no immediate plans for staffing changes within the two insurers, which each employ about 120 people. But he said Avera will look for efficiencies, saying: "We probably don't need two of everything."

Bates said he doesn't know how that may affect future staffing, but he said Avera is a large, diverse system that would have sufficient opportunities for anyone affected by structural changes.

## OBITUARIES

### Vivian Thaler

Vivian Thaler, 81, of Wagner died Wednesday, November 18, 2015 at the Community Memorial Hospital in Wagner. Vivian attained the age of 81 years and one month.

Funeral services are 10:30 a.m. Saturday, November 21 at the United Methodist Church in Wagner. Burial is in the ZCJB Cemetery, rural Wagner.

Visitation will be Friday from 4 to 6 p.m. with the family present from 5 to 6 p.m. at the Crosby-Jaeger Funeral Home in Wagner.

Vivian Gertrude Thaler was born at Springfield, SD on October 18, 1934, the daughter of Peter and Frances (Van Haitsma) Po-



Thaler

elstra. She attended school through the eighth grade in rural Springfield. She married Norman Thaler on August 15, 1949 at Hiawatha, KS. Three sons were born to their union. Together they farmed east of Wagner. She later worked at the Good Samaritan Center in Wagner for two years and for the City of Wagner for over 20 years.

Vivian was a member of the United Methodist Church and was baptized on February 23, 1958 in Wagner.

Vivian will be remembered for her love of gardening, flowers, crafts, refinishing furniture, playing cards and cribbage.

Thankful for having shared her life are her three sons: Richard and wife Cheryl Thaler of Pickstown, Thomas and wife Vicki Thaler of Wagner and Kenneth Thaler of Wagner; five grandchildren; seven great-grandchildren; a sister, Thel-

### Wilbur Foss

Wilbur Foss, 94, of Scotland, South Dakota passed away on Wednesday, November 18, 2015 at Landmann-Jungman Memorial Hospital in Scotland.

Memorial services are being arranged by the Goglin Funeral Home of Scotland. Online condolences may be sent at www.goglinfh.com.

ma Kasulka of Macon, GA; sister-in-law, Joyce O'Neal of Mitchell; several nieces and nephews; and her beloved cat, Harry Garfield.

Vivian was preceded in death by her husband Norman, parents and sister,

goglinfh.com.

### Goglin Funeral Home

Tyndall - Scotland - Tripp



www.goglinfh.com

Melba Williams.

In lieu of flowers, memorials will be directed the Wagner Good Samaritan Society or the Wagner Area Foundation.

**Yankton Press & Dakotan**  
**November 20, 2015**

**Everyone Welcome!**

**BUD LIGHT**

**Door Prizes!**

**Play Pitch & Win a Turkey!**

**Volin Fire & Rescue Feather Party!**  
**Friday, Nov. 20th**  
**5:00PM • Volin Town Hall**

Raffle tickets for rifles available from any Volin Fireman or the night of the party. Serving chili, chicken dumpling soup, ham sandwiches, bars and beverages.

**For More Info Call 605-660-6006**

*If no two people are the same...*

**Why should their funerals be?**

A funeral service should reflect the taste and preferences of the person who dies. We will help you add your own personal touch.

**WINTZ & RAY**  
FUNERAL HOME and CREMATION SERVICE  
Yankton

**WINTZ**  
FUNERAL HOME INC.  
Hartington, Coleridge, Crofton

605-665-3644    www.wintzrayfuneralhome.com    402-254-6547