

MIDWEST DIGEST

Man Dies After Crashing Into School Bus

SCOTTSBLUFF, Neb. (AP) — The Nebraska State Patrol is trying to determine why a Scottsbluff man crashed into the back of a school bus and died.

Nebraska State Patrol Trooper Chuck Elley told KNEB-AM the driver was killed Tuesday afternoon when the front of his car struck the stopped bus with enough force to become stuck underneath the bus. Elley says the students and bus driver suffered only minor injuries in the crash on U.S. Highway 71 about four miles north of Scottsbluff. The bus was stopped and in the process of unloading when the accident happened shortly after 4 p.m.

The car driver's name wasn't immediately released Tuesday. Another bus picked up the remaining few students after the accident and took them home.

3 Killed In 2-Vehicle Crash In Eastern S.D.

TRENT, S.D. (AP) — A two-vehicle crash in eastern South Dakota killed three people from three states.

The Highway Patrol says they were passengers in a pickup truck that collided with a commercial truck about 5:15 p.m. Monday at the intersection of two Moody County roads northeast of Trent. Killed were 48-year-old Margaret Trost, of St. Cloud, Minn.; 48-year-old Mary Mitchell, of Union, Maine; and Heather Perkins, of Jacksonville, Fla. Her age was not immediately available.

The patrol says the victims were related but it's not immediately clear why they were in South Dakota. The driver of the commercial truck was not hurt. The patrol says the driver of the pickup suffered non-life threatening injuries.

Neb. Court-Appointed Guardian Pleads Guilty

OMAHA, Neb. (AP) — A court-appointed guardian has pleaded guilty to four counts for stealing from people the state of Nebraska paid her to protect.

Dina Turrentine-Sims pleaded guilty to two counts of theft and two of abusing a vulnerable adult.

The Omaha World-Herald's 59-year-old Omaha resident faces up to 50 years in prison. Her sentencing is set for December.

In one 2007 case, Turrentine-Sims took more than \$230,000 from the estate of an elderly Papillion (pub-PILL-yun) couple. A restitution hearing is set for next month.

Funeral Set For Teen Killed In Farm Mishap

PRESHO, S.D. (AP) — Funeral services are scheduled Friday for a Presho teenager who died in a farm accident over the weekend.

Lyman County Sheriff's Deputy Don Jennings says 16-year-old Reed Lien was found dead in a millet field southwest of Presho on Saturday night.

KGFX says authorities believe Lien was working on a piece of equipment. They are still investigating.

The funeral is at 2 p.m. Friday at the American Lutheran Church in Presho.

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COUNTY

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opinion, it's getting late to pour concrete."

In other business Tuesday, the commission voted to install signage along 300th Street near the Martinus Lutheran Church because of the congregation's safety concerns.

A group of church members attended the commission meeting to support the action. They said that a hill to the west of the church makes it difficult to see approaching vehicles.

"It's very, very dangerous," said Jensen, who had recently driven the stretch of road.

The commission gave unanimous approval to a motion directing the county highway superintendent to install appropriate signage to warn motorists of the intersection. Commissioner Allen Sinclair vowed it would be done before the end of the year.

Also Tuesday, the commission:

- gave final approval to a zoning ordinance amendment that would state a good-faith effort must be made by the applicant to notify all owners of land within a specified area of proposed

zoning changes. Currently, it states that land owners "must" be notified;

- approved a change to the county employee handbook that would eliminate rare situations where employees receive triple their hourly wage. Instead, they will receive the typical overtime payment of time-and-a-half;

- was told that just under 300 absentee votes have been received so far, which is uncharacteristically low; and

- was introduced to Kevin Vaith, a new Yankton County Extension educator who specializes in livestock.

Neb. Supreme Court Asked To Define A Chase

BY JOSH FUNK
Associated Press Writer

OMAHA, Neb. — It may seem simple to say that a Nebraska State trooper speeding through traffic to catch up with another vehicle is chasing that vehicle, but the state's lawyers say it's not that clear-cut.

Lawyers for the state and a Nebraska woman injured in a crash will get a chance Wednesday to persuade the Nebraska Supreme Court to adopt their definition of a police chase.

The high court's decision will dictate whether the state is responsible for the 2006 crash that caused debilitating injuries to Kimberly Cotton. At issue is the interpretation of a law that says the state is strictly liable when the

actions of a pursuing law enforcement officer cause injury or death.

Cotton was hurt when the man being sought by State Trooper Kent Kavan lost control of the stolen car he was driving and hit a pickup truck, forcing it to collide with Cotton's car on Highway 50 near Springfield.

Sarpy County District Judge David Arterburn ruled early this year the state wasn't liable because the trooper didn't intend to arrest Aaron Anson when he pursued him on March 8, 2006. Instead, Kavan said he was only pursuing Anson to investigate further and confirm the Ford Mustang Anson was driving was stolen.

Arterburn ruled that Kavan's pursuit of Anson to check the license plate number of the car didn't qualify as a pursuit, partly because

before the accident Kavan never turned on the lights or siren of the State Patrol truck he was driving.

And at the time of the crash, Anson was under the influence of methamphetamine and his memory of that day is unclear, according to court records. So Arterburn didn't give as much weight to Anson's testimony about when the chase began.

Cotton's lawyer, Michael Dowd, said he thinks Arterburn misinterpreted the state law on chases when he ruled that a chase to investigate is different than a chase to apprehend, so Cotton appealed to the high court.

"I don't think there is a difference between the two, and I hope the court agrees," Dowd said.

The state's attorney, Robert Keith, declined to comment

because the case is still pending, but in court documents, he said the evidence in this case shows that Kavan's decision to follow Anson before the accident wasn't a chase.

"The Legislature never intended for a pursuit to be initiated under the pursuit statute every time an officer follows another vehicle to run its license plate or to perform some other investigative activity," Keith said.

On the day of the crash, Kavan was working as a State Patrol carrier enforcement officer upholding commercial vehicle rules and weighing trucks. But when Anson drove by, Kavan thought he recognized the Mustang Anson was driving as the one stolen from a Nebraska City dealership.

High Court Hears Arguments In R.C. Murder

BY CHET BROKAW
Associated Press Writer

PIERRE — A Rapid City man convicted of killing his girlfriend with two decorative rocks should get a new trial because the person he claims actually committed the murder was able to waive his right to testify in the jury's presence, the man's lawyer told the South Dakota Supreme Court on Tuesday.

Tad Blackburn, 25, is serving a life sentence without the possibility of parole for his second-degree

murder conviction in the November 2007 beating death of Tamara Magic, 44. She died in her home from a skull fracture and also was stabbed.

Blackburn's lawyer, Paul Winter, told justices during a hearing that Blackburn was denied a fair trial when two other men — one of whom has since been charged with murder in the case — were allowed to take the stand but refuse to testify in the jury's presence.

Winter says the prosecution was able to use those refusals to

create the impression the two men knew of Blackburn's plans to rob and kill Magic to get money for drugs. That shifted the focus of the trial and prevented the defense from effectively arguing that one of the men, Aaron Jones, actually committed the murder, he said.

Jones has since been charged with murder in Magic's death after his refusal to testify in Blackburn's trial.

Assistant Attorney General Andrew Knecht argued the trial

judge was correct in allowing the jury to hear the refusal of the two men from the witness stand.

Prosecutors initially offered Jones a plea bargain, but they revoked the deal just before Blackburn's trial. Another potential witness, Jeremy Smith, also refused to testify in Blackburn's trial. Jones invoked his Fifth Amendment right against self-incrimination in refusing to testify, although Smith declined to speak on the witness stand without citing a reason.

CAR

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Authorities didn't immediately release details. However, the accident involved the female driver of a van that left the highway, went into the west ditch and crashed into a tree. She was removed

from the scene and transported by the helicopter for medical treatment.

She was not identified, and no further details on her condition were released.

The Cedar County sheriff's office was assisted at the scene by the Nebraska State Patrol, the Yankton Fire Department, the Yankton County Emergency Medical Services (EMS) and the Crofton (Neb.) Fire and Rescue Unit.

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