

SD Man Convicted Of Raping Child

PIERRE (AP) — A jury has convicted a 34-year-old South Dakota man of kidnapping and raping a child more than a decade ago.

South Dakota Attorney General Marty Jackley says that a Tripp County jury found Gabriel D. Medicine Eagle Jr., guilty Tuesday of second and third-degree rape, sexual contact with a child under the age of 16 and kidnapping.

Prosecutors say Medicine Eagle kidnapped and raped a child in the Winner area in September 2000.

The sexual contact charge and third-degree rape charges each carry a maximum penalty of 15 years in prison. The maximum penalty for the second-degree rape charge is 25 years, while Medicine Eagle faces 50 years for the kidnapping charge.

Sentencing is set for Jan. 5 in Tripp County.

Nebraska Nuns Sue Contractor For Mold

NORFOLK, Neb. (AP) — A Nebraska religious sisterhood says a contractor renovating their monastery overcharged them and performed shoddy ventilation work that led to a mold outbreak.

Missionary Benedictine Sisters Inc. in Norfolk filed a federal lawsuit this week against the Appleton, Wis.-based Hoffman, LLC.

The lawsuit stems from a \$15 million renovation contract that began in 2007. The lawsuit says Hoffman agreed to complete the design, engineering and construction work between April 2007 and May 2010.

But when residents started moving back into the monastery in 2009, according to the lawsuit, they noticed problems with the ventilation. The system allegedly failed to dehumidify the air, and further inspection found that a new mechanical system greatly exceeded the building's needs.

Hoffman's attorney says the company will respond in a court filing due next month.

Grants Help Lawyers Repay School Loans

PIERRE (AP) — Applications are being sought for the second year of a program that helps South Dakota prosecutors and public defenders repay school loans if they agree to continue in those positions for at least three years.

The program is designed to keep qualified lawyers in their jobs as state prosecutors and state and federal public defenders.

The money is available through a federal program administered by the state Office of Homeland Security.

Office director James Carpenter says many prosecutors and public defenders have significant debt when they finish law school. He says the loan repayment program encourages them to remain in public service, even though they might make more money in private practice.

Applications will be taken through Dec. 31.

SD Woman Dies In Single-Vehicle Crash

HURON (AP) — A 26-year-old South Dakota woman died in a one-vehicle accident Thursday morning about two miles north of Huron.

The South Dakota Highway Patrol says Laina Kate Barton, of Huron, was driving southbound around 7 a.m. when she lost control on a curve and the car rolled.

Barton was thrown from the vehicle. She was transported to a Sioux Falls hospital by air, where she died of injuries from the crash.

The Highway Patrol says Barton wasn't wearing a seatbelt.

Fire At ADM Plant Began In Duct Work

COLUMBUS, Neb. (AP) — Officials say a fire at the Archer Daniels Midland plant in Columbus this week started in duct work in the dry mill portion of the plant.

The Columbus Telegram reported that firefighters responded to the blaze early Tuesday evening. The fire was extinguished by early Wednesday morning but crews remained at the site throughout the day Wednesday in case the fire rekindled.

Court Strikes Down Neb.'s Funeral Picketing Ban

BY MARGERY A. BECK
Associated Press

OMAHA, Neb. — A federal appeals court struck down a Nebraska law on Thursday that keeps protesters several hundred feet away from a funeral or memorial service.

A three-judge panel of the 8th U.S. Circuit Court of Appeals reversed a ruling by a lower federal court against members of Westboro Baptist Church, relying on its 2008 ruling in a Missouri case that said peaceful protests near funerals are protected by the First Amendment's right to free speech.

Thursday's opinion came in an appeal of a lawsuit filed by Shirley Phelps-Roper,

the daughter of the founder of the Topeka, Kan.-based group that regularly protests at the funerals of fallen soldiers. Phelps-Roper had asked for a preliminary injunction to stop enforcement of the law, saying it was unconstitutional.

The Nebraska Attorney General's Office said it will ask for the full 8th Circuit to review the case.

"This is a fool's errand that they're on, and they'll bankrupt the state in the process," said Margie Phelps-Roper, also a lawyer and another daughter of Westboro pastor Fred Phelps. "We go to public right-of-ways in the midst of public discussions and have a dissenting view. That's supposed to be the essence of what makes this nation unique — that a little church in

the middle of the nation can go to public street in the midst of a public debate and have a wildly unpopular, dissenting view."

Members of the church believe U.S. troop deaths are punishment for the nation's tolerance of homosexuality. The lawsuit followed Phelps-Roper's arrest during a 2007 protest at the funeral of a National Guardsman in Bellevue. Authorities said she let her then-10-year-old son stand on an American flag and that she wore a flag as a skirt that dragged on the ground.

Charges against her were dropped in exchange for Phelps-Roper dismissing all her state and federal lawsuits against Sarpy County authorities. But her lawsuit against state and Bellevue officials re-

mains active. When Phelps-Roper filed the lawsuit, Nebraska's law prohibited picketing within 300 feet of a funeral or memorial service. Lawmakers have since passed a measure that requires picketers to stay at least 500 feet away from funerals.

The appeals court reversed the earlier ruling by U.S. District Court Judge Laurie Smith Camp, who had said that the Nebraska funeral picketing law protects family members attending services, while leaving ample alternatives for Phelps-Roper's protests that are protected by the First Amendment. The judge had also said Phelps-Roper had not demonstrated she would likely prevail in her challenge to the state law, but recent rulings have proved otherwise.

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