

Man Arrested On Murder Charge In Shooting

SIoux FALL (AP) — A Sioux Falls man was being held Monday on \$1 million cash bond in connection with the fatal shooting of a neighbor after what authorities said was a longstanding feud.

Peter Deng Mayen, 29, was being held on a first degree murder charge in the death of Bruce Richard Walters, 51, who found dead Sunday night near his home in Sioux Falls with several gunshot wounds to his chest.

The incident was caught on video cameras that Walters had installed at his home, the *Argus Leader* reported.

Friends and family of both men wept as Mayen appeared Monday before Judge Alan Dietrich. Minnehaha County State's Attorney Aaron McGowan told the court that Mayen "made admissions" in the shooting.

After the hearing, Mayen's wife, Aware Geu Mayen, told the *Argus Leader* that the conflict had been simmering for months. She said Walters had made racist comments and threatened the Sudanese couple and their four children.

The family had asked the police for help, she said.

"They would say, 'You guys just ignore him,'" she said. "We needed the police to be there before what happened that day."

S.D. Farmers Enjoying Swift Harvest Pace

SIoux FALLS (AP) — South Dakota's fall harvest has extended into winter in recent years because of excess moisture and bad weather. That likely won't be the case this year.

The pace of the harvest is so far ahead of average that many farmers might be done in October. And the corn and soybeans they're putting in the bin are of good quality.

State Corn Growers Association Executive Director Lisa Richardson tells the *Argus Leader* that the corn crop likely will be the second-largest on record, with a record average yield.

The soybean crop isn't as promising but is likely to be about average.

Hard Freeze Ends Nebraska's Growing Season

LINCOLN, Neb. (AP) — A hard freeze has ended the growing season in Nebraska as farmers push ahead with the harvest.

The U.S. Department of Agriculture says in the weekly crop report on Monday that the soybean harvest is around 93 percent complete, which is about two weeks ahead of average. The corn and sorghum harvests are about half-way done, while the sugarbeet harvest is progressing. Most of the wheat crop has emerged. Calves are being weaned and sold.

The report says 78 percent of the corn is in good to excellent condition.

Area Towns Watch S.F. Events Center Debate

SIoux FALLS (AP) — Officials in towns near South Dakota's largest city are watching the debate over a proposed \$115 million events center, with mixed views on whether a new Sioux Falls center would be good or bad for their communities.

Hartford Mayor Paul Zimmer tells the *Argus Leader* that he thinks it would be good for surrounding towns. He says with a growing population, the region needs an entertainment facility large enough to attract better shows. He also thinks it would promote job growth and the economy.

Officials in Brookings and Sioux City, Iowa, say a new Sioux Falls events center would offer competition for facilities in their cities, at least initially. Sioux Falls residents will vote on the center Nov. 8.

Police: Wanted Nebraska Man Arrested In N.D.

SOUTH SIOUX CITY, Neb. (AP) — Police say a South Sioux City man accused of killing his live-in girlfriend has been arrested in North Dakota.

The *Sioux City Journal* in Iowa says Lt. Chuck Carson says local investigators were tipped off to John Baker's location and the information was related to North Dakota police.

Carson says Baker was arrested Monday afternoon in McLean County, N.D., which is in central North Dakota, about 400 miles from Sioux City.

Kelly Alspach was found dead on Friday at the home she shared with Baker. An affidavit filed in support of a warrant for second-degree murder says an autopsy showed she died of a blow to the head and positional asphyxia.

PRISON GUARD KILLING

Death Sentence Considered

BY KRISTI EATON
Associated Press

SIoux FALLS — A South Dakota penitentiary guard broke down in tears Monday during a pre-sentencing hearing for a 49-year-old inmate who pleaded guilty to killing another guard by bashing him with a pipe, covering his mouth with plastic wrap and then wearing the dead man's uniform in a failed attempt to escape.

Eric Robert, 49, pleaded guilty in September to killing Ronald "R.J." Johnson on April 12 — Johnson's birthday — in an attempt to sneak past other security. Robert waived his right to a jury trial and says he wants to be put to death, but Second Circuit Judge Bradley Zell said the state still has to prove the death penalty is warranted during the pre-sentencing hearing. The hearing started Monday and is expected to last at least through Wednesday.

Corrections Officer Liz Scharton dabbed at her eyes with a tissue as she testified about how officers found Johnson without any pants on and covered in blood.

"His eyes were swollen shut. His face was purple," she said.

Sgt. Brock Johnson used his fingers to cut the tightly-wound plastic wrap before Scharton said she attempted to use a pocket mask to perform CPR on Johnson. Scharton was unable to get a good seal because Johnson's face was too swollen, she testified.

Johnson was working alone the morning of his death in a part of the Sioux Falls prison

"I didn't recognize (Johnson), so I began to question his identity. And at that time I realized he wasn't wearing an officer's kaki shirt under his jacket."

MATTHEW FREEBURG

known as Pheasantland Industries, where inmates work on upholstery, signs, custom furniture and other projects, said South Dakota Attorney General Marty Jackley said.

"Awaiting him at the penitentiary was a plan developed by several inmates, an escape plan," Jackley said.

Jackley said he will present five mitigating factors that, in addition to Robert's violence past, will prove the inmate should be executed for the slaying.

Robert, in an orange prison jumpsuit, white undershirt and with his feet shackled, sat expressionless throughout Monday's testimony. He occasionally whispered to one of his lawyers.

Robert had been serving an 80-year-sentence on a kidnapping conviction when he attempted to escape with Rodney Berget, 49. Berget, who has pleaded not guilty to the slaying, also faces the death penalty. His trial is scheduled to start Jan. 30.

A third inmate, Michael J. Nordman, 47, was

charged with supplying some of the items used in the killing. Prosecutors have not said whether they will seek the death penalty for Nordman.

Mark Kadi, Robert's lawyer, read a short statement from Robert during opening arguments that called his past actions "despicable" and said his client will take the stand to explain why he deserves the death penalty.

Jackley said that after Johnson was assaulted and his uniform taken, Robert carted a large box toward the prison gate with Berget inside.

Officer Jodi Hall testified how Robert was able to wheel the cart into a holding area, but became suspicious when Robert didn't swipe his electronic ID card. Robert claimed he forgot his badge.

The officer then asked Cpl. Matthew Freeburg if he recognized the guard.

"I didn't recognize him, so I began to question his identity," Freeburg testified. "And at that time I realized he wasn't wearing an officer's kaki shirt under his jacket."

When he pressed the issue, Robert began kicking and beating Freeburg and Berget jumped out of the box to join in, Freeburg said.

"I was struck in the back of the head a couple times with a radio," said Freeburg, who was treated at a hospital for the injuries.

More officers then arrived to find Berget still beating Freeburg, Hall said, while Robert was climbing the outer gate and had reached the razor wire on top.

Rule For Neb. Counselors Still Mired In Gay Debate

LINCOLN, Neb. (AP) — A coalition of social workers, psychologists and family therapists on Monday demanded the state adopt rules that would require certain mental health professionals to offer referrals to gay patients if they refuse to treat them because of religious beliefs.

Terry Werner, who heads the Nebraska chapter of the National Association of Social Workers, said such referrals are already required in the code of ethics that governs each profession in the group. But he said the state's Division of Public Health has yet to adopt the same language for so-called licensed independent mental health practitioners, a position

the Legislature created in 2007.

The new independent position allows qualified mental health practitioners who serve as counselors, social workers and therapists to diagnose and treat mental illnesses without formal medical supervision. Werner said the proposed regulations have sat untouched by the Division of Public Health since mid-2010.

The coalition has filed a petition demanding that the Department of Health and Human Services advance the rules.

Without such rules, the practitioners have "no formal guidance regarding their profession," the petition states. "Since the Legisla-

ture's creation of this category of professionals in 2007, there have been no rules or regulations governing these professionals."

"We believe that a therapist has the right to refuse service based upon religious or moral convictions," Werner said. "However, they absolutely must provide a thorough and comprehensive referral. Anything less than that, in our minds, is in violation of our code of ethics and is not in the best interest of the client."

Jim Cunningham, executive director of the Nebraska Catholic Conference, has said psychologists, therapists and other licensed counselors should be able to refuse to treat clients because of religious or moral convictions and not have to refer them to another therapist. Their concern rose largely from an Iowa Supreme Court ruling that allowed same-sex marriage, raising the prospect that gay couples could come to Nebraska therapists for marriage counseling.

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