

Court

From Page 1

you do it?" and "Were you drinking?"

Thomas began to answer the questions without having been informed of his Miranda rights.

"A person would not feel they can turn down the questions," O'Connor said, further stating that Thomas himself had made it known where he was through a friend so that the authorities could come arrest him.

"He did not invite them over for an interrogation," O'Connor said.

Michael P. Norris, assistant U.S. attorney, District of Nebraska, said the fact that Thomas let the law enforcement officials into the residence and made a confession before them "speaks to the voluntariness of that instance."

Norris said the failure of the authorities to inform Thomas of his Miranda rights before they asked their initial questions was not deliberate, and that Thomas was informed of them before an interrogation at the police station shortly thereafter.

At that time, Thomas told the authorities he was aware of his rights, and commenced to give a narrative of what happened that lasted "about 20 minutes," Norris said.

Judge C. Arlen Beam asked O'Connor how the incident between Thomas and the authorities was different than what is referred to as a "knock and talk," which is when a police officer can ask someone any number of questions as long as the officer does not break the threshold of the residence.

O'Connor said this was different than a "knock and talk" in that Thomas said, "I'm not here to talk — I'm here to turn myself in."

Norris disagreed, saying, "You don't have the right to be arrested because you want to be arrested at that time."

He further stated that the matter was given an extensive hearing before a magistrate judge, the conclusion of which was that the meeting between Thomas and the authorities was non-custodial and a Miranda warning was not required.

Beam asked Norris if the finding was incorrect and if the warning should have been given, would that have an effect on Thomas' 20-minute confession.

"I don't think it does anything," Norris replied.

Thomas currently is serving a life sentence. Along with first-degree murder, he was found guilty of the

discharge of a firearm during and in relation to a crime of violence.

At his trial, Thomas moved for a judgment of acquittal at the end of the government's case and again at the close of his defense. Both motions were denied.

Tom Sorensen, associate dean for the USD Law School, was quoted last week as saying that no firm decisions on any of the cases will be made at this time.

A final decision will be handed down at a later date.

Summaries of all three cases heard Wednesday are available at www.usd.edu/law/upload/Case-Synopses.pdf.

Randy Dockendorf contributed to this report.

Ballet

From Page 1

they'll be in Yankton. I think it's amazing."

This will be Ballet Magnificat's second visit to Yankton. The company also came to town in 2009 to perform its production of "Scarlet Cord" and to hold dancing workshops.

"Everyone loved their performances, and the workshops were amazing," Dannenbring said about the company's first trip to Yankton. "It was hard to see them go, and we couldn't wait to have them again."

Dannenbring said one of the main goals of bringing Ballet Magnificat! to Yankton is

to raise money to establish partial scholarships for dancers to attend the company's summer dance retreat in Mississippi. So far, three area dancers have been able to attend the training thanks to funds raised by the performances.

"They have an amazing summer program," she said. "I hope we can continue to have dancers go out there and study during the summer and be partially supported through the funds we are hoping to establish once again."

One of those dancers, Johanna Lippert of Yankton, said her experience with Ballet Magnificat! was everything she could have hoped for.

"It was really great being around people who shared the same beliefs as me and had the same desire, which is to dance and please the Lord at the same time," she said.

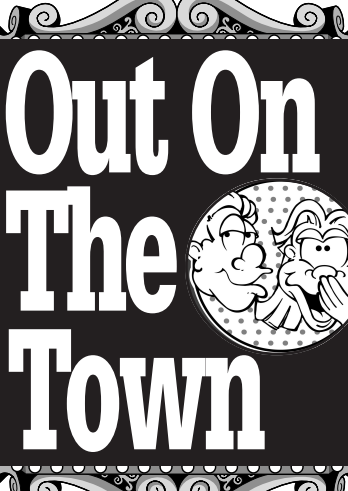
Lippert, a freshman at Yankton High School, said the summer program has also helped her with performances with the YHS dance team.

"The technique helped a lot, and I think being around people my age also helped with learning how to dance as one," she said.

Like Dannenbring, Lippert encouraged everyone to attend the Ballet Magnificat! performance.

"Even if people aren't interested in dance, they should come and see the performance," she said. "It really relates to people of all ages, because it's just a great message. Even if people don't think they'll like it, I think they should see it. I think they'll be surprised."

For more information or to register for the dance workshops, call the Academy of Dance at (605) 665-7729.



Out On The Town

Don't Miss Our
**All-You-Can-Eat
Broasted Chicken
& Pollock Buffet
With Salad Bar**

**Every
Wednesday
5 to 9pm**

**Joe's
Substation**

Rural Lesterville • 605-364-7414

CJ's At The Lake

OPEN ALL YEAR!
Cjathelake.com for menu's, events & bands • 402-388-4267
Weigan Rd., NE side of the lake • 10 miles north of Crofton • 11 miles southwest of Yankton

MONDAY: 16 Oz. Ribeye with Salad Bar \$12.95
TUESDAY: Taco 99¢
WEDNESDAY: 16 Oz. Ribeye with Salad Bar \$12.95
THURSDAY: Hamburgers \$1.00
FRIDAY: Supreme Seafood Buffet \$13.95
SATURDAY: Supreme Seafood Buffet with Prime Rib \$13.95
BREAKFAST BUFFET EVERY SATURDAY & SUNDAY 8AM

Enjoy the Fall Season with Our New Fall Specials and Fall Decor

Plan your holiday party in the NEW Sandra's Brickskellar. **OPENING SOON!**

The Argo
Open Thurs.-Fri.-Sat. at 5:30
1-402-388-2400
www.theargohotel.com
email: argo@gpcom.net CROFTON, NE

YHS Band Booster Soup Kitchen

**Thursday, Oct. 27th
11am-2pm • 4pm-7pm**

at the Elks Lodge 994 at Fox Run Parkway
Serving Homemade Soups, Taverns & Pie
• Raffle Tickets • Band Aid Tickets Everyone Welcome!
Bring a container and buy some soup or pie to go!

SATURDAY, OCTOBER 29TH

\$500 in Total Cash Drawings
\$25 Drawn Every 15 Minutes 7:15 to Midnight
Gas Utility Vehicle
ATV Drawing at 10:00PM ~ Must be present to win!

SUNDAY, OCTOBER 30TH

Halloween Costume Contest

2 Divisions for the Scariest or Funniest Costume
Prizes for Each Category 1st-\$200, 2nd-\$150, 3rd-\$100
Must be 18 years or older to participate.

OHIYA BINGO HALL
Sunday, October 30th
\$20 Pays \$100 • \$10 X-tra Packet
Come in full costume & receive \$5.00 off your buy-in purchase.

OHIYA RESTAURANT
Sunday, October 30th
All Day Buffet
Chicken, Shrimp & Roast Beef
Mgmt. has the right to make changes at any given time.



SOUP KITCHEN

St. John's Lutheran Church
1009 Jackson St., Yankton, SD

Thursday, Oct. 27 • Serving 11am-7pm
Homemade Soup, Taverns, Hot Dogs, Pie, Coffee & Milk

UNDER NEW OWNERSHIP SINCE JUNE 1, 2011

CHINA TOWN RESTAURANT

DINE IN • TAKE OUT
2007 Broadway, Yankton
Open 11am-2:30pm, 4pm-9pm

All You Can Eat Lunch & Dinner Buffet
20% OFF
7 Days A Week!

Express Delivery Available
(City of Yankton)
\$15 minimum for FREE Delivery
605.260.1688

Vespers

From Page 1

Because this year marks the 75th anniversary of Mount Marty College, Vogt said he wanted to try something new and exciting for the holiday performance. He is introducing something he is calling "Choral Scholars," the idea for which was gleaned from the Omaha Youth Symphony.

"Each student plays next to the professional orchestra member of their same instrument," Vogt said. "It's great for morale, confidence and the product is stellar. The students practice really hard because they're going to be next to a professional. They don't want to mess up."

In this case, it will be 12 choral singers paired up with 12 Mount Marty Choir members.

"I don't know of a single college in the country that has done this," Vogt said.

In order to get the professional singers, Vogt hired a choral contractor and instructed him to hire the 12 best singers in the United States. They will hail from Boston, New York, Idaho, Utah, Florida, Texas and elsewhere.

"The pros are flying in Friday and Saturday (before the 27th)," Vogt said. "On Saturday night, the choral scholars are actually going to do a closed recording session of non-Vespers music. We're going to put those audio files on our arts tab on the Mount Marty College website."

The performances may officially begin this year at 4 and 7 p.m., but he said the audience should plan to be at the Bishop Marty Memorial Chapel much earlier — and not just because seating fills up fast. Doors will open at 2:45 and 5:45, and there will be a full hour of prelude music. It will include handbell music, a performance of Paganini's "Violin Concerto No. 1 (movt. 1)" by a special guest, Bach orchestral excerpts from "The Christmas Oratorio" and a choral prelude. That will be followed by a formal procession by the Knights of Columbus.

South Dakota Lt. Gov. Matt Michels will be a reader during the official program, as well as other notable figures.

Vogt reinforced the fact that Vespers is not a Mass, and everyone is welcome.

"It's an ecumenical service," he said. "I think that's part of the reason it is so popular. Nobody feels out of place."

THE LEWIS AND CLARK THEATRE COMPANY AND JODEAN'S PRESENT

A HALLOWEEN SUSPENSE THRILLER

BY FREDERICK KNOTT

WAIT UNTIL DARK

DIRECTED BY RANDY AND SUE FIELDS

FINAL WEEK
OCTOBER 28-30

THURSDAY, FRIDAY, AND SATURDAY PERFORMANCES 7:30 P.M.
SUNDAY MATINEE 2 P.M.

DAKOTA THEATRE | YANKTON, SOUTH DAKOTA
605-665-4711
ADULTS \$12, CHILDREN \$6



Godfather's Pizza

New! Friday Night Buffet
Just in time for Football Season

Stop in before the game!
Tuesday, Wednesday & Now Friday
5:00 pm - 7:30 pm

2101 Broadway | Yankton, SD
(605) 665-2525

VFW

Post 791
209 Cedar

OPEN TO THE PUBLIC
Wednesday & Sunday
5-7pm - Cooks Choice

Thursday
6-7pm - Domestic Beers \$1.50
5-7pm - Hamburger/Pizza Burger & Fries \$5.00

Friday
Apple Glazed Pork Chop or Menu
Serving 5:30-8:00

Saturday
No Band
Serving from Menu 5:30-8:00

Bingo Wed. at 7:00pm
Sunday at 6:30pm
Happy Hour M-F 4:30-7:30

Chislic Served Last Wednesday of Each Month

★ Decorate a Tree

...Help a Family in Need!

Please help us make this holiday season a little brighter for some families in need.

2 Ways You Can Help Out:

1. Sponsor and Decorate a 6-7 ft. Artificial Christmas Tree and a coordinating gift box for food donations
2. Vote for your favorite tree by placing one non-perishable food item in the gift box located by that tree


Trees will be on display at the Yankton Mall with voting November 21st-December 11th. Trees will be picked up by families in need and food delivered to our local food pantry.

December 15th-17th
Tree Registration Due: November 15th
Call the mall office 665-5999 or Rita's Purse-O-Nalities 260-8362
Tree Setup/Decorate Tree: November 19th & 20th
Please check in at Rita's Purse-O-Nalities or the Yankton Mall Office before setting up.

Grand Prize For Best Decorated Tree is a \$100 Yankton Mall Gift Card
Winner will be announced December 14th

Brought to you by the Press & Dakotan & the Yankton Mall
Co-sponsored by: Rita's Purse-O-Nalities

THE LEWIS & CLARK THEATRE COMPANY PRESENTS



Williams & Ree

America's Favorite Comedy Team!

ONE NIGHT ONLY

Saturday November 5th, 2011
7:30 pm
RESERVED SEATING AVAILABLE
Advance tickets: \$20
At the Door: \$25

For More Information or Ticket Reservations
Please Call or Stop in at
The Dakota Theatre
328 Walnut St
605-665-4711
Monday thru Friday 12 Noon-5 pm