

Early Fall Snow Falls In Parts Of South Dakota

ABERDEEN (AP) — Talk about a swift change in seasons: Parts of South Dakota have been hit with the season's first snowfall even while the leaves on trees continue to change colors.

KSFY-TV posted online photographs of a snowfall in the Black Hills on Wednesday afternoon showing slick streets and white fluff. National Weather Service Meteorologist Kelly Serr in Aberdeen tells the *American News* that there's a chance some snow could sneak in there in the overnight hours.

Meteorologist Katie Pajorlie tells the *Rapid City Journal* that Rapid City could see a half inch of snow, and the Northern Black Hills could see about an inch.

It appears heavier snow amounts will stay in North Dakota, with some areas getting up to 3 inches.

Ex-worker Sent To Prison In Neb. Abuse Case

BEATRICE, Neb. (AP) — A former worker at a Nebraska center for developmentally disabled adults has been sentence to 15 to 23 years in prison for abusing residents.

KWBE radio in Beatrice says Matthew Pangborn was sentenced on Wednesday in Gage County District Court. He was convicted in July on four counts of abuse of a vulnerable adult, one count of attempted abuse, three counts of strangulation and one count of attempted strangulation.

Pangborn was accused of beating and choking residents when he worked at the Beatrice State Developmental Center last summer.

Sixteen employees were suspended after an investigation. Five workers were charged. Pangborn was the only one to face trial. The others pleaded to reduced charges.

At sentencing, Judge Paul Korslund said Pangborn showed a "complete lack of remorse" for the crimes.

Man Dies After Being Run Over By Combine

GENEVA, Neb. (AP) — Authorities say a man has died after being run over by a combine in a southeast Nebraska cornfield.

The *Hastings Tribune* reports that the accident occurred Tuesday morning in a field about five miles south-southwest of Geneva.

The Fillmore County Sheriff's Department identified the man as 58-year-old James Gabel, of Grand Island. The department says Gabel worked for Allied Genetics in Grand Island and was measuring a test plot when the combine backed over him.

The department says Gabel died after being taken to Fillmore County Hospital in Geneva.

Hearing On Execution Protocol To Go On

SIOUX FALLS (AP) — A federal hearing on the constitutionality of South Dakota's one-drug capital punishment procedure will go on as planned Thursday, and convicted killer Donald Moeller will be there.

Judge Lawrence Piersol, faced with an apparent attorney tug-of-war in the case, ruled Wednesday that Moeller must be present to determine whether he agrees with attorney Mark Marshall's filing to dismiss the case.

Attorneys with the federal public defender's office in Little Rock, Ark., have been representing Moeller in the federal case. They contend that the execution method that will likely use pentobarbital violates the constitutional ban on cruel and unusual punishment.

The 60-year-old Moeller is to be executed in late October or early November in the 1990 killing of 9-year-old Becky O'Connell.

Piersol canceled a scheduled viewing of the execution chambers Thursday.

High Court Asked To Throw Out Oil Refinery Permit

BY DIRK LAMMERS
 Associated Press

SIOUX FALLS — Opponents of a proposed \$10 billion oil refinery in southeastern South Dakota on Wednesday asked the state Supreme Court to strike down a state permit that would let a Texas company to begin construction.

Gabrielle Sigel, an attorney for three groups fighting the Hyperion Energy Center, said the Board of Minerals and Environment erred when it approved an air quality permit last year because its study did not include a full-blown environmental impact statement.

Sigel said the refinery would be the largest industrial project in state history and that the preparation of an impact statement should involve other agencies and evaluate a project's broader effect. State officials abused their discretion by bypassing that process, she said.

Attorneys for Hyperion and the board countered that an environmental impact statement is not required by state law that and board members took into account all relevant environmental issues when issuing the air quality permit.

The state Department of Environment and Natural Resources can require an impact statement but decided it wasn't necessary.

"The board agreed," said Rick Addison, a Dallas-based attorney representing Hyperion.

The Supreme Court is expected to issue a written ruling at a later date.

Hyperion's proposed refinery north of Elk Point would process 400,000 barrels of Canadian tar sands crude oil each day into low-sulfur gasoline, diesel, jet fuel and liquid petroleum gas. It would be the first U.S. oil refinery built since 1976.

The project would include a power plant that produces electricity for the refinery. It would convert a byproduct of the refinery process — solid petroleum coke — into gas that would be burned to produce electricity.

Dallas-based Hyperion contends that the refinery would be a clean, modern plant that would use the most advanced, commercially feasible emission control technology.

The Sierra Club and two local groups, Save Union County and Citizens Opposed to Oil Pollution, argue the refinery could emit too much pollution and damage the quality of life for nearby residents in the rural area.

Hyperion had thousands of acres of land-purchase options in Union County secured for the refinery, but the company failed to extend them on Sept. 30. Vice President Preston Phillips said the company is still talking to landowners, but is committed to the project and its March construction start deadline.

"We're confident we can reach an agreement with them," he said after the hearing.

Hyperion officials have said that efforts to secure financing are progressing but they have not provided details.

Ed Cable, of Save Union County, said he thinks letting the options slip marks the end of the project, as the company now has no place to build.

"They will not get land control and have to start over," he said.

The Board of Minerals and Environment originally issued an air quality permit in August 2009 that called for construction to begin by Feb. 20, 2011, but company officials said the project was delayed because the recession caused problems in securing financing.

The original permit also was appealed in court, and the board issued a revised permit in September that reflected updated national air quality standards and new pollution-control technology. The revised permit also gives Hyperion until March to start construction.

Robert Graham, an attorney for the opposition groups, argued that the board was wrong to extend the deadline for construction to begin.

But Addison said the company took the right step in seeking revisions to the original permit and an extension of the construction deadline and did it in a timely manner.

USA Today Founder Honors N.D. Olive Garden Reviewer

BY KRISTI EATON
 Associated Press

SIOUX FALLS — He's the founder of the country's largest newspaper. She's known for her earnest review of an Olive Garden restaurant in Grand Forks, N.D., that went viral on the Internet.

Six decades after they worked together at the University of South Dakota's student newspaper, Al Neuharth, 88, and Marilyn Hagerty, 86, are reuniting.

Neuharth, the founder of *USA Today*, on Thursday will present his one-time editor at USD's *Volante* student newspaper with the 2012 Al Neuharth Award for Excellence in the Media. The award honors Hagerty's contribution to journalism, including her now-famous feature story about the grand opening of an Olive Garden in the North Dakota town.

The earnest review about Grand Forks' newest Italian restaurant became an Internet sensation, catapulting Hagerty to instant celebrity among foodies.

She flew to New York to appear on "Good Morning America," CNN and "The Today Show." Her son, a writer for *The Wall Street Journal*, penned a column about her for the paper. And celebrity chef Anthony Bourdain praised her.

"I'm delighted that she has become so famous, deservedly," Neuharth said, pointing out that Tom Brokaw is the only other South Dakotan to win the award.

Hagerty was born and raised in South Dakota before moving to North Dakota in the 1950s. She began working at the Grand Forks Herald in 1961 as a feature writer. Although she officially retired from the job in 1991, she continues to write five columns a week for the paper.

Neuharth said he was both "impressed and amused" about the attention placed on his one-time classmate earlier this year after she wrote the column in which she deftly reviewed the chicken Alfredo, crisp greens and

breadsticks at the chain restaurant.

"I was impressed that she wrote the column she did because that's the way she has been in touch with her audience ever since I knew her. But I was a little bit amused that it became a national sensation," Neuharth said.

Hagerty says she was just doing her job when she wrote the review that went viral, and she had no idea she would be selected for such a prestigious award.

"Going viral, I did nothing to go viral. The fact that I was selected for this award, I'm overwhelmingly honored," she said.

Past recipients of the Neuharth Award include Katie Couric, Walter Cronkite, Larry King and Tim Russert.

Neuharth — and the American public — can thank Hagerty for keeping him in newspapers. After he and other soldiers returned to the United States fol-

lowing World War II in the late 1940s, Neuharth teetered between print and radio. Hagerty said she helped convince him that he should stay in the newspaper business.

Both Neuharth and Hagerty said they are looking forward to catching up with each other. They have kept in contact over the years through Christmas cards and have occasionally run into each other at various journalism conventions.

"I remember Al so very well. His personality has always been something you don't forget," Hagerty said.

SD Tribe Ponders Options In Lawsuit

BY GRANT SCHULTE
 Associated Press

LINCOLN, Neb. — The Oglala Sioux Tribe in South Dakota, whose federal lawsuit against four Nebraska beer sellers and some of the nation's biggest breweries was dismissed this week, may refile the lawsuit in state court, the tribe's attorney said.

Tom White, an Omaha-based attorney for the tribe, said he'll urge the Pine Ridge Indian Reservation's council to continue with its lawsuit against the alcohol manufacturers and distributors, and four retailers in Whiteclay, Neb. The town of about a dozen residents on the dry reservation's border sold the equivalent of 4.3 million 12-ounce cans of beer last year.

The tribe contends that the Whiteclay businesses have been profiting from rampant alcoholism on the impoverished reservation, where alcohol is banned. In its lawsuit, the tribe was seeking \$500 million in damages to cover the cost of health care, social services and child rehabilitation programs.

The beer companies said none of the tribe's claims were allowed under federal law, and they argued that they can't discriminate in who they sell to or control tribe members who choose to buy alcohol.

A federal judge in Nebraska threw out the case this week, ruling that his court didn't have jurisdiction to address the allegations.

"The federal court was very careful not to toss out any of the causes of action, even though that's the defendants really wanted," White said. "That's really encouraging to us."

Tribal councilman James "Toby" Big Boy said members knew the lawsuit was a longshot when they approved it last spring. He said they will discuss how to proceed, but he plans to introduce a November ballot proposal to allow alcohol on the reservation. The proposal requires council approval to appear on the ballot.

"It's time," said Big Boy, chairman of the tribe's law and order committee. "It's time to go ahead and bring this forward. Let the people decide. The feedback I've gotten from a large number of communities is they're ready, also."

White said the tribe filed the lawsuit in U.S. District Court of Nebraska because the claim raised a federal issue, and most cases involving sovereign Indian country are handled at that level.

The lawsuit alleges that the beer makers, distributors and retailers worked together to sell alcohol in amounts far greater than what could be legally consumed in the area, and knew that customers would smuggle it onto the reservation.

Pancake Breakfast or Biscuits & Gravy
 \$6.00 All You Can Eat
 Children 4-10 \$3.00 • Under 3 free
Everyone Welcome!
Sun., Oct. 7th • 8AM-12:30PM
VFW Post 791
 209 Cedar, Yankton • 665-3562 • Open To Public

Why FLY to Hawaii, When You Can DRIVE to Hawaii!
Enjoy Hawaiian Dishes & Decor
Thursday Special
Buy 1 Meal Get HALF OFF the 2nd
 Equal or lesser value. Must present this coupon. Offer expires 10/4/12
The Argo
 Open Thurs.-Fri.-Sat. at 5:30
 1-402-388-2400
 CROFTON, NE
 www.theargohotel.com

VFW Post 791
 209 Cedar
OPEN TO THE PUBLIC
Wednesday & Sunday
 5-7pm Cooks Choice
Thursday
 Karaoke with Papa Ray 7-11pm
 6-7pm – Domestic Beers \$1.50
 5-7pm – Hamburger/ Pizza Burger & Fries \$5.00
Friday
 Fried Chicken
 Serving 5:30-8:00
Saturday
 Veryl Hahn
 Regular 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

Rounding 3rd Bar & Casino 304 W. 3rd, Yankton
Scheduled Entertainment
Music Starts at 9PM
Oct. 5.....Midnight Special
Oct. 6...Hair Trigger
Oct. 13.....Austin Buescher Band

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

Don't Miss This!!
Bazaar
 At Tabor ~ St. Wenceslaus Parish
Sunday, October 7, 2012
 Chicken • Dressings • Dumplings • Sauerkraut
 Mashed Potatoes & Gravy • Vegetable & Fruit Salad
 Rolls • Kolaches • Desserts
SERVING 2:30-7:00PM
BESEDA HALL (Air Conditioned)
*Raffle Prizes • Games • Concessions • Country Store
 Fish Pond • Cake Walk • Sweet Shop • Many More!*

OHIYA CASINO & BINGO
 5 Miles East of Niobrara, NE or 23 Miles West of Crofton, NE
Ohiya Player's Club OPEN 10AM-10PM
All NEW Member's Get \$5 In Free Play!
Saturday, October 6th – \$200 Hot Seat Drawings
 Every 1/2 Hr. 7:30 to Midnight
Sunday, October 7th – Spectacular Halloween Gift Candy Drawings Every 1/2 Hr. 6PM to 8PM
Monday, October 8th – Native American Day
 Earn Your First 5 Pts of the Day, Get \$10 in Free Play from 10AM to 6PM
OHIYA RESTAURANT
October 6th Dinner Special
 T-Bone Steak \$13.95
October 7th All Day Buffet \$10.50
 Chicken & Roast Beef
October 8th Native American Day
 All Day Native Buffet \$8.50
 Hamburger Wild Rice Casserole
 Chicken/Corn on Cob
 Fry Bread & Wozapi

Mgmt. has the right to make changes at any given time.

OCT. 5, 6, 7
EXPENDABLES II
 DIGITAL UP AND RUNNING!
 Fri. 7:30 PM • Sat. 7:30 PM • Sun. 4 PM
 Students \$2.00 Adults \$5.00
Idle Hour Theatre
 Tripp, SD

Model Train Show
Sat., Oct. 6 • 10am-5pm
Sun., Oct. 7 • 10am-3pm
4-H Grounds
901 Whiting Dr., Yankton
Adults: \$4 • Children 5-12: \$1
For info, contact Francis Serr (605) 660-4237

Celebrate Oktoberfest with ESSEN, TRINKEN UND GEMÜTLICHKEIT
 [Eating, drinking, and a warm, wonderful time]
and BIER! [BEER!]
 ENJOY OUR **OKTOBERFEST** FEATURE MENU
 Available for a limited time only

 1607 E Hwy 50 • Yankton, SD
 605.664.2244 • minervas.net

Out On The Town