

## Groundbreaking Planned For Sarpy County Lake

OMAHA, Neb. (AP) — The Papio-Missouri River Natural Resources District says it has awarded a \$14.5 million contract to build a reservoir and adjacent recreational facilities in Sarpy County. The district announced Friday it had awarded the contract to Hawkins Construction of Omaha to build the 135-acre lake as a flood-control effort for the West Branch Papillion Creek area. The lake will be surrounded by 335 acres of public parkland that will include a hiking and biking trail, boat ramp and picnic shelters. A groundbreaking ceremony will be held Tuesday. The recreation area is expected to be opened in 2015.

## Second Man Injured In Omaha Fire Has Died

OMAHA, Neb. (AP) — Authorities say a second man injured in a house fire in Omaha has died. A Nebraska Medical Center spokesman says 39-year-old Billy Boyer died Friday. Another man pulled from the fire, 66-year-old Merlin Gardner, died on Wednesday. They were among six people injured in the Tuesday morning fire. The hospital spokesman, Paul Baltes, says 42-year-old Joseph Mangiamelli remains in critical condition. The three others injured in the fire are no longer hospitalized. Fire department investigators say the fire was caused by the improper storage of gasoline in plastic water containers. One of the plastic containers ruptured and gas vapors were ignited by the pilot light of a gas furnace. The fire cause has been determined to be accidental.

## Debit, Credit Card Info. Stolen From Neb. Firm

KEARNEY, Neb. (AP) — Residents of the Kearney area are being asked to check their debit and credit card accounts frequently after someone hacked into the computer network of a Kearney business. The *Kearney Hub* reports police have received several reports of people whose debit and credit card numbers have been stolen and are being used fraudulently. Police investigator Dan Warrington says at least 50 victims have been confirmed and there are several hundred card numbers compromised. Kearney police have asked the FBI to assist in the case. Police did not immediately identify the business from which the account numbers were stolen. Most of the hacked accounts involve debit cards. Many cardholders are being contacted by their debit or credit card companies, but Warrington says affected cardholders also should notify law enforcement.

## Judge Rejects Part Of Neb. Sex Offender Law

LINCOLN, Neb. (AP) — A federal judge says Nebraska can't bar some sex offenders from using social networking websites, striking down parts of the state's amended Sex Offender Registration Act. In a lawsuit ruling earlier this week, Senior U.S. District Judge Richard Kopf said it wasn't his job to question policy judgments made by the Legislature and other parts of the Nebraska government, if they remained within constitutional limits. But, he also said that, "for three sections of Nebraska's new sex offender registry law, Nebraska has violently swerved from that path." One section of the law made it illegal for convicted sex offenders of children to use social networking sites, instant messaging or enter computer chat rooms. Another section required sex offenders to report what they'd posted on Internet sites or blogs. The third subjected sex offenders to searches and monitoring of their computers and cellphones.

Spokeswoman Shannon Kingery for Nebraska Attorney General Jon Bruning told the Lincoln Journal Star Thursday that the office is reviewing the ruling and assessing the state's options. The bills that amended the Sex Offender Registration Act were passed in 2009 but put on hold as a result of the lawsuit against them in federal court. Nebraska lawmakers said the revisions were needed to comply with federal legislation passed in 2006. That legislation said if Nebraska and other states didn't publicly register all people convicted of sexual offenses and make other adjustments, they could lose out on federal grant dollars for local law enforcement. The lawsuit was filed on behalf of dozens of convicted Nebraska sex offenders, their relatives and employers.

## Airline Set To Add Flights In Pierre

PIERRE (AP) — Pierre Mayor Laurie Gill says the city will have four round-trip flights a day to both Minneapolis and Denver starting Dec. 1. KCCR radio reports that Gill made the announcement Thursday. Great Lakes Airlines is the city's only commercial airline. Currently, Great Lakes has three round-trip flights a day to Denver and two flights daily to Minneapolis. Gill says the increased flights shows the faith that Great Lakes Airlines has in Pierre.

## Minn. Man Competent For Trial In Killing

MONTEVIDEO, Minn. (AP) — A 25-year-old man has been found competent to stand trial in the stabbing death of an 18-year-old woman he worked with at a Montevideo pizza restaurant. Judge Dwayne Knutsen last week confirmed an order finding Darek Nelson competent to stand trial. The original competency order was issued in April after Nelson underwent a mental health evaluation. The defense wanted its own experts to review the evaluation. The West Central Tribune reports court documents show the defense did not file an objection to the original evaluation. A grand jury indicted Nelson for first-degree murder in the death of Vinessa Lozano. Lozano was killed Jan. 13 outside the Pizza Ranch.

## TransCanada Reaffirms Pipeline Restart

(AP) — TransCanada has reaffirmed its plan to restart the Keystone oil pipeline from Canada to the Midwest on Saturday, although rainy weather is hampering the company's on-site work. TransCanada shut down the 2,100-mile pipeline Wednesday after tests showed possible safety issues. Company spokesman Shawn Howard said Friday that no leaks have been detected but declined to provide more specifics until the pipeline is inspected. The pipeline carries about 590,000 barrels of crude per day from Canada to facilities in the Midwest. The potential problems were detected in a section of the line between Missouri and Illinois. Heavy rains were affecting efforts to move equipment into the area so workers could excavate the pipeline for inspection. Howard said in an email that TransCanada still expects oil to begin flowing through the pipeline again sometime Saturday. A federal inspector has been sent to the site to review test results, observe repairs and monitor any additional necessary safety issues, according to Jeannie Layson, a spokeswoman for the Pipeline and Hazardous Materials Safety Administration, which oversees pipelines in the U.S.,

# Friend Hopes To Halt Moeller's Execution

BY KRISTI EATON  
Associated Press

SIoux FALLS — A woman claiming to be a friend of a South Dakota death row inmate scheduled to die this month asked a federal court Friday to stop his execution, saying he wasn't psychologically qualified to dismiss his own appeals. Donald Moeller, 60, was convicted for the 1990 kidnapping, rape and murder of 9-year-old Becky O'Connell. He recently asked a federal judge to dismiss his appeals and let him die. The judge accepted the request, and his execution is set for the week of Oct. 28. "The law has spoken," Moeller said during

a hearing earlier this month. "I killed. I deserve to be killed." But in a court filing Friday, Donna Nichols said Moeller's wish is colored by his psychological state — though she offers no details about how she knows Moeller or where she lives. A listed phone number couldn't be found for Nichols in South Dakota, and her Rapid City-based attorney didn't return a phone message. Nichols is asking for the court to stay the execution, and a judge has scheduled a hearing Monday to hear arguments by both sides. Nichols claims that Moeller's years of confinement and psychological problems have made him incapable of making voluntary and

rational decisions. She also argues that South Dakota's new one-drug execution protocol would inflict cruel and unusual punishment. It's a similar argument made earlier by Moeller's lawyers. Attorney General Marty Jackley said his office opposes the stay. He said Nichols lacks standing to bring the court motion, and that the execution drug is safe and effective. Authorities say Moeller kidnapped O'Connell from a Sioux Falls convenience store, drove her to a secluded area near the Big Sioux River, then raped and killed her. Her naked body was found the next day. She had been stabbed and her throat was slashed.

# 80 Mph Winds Wreak Havoc In Western S.D.

RAPID CITY (AP) — Gusts of wind reaching 81 mph tore through western South Dakota on Thursday, overturning semi-trailers, downing power lines, feeding fires and even leaving a trampoline dangling from a power pole. Residents struggled to clean up the mess Friday as emergency and utilities workers rushed to restore power to thousands of residents and to reopen streets that had been too dangerous to travel. The bluster made Thursday the windiest day of the year in the region — which was quickly

followed by calm: Friday's winds were typically in the 10 mph range. "We're having a lot of issues with downed power lines here in the city," Brent Long, Rapid City Fire Department spokesman, told the *Rapid City Journal* for a Friday story. "These power lines are due to tree limbs being blown onto some of them, and some of those limbs have started on fire," Long said. In rural areas, he added, firefighters were "running to grass fire after grass fire." The highest-recorded gust hit at nearly 11 a.m. Thursday at 81

mph in Rapid City. Gusts of more than 70 mph were reported elsewhere in the Black Hills region. Motorists who stopped to snap photographs of the havoc captured images of four semi-trailers blown into the median of Interstate 90 between Rapid City and Vivian. Others documented roofs partially ripped off homes, municipal workers hauling trees off roads and a crumpled trampoline atop a power line in Box Elder. Crews were busy restoring power to customers throughout the Hills, with particular attention focused on hard-hit pockets

in Deadwood, Hill City, Custer and Rapid City, according to Black Hills Power spokesman Mutch Usera. "We've been restoring power as the outages are identified," he said. A wind storm such as Thursday's only happens every few years, said Jeff Johnson, a meteorologist with the National Weather Service. "It's not unusual for us to get a wind storm like this in the fall or winter time. We don't necessarily see them every year, but we will see them every couple years," he said.

# Neb. Court: No New Trial In Assault Attempt Case

BY MARGERY A. BECK  
Associated Press

OMAHA, Neb. — The Nebraska Supreme Court on Friday reversed a lower appeals court's opinion that a Lincoln man convicted of attempted sexual assault should get a new trial. Mohammed Nadeem, 25, was granted a new trial in January based on the way the jury in his original trial was seated. The Nebraska Court of Appeals ordered the new trial. Nadeem was convicted in 2010 of two counts of attempted sexual assault and sentenced to

three to six years. He is scheduled to be released in April. Police have said Nadeem met a 14-year-old girl at a Lincoln library branch in 2009 and gave his phone number to her. The girl reported the encounter to her mother, who contacted police. With police listening in, the girl called Nadeem and officers say the then 22-year-old man quickly turned the conversation to sexually graphic topics and arranged to meet the girl at the library. Officers were waiting for Nadeem when he arrived and arrested him. Nebraska law bans

people 19 and older from having sexual contact with those under 16. The state appeals court said a Lancaster County District Court judge abused his discretion by giving jurors numbers rather than using their names for identification during jury selection. Doing so amounted to empaneling an anonymous jury, which might be interpreted by jurors to mean Nadeem was dangerous and, therefore, may have prejudiced them against him, the appeals court said. Prosecutors appealed and the Nebraska Supreme Court re-

versed the decision, saying Nadeem did not object to the use of an anonymous jury when it was empanelled or during his trial. "The first time he claimed error in the use of an anonymous jury was on appeal," Judge John Wright wrote for the state's high court. "He has waived this claim of error by his failure to object." Neither prosecutors nor attorneys for Nadeem immediately returned messages left Friday seeking comment.

# Economic Index Jumps For Midwest, Western States

OMAHA, Neb. (AP) — An index of economic conditions in 10 Midwest and Western states jumped this month after three months of drought-induced doldrums. According to a report released Thursday, the overall Rural Mainstreet index rose to 56.6 for October from 48.3 in September. It was the first time since June that the index rose above growth neutral 50. Survey organizers have said that any score above 50 on the 100-point scale suggests the economy will grow in the months ahead. "Our survey indicates that the negative impacts of the drought are being more than offset by the positives of very strong incomes from high agriculture and energy prices," said Creighton University economist Ernie Goss. He oversees the survey of rural bankers in Colorado, Illinois, Iowa, Kansas, Minnesota, Missouri, Nebraska, North Dakota, South Dakota and Wyoming. The confidence index, as measured by the bankers' responses, rose to 50.7 from 43 in September. The index reflects expectations for the economy six months out. "As the Rural Mainstreet economy turned upward for the month, so did (the) bankers' outlook," said Goss. "The turnaround in the housing market is an important factor boosting economic confidence," he said. The survey's October home sales index advanced to a healthy 59.8 from September's 58.8. The bankers were asked whether they expected the country to return to a recession next year. One in four bankers said they thought a recession was likely or very likely in 2013, but almost a third of those who responded said they thought a recession was unlikely or very unlikely. Casey Regan, CEO of Premier Bank in Farmington, Minn., said economic forecasting for next year, "especially business owner sentiment, will depend greatly on the results of what happens on the first Tuesday of November."

## Daugaard Extends Over-Width Hay Hauling Order

PIERRE (AP) — South Dakota Gov. Dennis Daugaard has issued an executive order allowing trucks to haul over-width loads of baled hay for another 60 days to help drought-stricken farmers and ranchers. A trucker with a permit can move a load of baled livestock feed up to 12 feet wide or 15 feet high for two hours after sunset and two hours before sunrise. Those over-width hay loads will be allowed until the drought emergency ends, but no later than Dec. 21. Over-width vehicles must have flashing or rotating white or amber warning lights on each side. Warning lights must be clearly visible to motorists approaching from the front or rear. The normal size restriction for loads on South Dakota highways is 14 feet 3 inches high and 8 feet 6 inches wide.

## Native American Organ Donation Researched

BROOKINGS (AP) — A researcher at South Dakota State University is examining organ donation among Native Americans. Nancy Fahrenwald is an associate professor at SDSU's College of Nursing. She is leading a \$1.3 million study that will focus on the best ways to communicate to Native American patients and families about organ donation and their options. Native Americans have a higher chance of suffering from kidney disease than their non-Native counterparts and have a disproportionate number waiting on organ transplant lists.



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## SOUTH DAKOTA DEPARTMENT OF TRANSPORTATION NOTICE OF REQUEST FOR STATEMENT OF INTEREST

The South Dakota Department of Transportation (SDDOT) is soliciting Statements of Interest from engineering and planning consulting firms to conduct the Interstate Rest Areas Study: Along the I-29 and I-90 Corridors.

Those interested in submitting a Statement of Interest should download the complete Notice of Request for Statement of Interest from the SDDOT webpage [www.sddot.com/transportation/highways/planning/specialstudies/Default.aspx](http://www.sddot.com/transportation/highways/planning/specialstudies/Default.aspx).

Statements of Interest should be directed to: Mr. Brad Remmich; Office of Project Development, SDDOT; 700 East Broadway Avenue; Pierre, SD, 57501-2586; and must be received no later than November 9, 2012 at Noon Central Standard Time. Both one hard copy and one electronic copy (Adobe PDF format preferred) of the Statement of Interest must be included in the submittal. Questions regarding this Request for Statement of Interest should be emailed to Mr. Brad Remmich at [bradley.remmich@state.sd.us](mailto:bradley.remmich@state.sd.us) by 5:00pm, November 1, 2012.

Per SDCL 17-2-28, Notice published once in 120 newspapers for the cost of \$800.

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