

2010 Legal and Public Notices

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Forensic Link At Center Of Missing Student Case

BY ALAN SUDERMAN AND LARRY O'DELL
Associated Press

CHARLOTTESVILLE, Va. — Virginia police aren't saying much at all about their evidence against a suspect in the disappearance of a University of Virginia student, but they seem to be working systematically to link his DNA to an expanding circle of attacks on women, a criminal defense expert suggested Tuesday.

Between searches of Jesse Leroy Matthew Jr.'s car and apartment and his arrest on a charge of abducting Hannah Graham last week, police had ample opportunity to obtain genetic evidence connecting him to multiple attacks, said Steve Benjamin, past president of the National Association of Criminal Defense Lawyers.

The Virginia State Police announced Monday that Matthew's arrest had provided a "forensic link" to the unsolved 2009 slaying of Morgan Harrington, a 20-year-old whose remains were found in a hayfield three months after she disappeared from a Metallica concert on the Charlottesville campus.

The FBI said in 2012 that DNA evidence showed that Harrington's killer also was responsible for a 2005 rape in northern Virginia, so Matthew could be linked to that assault as well, although City of Fairfax police declined to comment, citing their ongoing investigation.

Benjamin said Sept. 19 searches of Matthew's car and home would have been opportunities to obtain DNA evidence — perhaps from saliva on a toothbrush or dirty cup — as a preliminary step that could establish probable cause to obtain a search warrant for a more definitive cheek swab.

"If you're going to rely on a DNA match (at trial), police are going to obtain what they call a direct reference sample," Benjamin said. "Anything else is helpful, but not as probative."

Matthew showed up at the Charlottesville police station the day after the search and asked to see a lawyer. Benjamin said police could have asked Matthew to voluntarily submit to a cheek swab at that time, perhaps suggesting they were looking to exclude him as a suspect — a common police tactic. It would take only an afternoon to obtain the DNA profile and run it through a databank to link it to other cases, Benjamin said.



OLIVIER DOULIERY/ABACA PRESS/MCT
US Secret Service director Julia Pierson testifies at a hearing about the White House perimeter breach at the Rayburn Building in Washington, D.C. yesterday. On Sept. 19, 2014, an armed intruder entered the North Portico of the White House.

Secret Service Chief In Hot Seat For White House Breach

BY ALICIA A. CALDWELL AND EILEEN SULLIVAN
Associated Press

WASHINGTON — Under withering criticism from Congress, the director of the Secret Service on Tuesday admitted failures in her agency's critical mission of protecting the president but repeatedly sidestepped key questions about how a knife-carrying intruder penetrated ring after ring of security before finally being tackled deep inside the White House.

Despite the extraordinary lapses in the Sept. 19 incident, Julia Pierson asserted: "The president is safe today."

Democratic and Republican lawmakers alike expressed the view that the latest breaches of White House security had blemished the storied agency, and several pressed for an independent inquiry into what went wrong. They were not assuaged by Pierson's vow that "I'll make sure that it does not happen again" or by the agency's own investigation.

"I wish to God you protected the White House like you protected your reputation here today," Democratic Rep. Stephen Lynch told Pierson at a public hearing that was followed by a classified, closed-door briefing. GOP Rep. Jason Chaffetz of Utah, who has led Congress' investigation, said afterward: "The more I learn, the more it scares me."

Calm but defensive in testimony before the House Oversight and Government Reform Committee, Pierson disclosed that shortly before the intruder jumped the fence at least two of her uniformed officers recognized him from an earlier troubling encounter but did not approach him or report his presence to superiors.

On Aug. 25, Army veteran Omar J. Gonzalez was stopped while carrying a small hatchet near the fence south of the White House, Pierson said. Weeks later, the same officers observed him "for some time" on the Pennsylvania Avenue north side but never intervened. Gonzalez later went over the fence, sprinted to the unlocked front door and ran through half the first floor of the White House before being tackled.

Speaking 11 days after the episode, Pierson said she did not know why Gonzalez was not intercepted earlier.

"Personnel actions will be taken" once the agency's review is complete, she said, in what appeared to be a euphemism for possible discipline or terminations. Lawmakers stopped short of calling on her to resign.

Chaffetz said he was not there "yet." Lynch said, "Let's just say I'm not impressed with how she has dealt with White House security." President Barack Obama and his daughters had left for Camp David shortly before the

episode; Michelle Obama had gone to the retreat earlier in the day.

Obama continues to have confidence in the Secret Service, White House press secretary Josh Earnest said Tuesday, though the spokesman urged the agency to release non-classified results from its investigation as soon as possible. He cited a "legitimate public interest in this matter because it relates to the safety and security of the commander in chief."

Even when their protectors fall short, presidents rarely publicly criticize those who risk their lives to keep the first family safe, but rather express appreciation for their service. That means Congress provides the only real public oversight of the Secret Service.

And Pierson's assurances left lawmakers cold. They were aghast, too, about a four-day delay in 2011 before the Secret Service realized a man had fired a high-powered rifle at the White House.

The *Washington Post* reported on the weekend that some Secret Service officers believed immediately that shots had been fired into the mansion but they were "largely ignored" or afraid to challenge their bosses' conclusions that the shooting was not directed at the White House.

Such breaches, combined with recurring reports of misbehavior within the agency, cause "many people to ask whether there is a much broader problem with the Secret Service," said Rep. Elijah Cummings of Maryland, top Democrat on the committee.

"The fact is the system broke down," said committee chairman Darrell Issa. "An intruder walked in the front door of the White House, and that is unacceptable."

Democratic Rep. Matt Cartwright of Pennsylvania called the Sept. 19 intrusion "stunning, outrageous, disgraceful."

Members of Congress briefed earlier by the agency apparently weren't told of the full extent of the breaches. And the Secret Service wrongly told The Associated Press that the intruder was not armed.

Details emerged only later. Among them: The intruder ran through the White House and into the East Room, a large room at one end of the building often used for presidential news conferences, speeches, ceremonies and dinners, before being apprehended. This, after he made it past a guard stationed inside the front door.

On his way, the intruder would have passed a stairwell that leads up to the first family's residence. It was unclear what additional security might have been in place to prevent Gonzalez from attempting to go up if the family at been in the building.

Pierson said Tuesday that the front door to the White House now locks automatically in the event of a security breach.

No Protest Coverage In China's Media

BEIJING (AP) — China's government has cut off news about Hong Kong's pro-democracy protests to the rest of the country, a clampdown so thorough that no image of the rallies has appeared in state-controlled media, and at least one man has been detained for reposting accounts of the events.

By contrast, media in semiautonomous Hong Kong have been broadcasting nonstop about the crowds, showing unarmed students fending off tear gas and pepper spray with umbrellas as they call for more representative democracy in the former British colony.

The contrast highlights the differences in the "one country, two systems" arrangement that China's Communist Party agreed to when it negotiated the 1997 return of Hong Kong. It also reflects Beijing's extreme sensitivity about any possible sparks of pro-democracy protest spreading to the mainland.

"The authorities see this as a matter of life and death," said Shanghai-based columnist and independent analyst Zhao Chu. "They don't see it as a local affair but a fuse that can take down their world."

In Hong Kong, broadcasters NOW and Cable TV have carried wall-to-wall coverage of the unfolding events, including student leaders storming government headquarters Friday and the running clashes with police over the weekend. Hong Kong's pro-democracy newspaper, the popular *Apple Daily*, has run its own live Internet feed that features aerial images of the crowds captured by a drone.

Hong Kong Leaders Refuse To Meet

HONG KONG (AP) — Hong Kong's leader refused to meet with pro-democracy demonstrators by their midnight deadline Tuesday, despite their threats to expand the street protests that have posed the stiffest challenge to Beijing's authority since China took control of the former British colony in 1997.

With tens of thousands of people clogging the streets of the Asian financial center, protesters counted down to midnight and cheered as the deadline passed.

Some then began crowding into areas near the city's waterfront Bauhinia Square, where they expected Hong Kong Chief Executive Leung Chun-ying to attend a flag-raising early Wednesday in honor of National Day, the anniversary of the founding of communist China in 1949.

British Prime Minister David Cameron, meanwhile, said he planned to summon the Chinese ambassador to discuss the dispute, saying it is essential that Hong Kong's people have a genuine right to choose their top leader.

China took control of Hong Kong under an arrangement that guaranteed its 7 million people semi-autonomy, Western-style civil liberties and eventual democratic freedoms that are denied to Chinese living on the communist-ruled mainland.

Workplace Beheader Is Charged

NORMAN, Okla. (AP) — An Oklahoma man apparently uttered Arabic words during an attack in which he allegedly severed a co-worker's head, and had "some sort of infatuation with beheadings," but the killing appeared to have more to do with the man's suspension from his job than his recent conversion to Islam, a prosecutor said Tuesday.

Alton Nolen, 30, could face the death penalty after being charged with first-degree murder in the attack Thursday that authorities say appears to have been an act of revenge for a co-worker's complaint that got him suspended.

The FBI also is investigating the attack, given Nolen's interest in beheadings and a recent surge in Middle East violence.

"There was some sort of infatuation with beheadings. It seemed to be related to his interest in killing someone that way," Cleveland County Prosecutor Greg Mashburn said. "Other than that, it seemed to be related to his being suspended earlier in the day."

Body Of Real Estate Agent Found

LITTLE ROCK, Ark. (AP) — A parolee accused of abducting and killing a top-selling Arkansas real estate agent had contacted her to set up an appointment to view a vacant house, authorities said Tuesday, hours after discovering the woman's body in a shallow grave at a concrete company.

Police found Beverly Carter's body early Tuesday, five days after she went to show the house in a rural area near Little Rock and never returned. Authorities arrested Aaron Michael Lewis, 33, on Monday on suspicion of kidnapping, and preliminary charges of capital murder and robbery were added after Carter's body was found buried at a business where Lewis previously worked.

Lewis, who was on parole for theft convictions, pleaded not guilty to the preliminary charges and remained in the Pulaski County jail Tuesday without bond.

Kurds Claim Advances In Iraq As Britain Joins Fray

BY VIVIAN SALAMA AND RYAN LUCAS
Associated Press

SALHIYAH, Iraq — Kurdish fighters in northern Iraq captured a border crossing with Syria on Tuesday, expelling Islamic State militants in heavy fighting marked by vicious house-to-house combat and close quarters sniping.

In neighboring Syria, Kurdish militiamen were on the defensive as the extremists pressed ahead with a relentless assault on a town near the Turkish border. The attack on Kobani, also known as Ayn Arab, has driven more than 160,000 people across the frontier in the past few days.

Kurdish fighters, known as peshmerga, were doing the bulk of the fighting on the ground as a U.S.-led coalition carried out an aerial assault against the Islamic State group in both Iraq and Syria. Britain joined the air campaign Tuesday, carrying out its first strikes against the extremists in Iraq — though it does not plan to expand into Syria.

The goal of the campaign is to push back the militant group that has declared a self-styled caliphate, or Islamic state, ruled by its brutal interpretation of Islam in territory it has seized across much of Iraq and Syria.

On Tuesday, Kurdish fighters said they saw some of the heaviest fighting yet. Peshmerga spokesman Halgurd Hekmat told The Asso-

ciated Press the Kurds seized the border crossing of Rabia, which the extremists captured in their blitz across Iraq over the summer.

Rami Abdurrahman, the director of the Britain-based Syrian Observatory for Human Rights, also said the Kurds had retaken the border post. He said Syrian Kurdish militiamen, who control the Syrian side of the frontier, had helped in the fight.

Kurds wounded in the fighting were brought to a makeshift clinic in the town of Salhiyah, where dusty and exhausted, they described savage battles, with militants sniping at them from inside homes and from the windows of a hospital in Rabia.

"They're such good fighters," said one soldier, resting outside the clinic on a rock surrounded by blood-soaked bandages. He refused to be identified because he was not a senior officer. "They're fighting with weapons the Iraqi military abandoned — so, American weapons really."

Fighters at the clinic described how the peshmerga first took the town of Mahmoudiya near the Syrian border on Monday, then moved down the highway to assault Rabia. The two sides had intense clashes overnight, with Islamic State group snipers shooting from inside houses and setting off roadside bombs.

Peshmerga fighters advanced on a five-story hospital in the city, only to be ambushed by some two

dozen militants inside, the fighters said.

Hekmat said the Kurdish fighters intended to push further south toward the town of Sinjar, which the extremists took last month, prompting the flight of members of the small Yazidi religious sect.

In Britain's first airstrikes of the campaign, two Tornado jets hit a heavy weapons post and an armored vehicle being used by the militants to attack Kurdish forces in northwest Iraq, British Defense Secretary Michael Fallon said in London.

In Washington, Pentagon spokesman Navy Rear Adm. John Kirby said the U.S. and its coalition partners conducted 20 strikes in Iraq and Syria against fixed and mobile targets. So far, about 306 air attacks have been conducted — more than 230 in Iraq and the rest in Syria, he said.

He said the strikes were having an effect because the extremists have changed their tactics — blending in more with the local population, dispersing and refraining from communicating as openly as they once did.

But, he said, that "doesn't mean they aren't still trying, and in some cases succeeding, at taking and holding ground."

"No one should be lulled into a false sense of security by accurate airstrikes," he said. "We will not, we cannot bomb them into obscurity."

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