

Former Day Care Provider Sentenced

SIOUX FALLS (AP) — A Sioux Falls woman accused of having methamphetamine at an in-home daycare has been sentenced.

Circuit Court Judge Robin Houwman on Wednesday handed 34-year-old Jennifer Darger a 15-year sentence with 10 years suspended. Darger earlier pleaded guilty to distribution of a controlled substance, possession of a controlled substance and contributing to the neglect of a minor.

Darger and her husband were arrested in March after a tip from her 16-year-old daughter led police to search their home.

Minnehaha County State's Attorney Aaron McGowan had recommended the maximum sentence of 10 years because of Darger's past drug-related convictions and the fact that she was dealing drugs out of the same house from which she operated an in-home daycare.

Darger told Houwman she relapsed after nine years of sobriety because she lost her job.

AG Clears Officer Who Fatally Shot Man

RAPID CITY (AP) — Attorney General Marty Jackley says the Rapid City police officer who fatally shot a man while responding to a domestic assault call was justified in firing his weapon.

A report released Wednesday says 46-year-old Patrick Lundstrom lunged at Officer Matt Macrander with what was later identified as a 15-inch white rod. The report says Macrander fired his weapon the night of Sept. 29 after Lundstrom emerged from a hallway at the unit home and approached him in a "rapid, aggressive manner" with the metal bar raised over his head.

Two bullets struck Lundstrom, one in the chest and one in the left arm. He was pronounced dead at the scene.

Macrander, who has been a Rapid City officer since 2013, was placed on leave while the state investigated the shooting.

ACLU Urges Supportive Transgender Policy

LINCOLN, Neb. (AP) — The American Civil Liberties Union of Nebraska has written letters to the Nebraska School Activities Association encouraging the organization to draft a policy that respects transgender students' participation in sports.

The *Lincoln Journal Star* reports the association's board has met in executive sessions to discuss a proposed policy on transgender students, but executive director Jim Tenopir says a vote on a policy is unlikely to happen in November.

Tenopir has met with more than 20 groups, including school administrators, to gather input.

The Nebraska Family Alliance and Nebraska Catholic Conference have told the board that it should require students to play in sports based on the gender on their birth certificate. Former conference executive director Rhonda Blanford-Green introduced a transgender policy two years ago, but it was never enacted. Those who opposed the policy at the time threatened litigation, Tenopir said.

ACLU officials said complaints from transgender students have increased in recent years but noted the situations had been resolved through individual school districts without litigation.

Tenopir said that even with a policy by the association, it will be important for all schools to develop a protocol to deal with issues such as locker room and bathroom use.

"We'll do the best we can and hope people understand what we're doing is in the best interest of kids and not trying to push an agenda," he said.

Penalty Opponents: 'State Won't Get Drugs'

LINCOLN, Neb. (AP) — A group that opposes Nebraska's death penalty says the state won't be able to import lethal injection drugs without violating federal law and exposing itself to additional legal challenges.

The Nebraskans for Public Safety coalition took issue Wednesday with assertions that state officials are working with the federal government to try to obtain the necessary drugs.

The group released written comments from University of Nebraska law professor Eric Berger, noting that federal law makes it "very clear" that the drug sodium thiopental cannot enter the country legally for executions.

Berger says states will likely face more difficulty carrying out executions in the future.

Nebraska lawmakers abolished capital punishment in May, prompting a petition drive that suspended the repeal until voters decide the issue in November 2016.

Corn Palace Lighting Questioned

MITCHELL (AP) — Mitchell city officials are complaining that the lighting on the newly renovated Corn Palace obscures parts of the tourist attraction, but could be brighter elsewhere.

People are having trouble seeing the corn murals at night because of the bright LED lighting on the mural borders, according to City Councilman Marty Barington and businessman Jeff Logan, who is president of a local business group.

At the opposite extreme, Barington said, colored lights under the building's three domes aren't bright enough.

"I want these things to dance from the interstate," he said. "I want you to be able to see them everywhere you go."



SUBMITTED PHOTO
Secretary of State Shantel Krebs with the returned original flag.

SD Officials Recover Flag

BY DIRK LAMMERS
Associated Press

SIOUX FALLS — An original, handmade South Dakota flag dating back to Deadwood's Old West days that went missing from the Secretary of State's office in January has been returned to its home in the state Capitol, Attorney General Marty Jackley said Wednesday.

State investigators recovered the flag, circa 1909, from a former Secretary of State employee on Oct. 8 in Washington, D.C., Jackley told The Associated Press.

He also said criminal charges are anticipated, noting, "I can say that I have been in discussions with a defense attorney, and those are ongoing discussions."

The azure blue and gold flag had been displayed on a stand inside the Pierre office through numerous administrations. Secretary of State Shantel Krebs, who took office on Jan. 2, said an employee who had worked under an earlier administration and was returning to work for her noticed the flag was not there.

"The flag base was there, but not the flag," Krebs said Wednesday.

Krebs said her office conducted a thorough search for the flag before reporting the disappearance to the Department of Legislative Audit as part of a request to audit records and capital assets from the previous secretary of state, Jason Gant.

The audit department re-

ferred the matter to Jackley's office in July, and a probe tracked down the prized possession to the nation's capital. Jackley said his main mission was to recover the flag without damage or incident, and that Division of Criminal Investigation officials were able to preserve an important part of the state's history.

The flag was created in 1909 after Sen. Ernest May of Deadwood came into the South Dakota Historical Society office and said that the Deadwood sheriff, Seth Bullock, wanted a state flag.

Legislative librarian Ida Anding designed the flag, which features a blazing yellow sun on the front surrounded by "South Dakota" arched atop the sun and "The Sunshine State," South Dakota's original slogan, arched below. The opposite side features a colorful state seal.

Money was appropriated to produce two of the flags, according to Wi-yohi, an early South Dakota Historical Society newsletter said.

"One went to the Secretary of State, and Seth Bullock of Camp No. 1, United Spanish Veterans of South Dakota, got the other," according to the newsletter.

Krebs said the flag is kept in the Secretary of State's office because it is defined in statute as the keeper of historical documents and the state seal.

The second original flag given to Bullock is preserved at the historical society's office in Pierre, said director Jay Vogt.

Man Denies Stealing Sheriff's Department's ATV's

NORTH PLATTE, Neb. (AP) — A Colorado man has pleaded not guilty to allegations that he stole two all-terrain vehicles and a trailer from a western Nebraska sheriff's department.

North Platte television station KNOP reports that Richard Keith pleaded not guilty on Monday and is scheduled for a case status

hearing on Dec. 7. The 36-year-old Keith is from Evans, Colorado.

The Lincoln County Sheriff's Office says the ATVs and a trailer were taken from a county roads department lot in North Platte late on July 29 or early on July 30. The items were recovered in August in the Greeley, Colorado, area.

Two Arrested With Stolen Clothes At Reseller Store

SIOUX FALLS (AP) — Police in Sioux Falls say two teens have been arrested for trying to sell stolen clothes to a clothing reseller store.

Police spokesman Sam Clemens says the clothes were taken from an unlocked car and the owner contacted the store Plato's Closet in Sioux Falls to alert workers to look out for the bags and clothes she had lost.

Clemens says a clerk then recognized two pairs of jeans

and a bag when the teens attempted to sell them to the store. The clerk called police and delayed the teens from leaving the store.

A 15-year-old boy and 18-year-old Curtis Lorenz Hurd, both of Sioux Falls, were arrested on several charges including possession of stolen property.

Clemens says officers found marijuana and several stolen items in the teens' car.

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"Estate Planning Essentials: Wills, Trusts and Protection From Predators, Creditors & Nursing Homes"

Ross practices law in Yankton, SD



David Hosmer
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