

MIDWEST DIGEST

4 Arrested In W. Nebraska Drive-By Shooting

GERING, Neb. (AP) — Four people have been taken into custody in connection with a drive-by shooting in the western Nebraska city of Gering.

The *Scottsbluff Star-Herald* reported that police received reports of shots fired at a residence about 1:30 a.m. Saturday. No one was home, but the home was struck by bullets.

Police arrested 30-year-old Juan Jose Olvera and 25-year-old Josef Padilla on charges of disturbing the peace, possession of an open alcohol container and possession of a stolen shot gun.

Also arrested was 30-year-old John Moreno on charges of disturbing the peace, possession of an open container, felon in possession of a firearm and parole violation.

A juvenile also was apprehended.

Four Teams Pulled From Big Sioux River

BRANDON (AP) — Brandon emergency responders have rescued four of five teenagers who decided to go for a swim in the Big Sioux River.

Brandon Fire Chief Robert Dykstra told the *Sioux Falls Argus Leader* that a call for a water rescue at the Big Sioux Recreation Area came in about 8 p.m. Saturday.

He said one of the teens swam back to shore, but the other four had trouble returning to land after getting tired.

Dykstra said rescuers had difficulty because of the darkness, but they were able to locate the teams by using rescue boats and keeping voice contact.

No injuries were reported.

Dykstra said it's not safe to swim in the Big Sioux because the water is so high.

GF&P: Big Game Licenses Still Available

PIERRE (AP) — The South Dakota Game, Fish and Parks Department says it has thousands of leftover licenses available for some big-game hunting seasons this fall.

License supervisor Shon Eide says around 12,000 licenses are still available after the first drawing for the East River deer season. Applications are now being taken for the second drawing.

The agency says other leftover licenses include West River deer, antelope and fall turkey.

Historical Society Releasing Baum's Book

PIERRE (AP) — The South Dakota State Historical Society is releasing a new children's book.

L. Frank Baum's "The Enchanted Buffalo" is the fifth book in the Prairie Tale Series from the South Dakota State Historical Society Press.

Donald F. Montileaux, an Oglala Lakota Sioux artist from Rapid City, illustrated the fairy tale set on the prairies of South Dakota.

The fable about the heyday of buffalo on the Great Plains features the themes of good and evil, treachery and bravery, pride and wisdom are featured in.

Baum is best remembered for his book "The Wizard of Oz," but he also wrote many other fairy tales and short stories. He was a newspaperman in Aberdeen from 1888 to 1891.

School Dedicates Football Field To Heroes

MOUNT VERNON (AP) — The football field at Mount Vernon High School has been rededicated in honor of local heroes.

Television station KDLT reports that a statue of a mustang — a symbol of bravery and strength — has been placed at Heroes' Field. A local hero will be selected each year and a plaque bearing his or her name will be added to the monument.

The first person to be honored is Lt. Clinton Wermers, who died Jan. 23 when his Navy plane crashed in Louisiana's Lake Pontchartrain. The 33-year-old and a Navy student aviator crashed on a landing approach to the New Orleans Lakefront Airport.

Wermers' father, Ron, says his son played football on that field years ago.

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NEBRASKA

Death Row Inmate: Attorneys Needed

BY **TIMBERLY ROSS**
Associated Press Writer

OMAHA, Neb. — The death-row inmate who prompted a change in Nebraska's method of execution will ask the state Supreme Court to expand a law that allows for court-appointed attorneys in some inmate appeals.

Raymond Mata Jr., 37, argues in his appeal that he's entitled to a court-appointed attorney because he's on death row, considered indigent and seeks to raise constitutional issues in his 2000 conviction for the killing of a Scottsbluff boy.

Mata's appeal asks the high court to expand the Nebraska Postconviction Act, which leaves it up to the district court to decide whether to appoint counsel for post-conviction relief actions, a type of appeal. He urges the court to require court-appointed attorneys for cases like his so "condemned inmates will receive the full benefit of the fundamental guarantees of the Nebraska Constitution."

But attorneys for the state say in court filings that there is no state or federal law that

requires court-appointed attorneys for inmates for post-conviction relief, and that it's not up to the court to make those appointments a requirement.

"If the appointment of counsel in post-conviction cases is to become mandatory, that is a decision for the Nebraska Legislature to make," the state says.

The high court will hear arguments on Oct. 8.

Mata was convicted of first-degree murder, felony murder and kidnapping for the March 1999 kidnapping and killing of 3-year-old Adam Gomez of Scottsbluff. The boy was the son of Mata's former girlfriend.

Parts of the boy's body were found in a freezer and dog bowl at Mata's home. Bone fragments also were recovered from the stomach of Mata's dog.

Mata was sentenced to death.

He's appealed his case to the state Supreme Court at least four other times. In 2008, the high court, ruling on a Mata appeal, threw out the electric chair as Nebraska's sole means of execution. The court said in its opinion that electrocution is cruel and unusual punishment.

Lethal injection has since been approved to replace it.

In February, the high court refused to consider commuting Mata's sentence to life in prison because of a change in execution methods.

His latest appeal stems from his request for post-conviction relief pending in Scotts Bluff County District Court. Mata argued in court filings that his sentence should be commuted to life, that jurors shouldn't have been able to listen to audio of his statements during deliberations and that his attorney was ineffective, among other things.

Mata asked the court to appoint an attorney to help with his case, but District Judge Leo Dobrovolsky declined. Mata appealed that decision — along with the denial of an evidentiary hearing that ended the appeal — and the state Supreme Court urged the judge to reconsider.

A March 10 order from Chief Justice Mike Heavican said that while the Nebraska Postconviction Act leaves it to the discretion of the judge to appoint attorneys for appeals, previous court rulings have set a precedent for such appointments in death penalty cases.

Custer State Park Buffalo Roundup In 45th Year

BY **DIRK LAMMERS**
Associated Press Writer

CUSTER STATE PARK — Nearly 1,300 bison will thunder down the hills and ridges of Custer State Park on Monday for South Dakota's annual buffalo roundup.

The roundup started 45 years ago as a way to manage the buffalo and has burgeoned into a late-season tourist event, attracting 14,000 spectators last year who stand in designated spots only a few hundred feet from the beasts.

Gov. Mike Rounds said it's a thrill when spectators begin to hear the buffalo approaching before they're in sight.

"You can still feel the earth move when they're close by," Rounds said. "You get that

many buffalo together like that coming over the top of the hill, and it is an experience that once you've done it, you don't forget it."

Horseback riders and park rangers in ATVs and pickup trucks try to keep the 2,000-pound animals pointed in the direction of the corrals, but a few often break away before they're nudged back in line.

"The roundup will start around 9 or 9:30, and it's usually done by noon," said Craig Pugsley, the park's visitor services coordinator. "But it is a roundup, and the buffalo don't always have the same ideas that we do."

Once corralled, park staff count, brand, vaccinate and sort the herd in advance of a November auction that helps keep the numbers manageable.

It's an ongoing balance that changes with drought, plentiful moisture and other factors, as the 71,000-acre park needs to have enough grass to feed the bison.

Custer State Park's optimum summer capacity is around 1,500 bison, but officials have kept the herd smaller since a drought that began in 2002, even though moisture has been plentiful the last few years.

"We'll continue now to slowly build back those numbers to hopefully get back to that 1,500 summer level," Pugsley said.

Custer State Park, established in 1919, played a key role in bringing back the bison from the brink of extinction.

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