

Man Killed By Trooper Was War Veteran

CUSTER (AP) — A man shot and killed by a Highway Patrol officer after allegedly going on a rampage with a pickup truck and a handgun in the western South Dakota tourist town of Custer was a Marine who had served in Iraq and Afghanistan.

Custer County Sheriff Rick Wheeler tells the *Rapid City Journal* (<http://bit.ly/nF790h>) that 22-year-old Cody Engen was "just a normal young man growing up." Wheeler has worked for a number of years with Engen's father, Dan, a sheriff's deputy.

Family members say Engen joined the Marines in 2007 the day after he graduated high school. He was honorably discharged in May after serving as a scout and sniper in Operation Iraqi Freedom and Operation Enduring Freedom.

Engen was killed Tuesday. He'll be buried Monday in Black Hills National Cemetery.

Bar Looks To Lure Lawyers To Rural S.D.

SIoux FALLS (AP) — The State Bar Association of South Dakota has announced a push to bring more lawyers to rural areas of the state.

The *Argus Leader* reports (<http://bit.ly/nRojXr>) that bar President Pat Goetzinger has announced the creation of the Project Rural Practice to find incentives to entice lawyers to less populated areas of South Dakota.

Goetzinger says four cities — Sioux Falls, Rapid City, Pierre and Aberdeen — represent 65 percent of the state bar's 1,861 members. Rural lawyers who are nearing retirement don't have people to take over their practices, adds Goetzinger, who says this is forcing some people to look hundreds of miles away from home for legal representation.

S.D. Revenue Up For Month Of August

SIoux FALLS (AP) — South Dakota finished the month of August with nearly \$11 million more in revenue than officials projected.

The *Argus Leader* reports (<http://bit.ly/nZ1J10>) that South Dakota received \$9.5 million from credit card banks paying their quarterly estimates of bank franchise tax in August.

State officials hadn't counted on that money.

The unexpected bump in revenue means the state is ahead of its projections for the first two months of the fiscal year by about \$8.8 million.

But officials say it's too early to make adjustments or plan for more revenue in the 2013 fiscal year budget.

Sioux Falls Casino Robbed Early Thurs.

SIoux FALLS (AP) — Sioux Falls police are investigating a robbery at a local casino.

Authorities say a male wearing a hooded sweat shirt entered the Crown II casino shortly after midnight Wednesday and demanded money. He fled with an undetermined amount of cash.

Police say the suspect did not show a weapon, and no one was hurt.

South Dakota Supreme Court Overturns Closure Of Trial

BY CHET BROKAW
Associated Press

PIERRE — A circuit judge was wrong to restrict public access to records and courtroom proceedings in a trial dealing with a financial dispute among owners of a popular Black Hills tourist attraction, the South Dakota Supreme Court ruled Thursday.

The high court's unanimous decision marked the first time the justices had ruled that the First Amendment gives news organizations and the public a qualified right of access to civil trials in South Dakota.

The justices said a circuit judge was wrong to close a trial involving Bear Country USA because the judge did not require parties in the case to show why the closure was necessary,

did not make specific findings before closing the proceedings and did not narrowly limit the closure.

The Associated Press, *Rapid City Journal* and South Dakota Newspaper Association had asked the high court to strike down rulings by Circuit Judge John Delaney of Rapid City, who presided in a trial last year involving Bear Country USA. The trial was to determine the fair value of the family-owned business, so some family members could buy out others.

Family members had asked that financial records be closed to protect what they called trade secrets and that the trial be closed when financial information was discussed.

The Supreme Court said Delaney did not have authority to issue a gag order on those taking part in the trial. The judge's order closing the trial also was too broad, the

justices said.

The high court said even though the trial involving Bear Country USA is finished, it issued a decision in the case because the same issues could arise in future cases.

The South Dakota attorney general's office represented Delaney in the appeal to the Supreme Court, but Attorney General Marty Jackley praised Thursday's ruling.

"As a general rule, openness enhances both the fairness of a trial and the appearance of fairness," Jackley said.

Dave Bordewyk, general manager of the South Dakota Newspaper Association, said the decision is a victory for public access to South Dakota courts. It's also valuable because it provides guidance for judges when similar issues arise in future cases, he said.

"Now we have something to point to. It's a

good day, a good thing," Bordewyk said.

The multiple lawyers for Bear Country USA owners were away from their offices Thursday, did not immediately return telephone calls or declined to comment.

The South Dakota Supreme Court noted that previous rulings by the U.S. Supreme Court have established a right of public access to criminal trials, and federal appeals courts have extended that right of access to civil trials even though parts of proceedings can be closed to protect trade secrets.

"Open civil trials also protect the integrity of the system and assure the public of the fairness of the courts and our system of justice. We, therefore, hold that the First Amendment affords the media and public a qualified right of access to civil trials in this state," Justice Judith Meierhenry wrote for the court.

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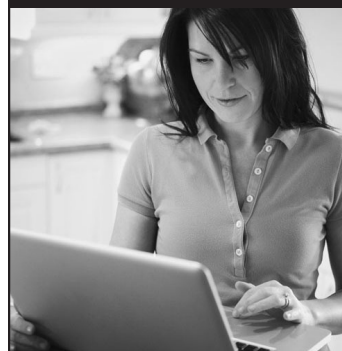
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