

S.D. Air & Space Museum To Get Lunar Sample

RAPID CITY (AP) — The South Dakota Air and Space Museum is getting its own moon rock.

Officials with the Ellsworth Heritage Foundation Board, the governing and fundraising organization behind the museum in Rapid City, have been working on the acquisition since 2007, the *Rapid City Journal* reported on Friday.

"We felt it would be something you wouldn't expect to see in western South Dakota," foundation president Mike Schwab said.

The lunar sample coming to the museum outside Ellsworth Air Force Base is a smaller bit of a larger rock collected by the Apollo 15 astronauts during their flight in 1971.

Apollo 15 was the fourth mission to land on the moon and the eighth successful manned mission. It was also the first mission in which the lunar roving vehicle was used, and crew members brought back 170 pounds of "lunar surface material."

"It's appropriate that we're getting a sample from Apollo 15 because they were the first all-Air Force crew," Schwab said.

A representative of the group must go to the Johnson Space Center in Houston to pick up the rock. Engwall said it could take another year before the lunar sample could be displayed.

Moon rocks don't come cheap. Schwab estimates that travel to get the rock, plus equipping the museum with an airtight display unit and security system, could cost more than \$40,000.

"They want it displayed in a professional way," museum director Carl Engwall said.

Schwab said the lunar sample will be a great addition to the museum, which provides information about the history of U.S. Air Force aviation and promotes South Dakota aviation history.

Neb. High Court Orders New Trial In Murder

OMAHA, Neb. (AP) — The Nebraska Supreme Court ordered a new trial for a 19-year-old Omaha man because of a problem with the instructions given to the jury that convicted him of first-degree murder.

The court issued its ruling Friday in Trevelle Taylor's case. Taylor was sentenced to life in prison for his role in the 2009 gang-related shooting death of 20-year-old Justin Gaines.

Officers found Gaines mortally wounded in a bullet-riddled car parked in a driveway. He had been shot in the back.

The court said the jury was improperly encouraged to presume part of Taylor's guilt because he tried to persuade one of the prosecution's witnesses not to testify against him.

The court rejected Taylor's other concerns about certain evidence that was allowed at trial.

Corps Requesting Money To Fix Causeway

PIERRE (AP) — U.S. Army Corps of Engineers officials in Pierre are asking the corps for money to fix the flood-damaged LaFramboise Island Causeway.

Oahe Project Manager Eric Stasch tells KCCR radio that the assistance request could be for up to \$1 million.

The corps made the request after discovering that it still owned the property.

Ownership of many former corps properties in the Pierre-Fort Pierre area was transferred to the state several years ago, but Stasch says the causeway property was overlooked.

The causeway was built in 1962 as a way to divert the river water away from eroding the Pierre shoreline.

Stasch says if the causeway is repaired, it will be rebuilt as it was constructed the first time, using rock, dirt, rip-rap and pipe.

Neb. Court Upholds Rape, Robbery Convictions

LINCOLN, Neb. (AP) — The Nebraska Supreme Court on Friday rejected an appeal from a Lincoln man convicted of robbing a convenience store and raping a store clerk, finding that he failed to show that a DNA sample used to convict him could have been realistically compromised.

Armon Dixon, 32, had argued in his appeal that the Lancaster County District Court committed nine errors at his trial, including that the district judge failed to dismiss the case for insufficient evidence.

Dixon was found guilty last year of accosting the clerk outside the Lincoln store in March 2009 when she arrived for work before dawn. The jury found him guilty of tying up and raping the clerk near her car, then forcing her to open the store and its safe so he could rob it.

Lancaster County District Judge Jodi Nelson sentenced Dixon to serve 35 to 60 years for each crime, with the terms to be served one after the other.

Dixon testified that he was elsewhere with friends when the attack happened.

A DNA expert testified that two condoms found near the scene of the attack bore the DNA of Dixon and his victim.

In his appeal, Dixon claimed that an investigator did not wear gloves when collecting a DNA sample from him, and he contended that this could have compromised the sample and skewed the accuracy of the test.

S.D. Inmate Pleads Guilty To Killing Guard

BY KRISTI EATON
Associated Press

SIoux FALLS — An inmate pleaded guilty Friday to killing a South Dakota State Penitentiary guard by bashing him with a pipe, covering his mouth with plastic wrap and then wearing the dead man's uniform in a failed attempt to escape.

Eric Robert, 49, also waived his right to a jury trial at his sentencing.

Robert matter-of-factly told a judge how he began planning the escape attempt in March. On April 12 about 8 a.m., he attacked prison guard Ronald "R.J." Johnson and donned the slain guard's uniform in an attempt to sneak past other security.

"Your honor, from early March until that morning, I had planned to escape and also to eliminate one of my oppressors from the prison," Robert told the court. "I decided on a location, materials that I would need to do this, the method I would do and the time of day that

would work out for what I was attempting to do."

Several people in the courtroom began to cry as Robert described killing the guard, who worked at the penitentiary for more than 23 years and was a father of two and grandfather of six.

"Certainly it was a very difficult day for family members for all those involved," said Attorney General Marty Jackley.

Robert said he understood that by pleading guilty, he could face the death penalty or life in prison without parole.

"This is a free and willing, intelligent choice that I am making," said Robert, who had been serving an 80-year sentence on a kidnapping conviction.

A second inmate, 49-year-old Rodney Berget, has pleaded not guilty to the slaying. He had been serving life sentences for attempted murder and kidnapping. Berget had made four other previous escape attempts, prison officials have said.

Johnson was working alone the morning of his death — his birthday — in a part of the Sioux Falls prison known as Pheasantland Industries, where inmates work on upholstery, signs, custom furniture and other projects. Prosecutors said that after Johnson was assaulted and his uniform taken, Robert carted a large box toward the prison gate with Berget inside.

Both inmates were apprehended before leaving the grounds.

Berget and his attorney, Jeff Larson, were informed about Robert's plea change but waived their right to attend the hearing. Larson had earlier asked Second Circuit Judge Bradley Zeller in Sioux Falls for a change of venue.

"We all know there is substantial attention on this case. I want everyone to be on notice that I fear this may be a problem," Larson said.

Zeller said he would wait to rule on the change of venue to see if it was necessary.

Robert is expected to be sentenced Oct. 24. Berget's trial date is set for Jan. 30.

Corps To Review Management Of Missouri River

BY HEATHER HOLLINGSWORTH
Associated Press

KANSAS CITY, Mo. — After months of sustained, historic Midwest flooding and criticism that the government bungled its management of the Missouri River, the U.S. Army Corps of Engineers said Friday it has commissioned a study of its handling of the waterway.

Large sections of northwest Missouri and southwest Iowa remain underwater, and only in recent weeks have historic levels along the Missouri River begun to recede. Corps officials say levee breaks and other problems along the Missouri are contributing to a national flood repair bill for the corps that will likely top \$2 billion.

Problems started June 1 when the corps began releasing massive amounts of water from upstream reservoirs that had filled to overflowing with record runoff from rain and heavy snowpack. The re-

sulting torrent easily overmatched earthen levees along the river in Iowa and Missouri, tearing football field-sized holes in berms protecting thousands of acres of prime farmland and forcing the closure of heavily-traveled bridges and roads.

The corps' decision to review its handling of the waterway comes amid heavy criticism from government officials in downriver states, who have accused the agency of caring more about protecting river navigation and recreation at the northern reservoirs than controlling flooding further south.

Corps spokesman Steve Wright said a four-person review panel will begin work later this month, and include one hydrologist each from the National Weather Service, the U.S. Geological Survey, and the Natural Resources Conservation Service along with a retired Colorado State University professor of civil engineering. The

panel is expected to finish its review no later than Dec. 2, he said. The corps anticipates the study will cost about \$60,000.

Snowpack in the Rockies already was heavy when record May rainstorms in Montana, the Dakotas and part of Wyoming dumped about 7 inches of rain, causing half a million acre-feet per day of water to flow into the reservoirs for 11 days. The corps said that rainfall was impossible to predict and that it had no choice but

to release vast amounts of water from its upstream reservoirs.

The agency denies that it favors any interests in its decisions to release water, and says with the Missouri River its hands were tied this year because of the rain and snow. Wright said the corps is limited in how much water it can release in winter because high water levels can cause ice jams, and he pointed out that the reservoirs still had storage space until the May rains.

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