

Tribe's Bid Accepted For S.D. Land

ROSEBUD (AP) — A Native American tribe says it has reached an agreement to buy land it considers sacred in South Dakota's picturesque Black Hills, ending weeks of worry about possible development on the land.

Tribe President Cyril Scott says in a statement obtained by the Associated Press that the Rosebud Sioux's bid on nearly 2,000 acres of pristine prairie grass was accepted by the land's owners. The tribe has deposited \$900,000 as an earnest deposit. Scott says the remaining \$8.1 million of the agreed-upon \$9 million purchase price has to be paid by Nov. 9.

Plans to auction off the land prompted outcry from the Great Sioux Nation because the land plays a key role in the creation story of the tribes. Scott says the owners invited private parties to bid instead.

Dry Weather Forces S.D. Row Crops To Advance

SIoux FALLS (AP) — South Dakota producers say dry weather has forced row crops to rapidly advance to the mature stage and has triggered the start of an early harvest.

The U.S. Department of Agriculture says in its weekly crop report that row crop harvest has begun for some areas, with 7 percent of corn harvested. Forty-five percent of corn was in the mature stage.

The report says 34 percent of soybeans were rated mature, compared to 5 percent the previous week. Sorghum was at 42 percent mature, up from 12 percent the week before.

Topsoil moisture was rated 8 percent adequate, 29 percent short and 63 percent very short. Subsoil moisture was at 7 percent adequate, 31 percent short and 62 percent very short.

Neb. Harvest Ahead Of Schedule

LINCOLN, Neb. (AP) — Nebraska's main crops remain ahead of schedule, but poor conditions are common across the state because of the hot, dry weather.

The U.S. Department of Agriculture said Monday that 12 percent of the corn crop had already been harvested. That's well ahead of the typical 1 percent at this time of year.

But only about 31 percent of the corn crop in Nebraska rates in good or excellent condition right now. That's well below the 79 percent average.

The USDA says more than half of the irrigated corn is in excellent or good shape — much better than the 3 percent of dryland corn in that condition.

About 77 percent of the soybeans have begun to turn color. That's 11 days ahead of the 44 percent average.

School Uses Online Form To Combat Bullying

DAYKIN, Neb. (AP) — A southeast Nebraska school has a new way to combat bullying with an online form to alert officials about the problem.

The Beatrice Daily Sun says Meridian Public Schools in Daykin is using the form this year, and it's accessible on the school's website.

Principal Bobby Kelley says they needed a way for students and parents to contact them immediately. Kelley says a few forms have been submitted, but the site is not being used to its fullest potential. The principal says they'd get phone calls from parents about their child being bullied, but often it was days later.

Kelley says the goal is to let people know the online form is an option.

Court Schedules Arguments In Berget Appeal

BY CHET BROKAW

Associated Press

PIERRE — The South Dakota Supreme Court will hear arguments Oct. 1 in the appeal of a man sentenced to death for murdering a State Penitentiary guard during a failed escape attempt.

The high court has scheduled arguments in the case of Rodney Scott Berget, 50, at the Jeschke Fine Arts Center at the University of Sioux Falls.

Berget pleaded guilty to killing Ronald "R.J." Johnson on April 12, 2011 — Johnson's 63rd birthday — and Circuit Judge Bradley Zell of Sioux Falls sentenced Berget to death. Eric Robert, 50, also pleaded guilty in Johnson's death, was sentenced to death and is scheduled to be executed the week of Oct. 14.

Berget's appeal does not challenge his conviction, but asks the state's highest court to order that his sentence either be changed to life in prison or that he get a new sentencing hearing because of errors made by Zell in the original one.

The state's written brief has not yet been filed with the Supreme Court, but Attorney General Marty Jackley said Monday the state will argue that Berget's death sentence is constitu-

tional and not excessive when compared with similar cases, and that the judge considered evidence properly in Berget's sentencing hearing.

"The state proved beyond a reasonable doubt the existence of at least one aggravating factor," Jackley told the Associated Press.

South Dakota law says the death penalty cannot be imposed without the existence of at least one from a list of 10 aggravating circumstances. Zell found two aggravating circumstances in Berget's case, ruling that he killed a correctional officer and the murder was committed by an inmate.

Johnson was working alone the morning of his death in a part of the prison known as Pheasantland Industries, where inmates work on upholstery, signs, custom furniture and other projects. Prosecutors said that after Robert and Berget bashed Johnson's head with a pipe and covered his mouth with plastic wrap, Robert put on the guard's uniform and carted a large box toward the prison gate with Berget inside. Both inmates were apprehended before leaving the grounds.

Robert asked to be put to death, and the Supreme Court last month upheld his sentence after a mandatory review.

Berget told Zell he deserved to be sentenced to death, but did not ask to be executed.

"I'm guilty of taking Ronald Johnson's life. I

knew what I was doing that day and I continued to do it. I destroyed a family. I took away a father, a husband, a grandpa," Berget told the judge, according to court records.

However, Berget decided to appeal his sentence. In his appeal, Berget argues he should be sentenced to life in prison because his death penalty is excessive when compared with penalties imposed in similar cases. Johnson's murder was not as brutal as in some other cases, no gun was used and the killing was accomplished quickly, the appeal contends.

It also says that if the Supreme Court does not order that Berget's sentence be changed to life in prison, it should send the case back to circuit court for a new sentencing hearing because Zell improperly considered evidence not in the court record, Berget's prior criminal record and inadmissible statements by Johnson's relatives.

Zell also presided in Robert's case, and Berget's appeal contends the judge was heavily influenced by his decision in Robert's case. That violated Berget's rights to be judged only by the facts in his case, his lawyer argued.

Jackley countered that Berget got an individualized hearing because the judge heard different witnesses and considered different evidence in the two cases.

Neb. Utility Offers Update On Troubled Nuke Plant

BY JOSH FUNK

Associated Press

OMAHA, Neb. — Nebraska regulators aren't likely to allow the troubled Fort Calhoun nuclear power plant to restart anytime soon, despite a deal that brought in a private firm to run the facility.

The Nuclear Regulatory Commission and Omaha Public Power District will hold a public meeting Tuesday evening to provide an update on the plant that sits about 20 miles north of Omaha. The meeting will run from 6 p.m. to 9 p.m. at Dana College's Gardner-Hawks Center in Blair.

Fort Calhoun initially shut down for routine maintenance in 2011, but last summer's flooding along the Missouri River and several regulatory violations forced it to remain offline. Environmental-

ists would like it to stay shuttered for good.

The recent violations that have kept Fort Calhoun offline include a small electrical fire in June 2011, the failure of a key electrical part during a 2010 test and deficiencies in flood planning that were discovered a year before last summer's extended flooding along the Missouri River.

Utility officials and regulators have said the problems found in recent years never represented a threat to public safety. But the Sierra Club of Iowa has asked federal regulators to consider revoking the plant's license because of its history of safety violations.

The Nuclear Regulatory Commission held a hearing on the Sierra Club's petition last month, but it has yet to rule on it.

One of the main topics at Tues-

day's meeting will likely be the agreement OPPD signed last month with Exelon Corp. to run Fort Calhoun. The Chicago-based Exelon operates 17 reactors at 10 nuclear power plants in Illinois, Pennsylvania and New Jersey.

Exelon has been advising OPPD on Fort Calhoun's recovery since January. Now, the private company will provide day-to-day management of the plant.

Sierra Club attorney Wally Taylor said he hopes to learn more Tuesday about the Exelon agreement.

"Exelon being involved does not solve the problem as far as we're concerned," Taylor said. "Exelon has its own history of problems."

OPPD officials have said they are confident in their plan to improve operations at Fort Calhoun.

The utility consulted industry experts and regulators when developing the plan.

OPPD spokesman Jeff Hanson said Monday the utility plans to heat up the plant in December for final inspections, but it's not clear when regulators will allow the utility to restart Fort Calhoun's nuclear reactor. Previously, OPPD officials had set a goal of restarting the plant in September.

Hanson said heating up the plant will allow the utility to test power-generating systems that haven't operated under a full load since Fort Calhoun shut down for maintenance in April 2011.

Nuclear Regulatory Commission officials say there is no timeline for restarting the plant, and they won't allow Fort Calhoun to resume generating electricity until they are certain it is safe.

St. Leo's
HARVEST FESTIVAL
St. Leo Parish Center
 100 E., 20th Ave., Tyndall, SD
Sunday, September 16, 2012
3:30-7:00pm

Dinner "Buffet Style" Roast Pork Loin, Broasted Chicken, Mashed Potatoes & Gravy, Corn, Salads, Kolaches & Rollicks, Pies and Beverages
 Adults/Jr. & Sr. High \$8.00 • Grades K-6 \$4.00 • Preschool Free
 Meal deliveries from 4-6pm. Call 589-3392 after 3:30pm

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Tuesday's – Senior's Day All Senior Citizen's get \$5 in Free Play from 1-4PM
Thursday's – Cell Phone Drawings Every Hour from 7-9PM
Friday's – Nebraska Football Tickets 1 Winner will receive 2 Tickets to the Nebraska Football Game. Drawing at 10PM (Must be a Player's Club Card Member and earn 25 pts. to receive an entry.) Must be present to win.

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 Sept. 15th ~ Dinner Buffet Chicken Pork \$10.50
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 Old Fashioned Family Games 3:00-5:00pm
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 Mogen's Heroes Concert 6:30-8:00pm www.milltownislandpark.org

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