

Concealed-Carry Lawsuit To Proceed

BY GRANT SCHULTE
Associated Press

LINCOLN, Neb. — A federal judge is allowing two gun-rights groups to proceed with their legal challenge against a Nebraska law that only lets U.S. citizens obtain permits to carry concealed weapons.

U.S. District Judge Richard Kopf ruled that the case can move forward on arguments that the state law violates equal-protection rights and may be preempted by federal law. He rejected arguments that it violated the constitutional right to bear arms but denied the state of Nebraska's motion to dismiss the case, according to the ruling late last week.

The Second Amendment Foundation and the Nebraska Firearms Owners Association filed the lawsuit against Nebraska officials on behalf of Carlos Nino De Rivera Lajous, a Mexican man who has lived legally in Lincoln since 1990. Lajous, a member of both groups, applied for a concealed-carry permit in February but was denied, according to the ruling.

The Nebraska attorney general's

office argued in court papers that the law was designed to protect the public from people whose criminal background can't be determined by a licensing agency. The state relies on criminal histories furnished by the Nebraska State Patrol and the Federal Bureau of Investigation's National Crime and Information Center. Neither provides criminal information from outside the United States, the attorneys argued.

The ruling "is great news for Mr. Lajous, and all other legal, non-citizen immigrants in Nebraska," said Wesley Dickinson, president of the firearm owners' association.

Dickinson said the ruling moves the state one step closer to letting legal immigrants obtain the permits, which require training, a background check and fingerprinting. State law also requires applicants to be at least 21 years old, have a felony-free criminal record and meet other qualifications.

The Second Amendment Foundation has argued that Lajous has established himself as a productive member of the community and has earned three degrees from Central Community College in Hastings.

The lawsuit seeks a declaration from the federal court that Nebraska's law is unconstitutional. It also seeks an injunction to keep the part of the law requiring U.S. citizenship for a concealed-carry permit from being enforced.

Last year, the city of Omaha changed its ordinance prohibiting legal resident immigrants from possessing handguns after the Second Amendment Foundation, and the Nebraska Firearms Owners Association sued.

The judge also dismissed Nebraska Attorney General Jon Bruning as a defendant in the case, but allowed the lawsuit to proceed against State Patrol Superintendent David Sankey. Sankey was sued in his official capacity, because the Nebraska State Patrol is charged with processing and issuing conceal carry permit.

Bruning is a staunch supporter of gun rights, but a spokeswoman has said his office is required to defend all laws passed by the Nebraska Legislature. An attorney from his office argued that state law did not give Bruning direct authority to administer the law.

S.D. Hail Storms Some Of Worst In Years

SIOUX FALLS (AP) — Recent hail storms on both sides of South Dakota were some of the worst in years, according to meteorologists and insurance officials.

A Saturday night storm caused heavy damage to trees, homes and cars in Sioux Falls, and was one of the worst hail storms to hit the state's largest city in the past decade, according to the National Weather Service. Some hail was the size of tennis balls.

Kevin Rost, sales manager at a local auto dealership, told the *Argus Leader* that as many as 900 vehicles on his lot were damaged.

Storm damage in the city is still being calculated. Insurance agency president Dick Applequist said the last time he saw as much damage after a hail storm was in June 2001 when "60 percent of the houses needed to be reroofed."

A storm with hail the size of baseballs hit Rapid City on Friday. Insurance agent Gene Hufford told KOTA-TV that it was the worst hailstorm he has seen in his career.

"I'm estimating it's going to be in the multiple of millions of dollars' worth of claims just out of my agency alone," he said.

Toddler Learning To Speak Calls For Help

KEYSTONE (AP) — A 2-year-old who's been practicing her words quickly came up with exactly what to say in order to save her great-grandmother.

Little "Izzy" McLain reacted calmly and called for help when she saw 83-year-old Esther Zimmerman pass out and take a bad fall at the Big Thunder Gold Mine tourist attraction in Keystone.

The *Rapid City Journal* reports Izzy's grandmother, Sandi McLain, who owns the business, says the toddler yelled "Help, help! My grandma fell and needs help."

One of the guides, Chris Conaway, responded to Izzy and called 911.

Doctors say Zimmerman was dehydrated. She hit her head and cut her arm so deeply that it took nearly 50 stitches to close the wounds.

Former State Senator To Plead Guilty

OMAHA, Neb. (AP) — The lawyer for former state Sen. Brenda Council says she's agreed to plead guilty to a federal wire fraud charge stemming from her use of campaign money for casino gambling.

Attorney Vince Powers told the *Lincoln Journal Star* that Council agreed to plead guilty after prosecutors said they'd ask a U.S. district judge to sentence her to probation.

"She's done great things in her career, but, unfortunately, gambling got the best of her," Powers said of his client.

Council pleaded guilty last year to two state misdemeanor counts related to false campaign finance reports. State prosecutors said the reports concealed her misuse of more than \$63,000 in campaign donations at a casino. She was fined \$500.

Assistant U.S. Attorney Jan Sharp said Council is scheduled to appear in an Omaha federal courtroom on Sept. 12.

Council, who has also served on the Omaha City Council and school board, was defeated last November in her bid for re-election to the Legislature by the man who held the seat for 38 years, Ernie Chambers. He'd been forced out of office by term limits.

In October Chambers filed a complaint with the U.S. Attorney's Office in Omaha, alleging that Council violated federal laws by using the mail to send false reports and transferring money across state lines.

The state case against Council said she'd used an ATM at a Kansas casino several times to withdraw the money from her campaign account. She later deposited more than \$36,000 into the fund and promised to repay the remaining \$27,000.

Convict To Be Charged In Four Deaths

BY MARGERY A. BECK
Associated Press

OMAHA, Neb. — An Omaha man who has spent nearly half his life behind bars shot four people to death in the three weeks after his release from prison earlier this summer, authorities said Wednesday.

Nikko Jenkins, 26, was arrested Wednesday and charged with four counts of first-degree murder and about a dozen weapons counts for the three-week rampage in August that left Omaha residents fearful of another shooting.

Leaders from the Omaha Police Department, Douglas County Sheriff's Department, FBI and U.S. Marshals Service said during a news conference that similarities in the crimes, crucial tips from the public and interagency cooperation all led to Jenkins' arrest.

Jenkins is accused of killing 33-year-old Andrea Kruger on Aug. 21 as she was heading home from her job

at an Omaha nightclub. Authorities say the mother of three was shot at an intersection just northwest of the city, and her vehicle was found later in north Omaha. Someone had tried to torch it, police say.

The other victims were 22-year-old Curtis Bradford, whose body was found Aug. 19 outside a garage in the northern part of the city, and Jorge Cajiga-Ruiz, 29, and Juan Uribe-Pena, 26, who were found dead Aug. 11 inside a pickup truck near a city pool in southeast Omaha.

Those three victims, like Kruger, were shot in the head.

Authorities said Wednesday that ballistics evidence links Jenkins to all four killings, although they would not elaborate. Douglas County Sheriff Tim Dunning confirmed earlier this week that officials are waiting for results of DNA collected from Kruger's vehicle and Jenkins.

Court records show

Jenkins was released from prison on July 30, after serving a decade for robbery, assault and weapons charges. Jenkins began serving that sentence when he was 17 years old. One official said he had just been released from a juvenile detention center when he committed the crimes that landed him in prison.

"He's an institutional guy," Douglas County Chief Deputy Sheriff Tom Wheeler said. "You do not want to run into this guy in a dark alley."

The killings crossed racial and gender lines — a rare occurrence, Omaha Police Chief Todd Schmaderer said.

"Mr. Nikko Jenkins was an indiscriminate killer who wreaked havoc on the Omaha area since being released from prison on July 30," Schmaderer said.

Authorities said at least one of the killings was random. They said Kruger had never met Jenkins before she was killed, but that Bradford and Jenkins had served time together in prison. It's not

clear if Jenkins had any connection to Cajiga-Ruiz or Uribe-Pena before their deaths, and authorities did not say.

Jenkins was already in jail when he was arrested for the killings. Police arrested him last Thursday after they say he threatened his girlfriend. He was charged with making terroristic threats and being a felon in possession of two firearms. Court records detailing the threats and the types of guns Jenkins is accused of possessing have been sealed at the request of authorities.

Jenkins' bond has been set at \$500,000 on the threat and weapons charges. He is scheduled to make his first court appearance on the murder charges Thursday.

Douglas County Attorney Don Kleine said Wednesday that he will likely determine within the next week whether to seek the death penalty for Jenkins.

Associated Press writer Josh Funk contributed to this report from Omaha.

ACLU Renews Lawsuit To Stop Voter Removal Law

BY DAVID PITT
Associated Press

DES MOINES, Iowa — Civil liberties groups have renewed their court battle with Iowa Secretary of State Matt Schultz in their effort to stop him from using a federal immigration database to try to find voters registered in Iowa who may not be citizens.

The American Civil Liberties Union of Iowa and the League of United Latin American Citizens of Iowa filed documents on Aug. 26 asking a judge to rule on a lawsuit they filed last year or to at least issue a temporary order to keep Schultz from using the data until the lawsuit can be decided.

The lawsuit revolves around a voter removal rule Schultz proposed that went into effect March 27.

The rule sets up a process to remove voters from registration rolls if Schultz cannot confirm their citizenship by comparing state records with a federal immigration database.

After months of negotiations Schultz obtained permission from the federal government Aug. 14 to get

access to the Systematic Alien Verification for Entitlements program, called SAVE. It's administered by the U.S. Citizenship and Immigration Services, a division of the Department of Homeland Security and used to confirm immigrant citizenship status to determine eligibility for certain federal benefits.

Schultz plans to match Iowa Department of Transportation lists in which people self-identify as non-citizens with voter registration lists. Non-citizens would be checked through the SAVE program to see if they recently became a citizen. Schultz's office would send letters to those not listed as citizens in SAVE, informing them of a potential discrepancy.

Voters would have 60 days to respond or request additional time to gather needed documents. If a first letter goes unanswered, a second letter would be sent to the individual, prompting another 60-day period to respond or request more time for document gathering. The letter also would tell the individual that registering to vote without citizenship is a felony.

If the person cannot prove citizenship, the office will

forward the information to the county. And after the registration has been challenged, the county auditor must hold a hearing to determine the eligibility of the voter.


The ACLU and LULAC claim such a process will intimidate immigrants.

ACLU attorney Rita Bettis said the lawsuit now centers on whether Schultz has the authority under Iowa law to remove voters by comparing state records with federal immigration data.


"There is no statute authorizing the maintenance of the voter registration list on the basis of citizenship through comparison with federal immigration databases accessible through the SAVE system," court documents said.

The groups also said under Iowa law the Voter Rights Commission, not the secretary of state, may create rules for maintaining voter registration lists.

They claim their members will suffer irreparable harm if Schultz carries out plans to remove or threaten to remove numerous Iowans from the voter rolls "without adequate authority or precision."



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Dr. Pietz is originally from Lesterville, SD and completed her undergraduate degree at Mount Marty College. She is a graduate of Sanford School of Medicine of The University of South Dakota, Vermillion, SD. Dr. Pietz completed her family medicine residency at Sioux Falls Family Medicine Residency, Sioux Falls, SD.

Dr. Pietz joins Drs. David Barnes, McKenzie Hanson, Scott Weber, and Certified Nurse Practitioner, Jennifer McGinnis, in providing family care.

Please join us in welcoming Dr. Pietz, her husband, Aaron, and their children, Noah and Carson, to Yankton.

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