

Neb. Pays Inmate After Prison Rape

LINCOLN, Neb. (AP) — Nebraska paid a prisoner more than \$267,000 last year after his cellmate raped him and other inmates beat him at the Lincoln Correctional Facility. The inmate's lawsuit against the state and the Nebraska Department of Correctional Services alleged that prison officials failed to protect him and didn't properly treat him for psychiatric problems that surfaced after the May 2002 assault. A spokeswoman says the Department of Correctional Services has since taken steps to try to prevent similar situations. A district court judge in Lincoln rejected allegations that the state failed to meet basic care standards, but ruled it could have done more to prevent the attack. The inmate has filed a separate federal lawsuit. The \$267,000 payment is on a list of legal payouts that the state approved last year.

No Reduced Sentence For SD Woman

RAPID CITY (AP) — A judge has refused to reduce the 65-year prison sentence of a New Underwood woman who shot her husband twice in the head three years ago. Amanda Kaur, 30, initially was charged with murder in the November 2010 death of Ira Kaur, 26, an airman at Ellsworth Air Force Base. She eventually pleaded guilty to a reduced charge of manslaughter — sparing her from a possible death sentence — but she still was given the lengthy prison term. In court on Thursday Kaur repeated her claim that her husband was suicidal and the gun he held went off when she struggled to take it away from him. Her attorney, Patrick Duffy, said the sentence will keep his client in prison until she is 59. Kaur must serve at least half of her sentence, which Duffy said is well beyond the state average of 12 years for similar manslaughter convictions and far more time than a sentence in federal court, where the maximum for manslaughter is 15 years. Duffy told Circuit Judge Robert Mandel that Kaur has made remarkable progress in prison, completing several courses and training sessions. A reduction in her sentence would be a reward for that progress, he said. Pennington County Chief Deputy State's Attorney Lara Roetzel said the sentence Kaur received in September 2011 from now-retired Circuit Judge John Delany was what she bargained for with prosecutors. Roetzel also said Kaur had spent part of the morning her husband died searching online for advice on how to shoot someone in the head or slit someone's throat. "This was a heinous case," Roetzel said. Mandel noted in denying Kaur's request for a lesser sentence that she had bought the gun the previous day at a pawn shop, and that a second shot was fired into Ira Kaur's head. "The bottom line is the second shot was not necessary," Mandel said.

Convict Gets More Prison Time

ABERDEEN (AP) — An Aberdeen woman who stabbed her boyfriend in the neck with a steak knife during an argument has been given more time behind bars. Twenty-four-year-old Crystal Wettengel served about eight months in jail after pleading guilty to aggravated assault about a year ago. The *American News* reports that Wettengel has now admitted to violating terms of her probation, and she has been sentenced to serve four years in prison with credit for the time she already has served. She will be eligible for parole after serving half of her sentence. Wettengel initially faced an attempted murder charge in the stabbing. Authorities say the knife narrowly missed an artery that supplies blood to the head.

Study Compares Neb. Math Standards

LINCOLN, Neb. (AP) — A study says Nebraska's math standards cover most of the national Common Core content but sometimes in later grades. The study was paid for by the Nebraska Education Department and was released Thursday. It says the Common Core standards include higher math concepts that Nebraska's standards don't include. The state standards do not go beyond those taught in high school advanced algebra classes. The department ordered the study to see how well Nebraska's standards align with the Common Core, a set of voluntary national standards adopted by all but four states, including Nebraska. Nebraska education board President Pat Timm says that although the more advanced math concepts aren't included in the standards, many of the state's students still take those classes.

Police Seeking Helmet Thief

OMAHA, Neb. (AP) — Police are looking for a man they say swiped an Omaha police motorcycle helmet right off the officer's bike. Surveillance video shows a maroon car pulling up to an Omaha police motorcycle parked in a grocery store lot on Sunday morning. The driver can then be seen reaching out of the car window and taking the helmet. Police are asking anyone with information to call the department's criminal investigation bureau at 402-444-5652, or Crime Stoppers at 444-STOP.

SD Officer Survives Crash With Logging Truck

DEADWOOD (AP) — A Deadwood police officer is recovering at home after surviving a collision with a 17 1/2-ton logging truck. The Wednesday crash near Central City closed a highway, left the semitrailer overturned and sent veteran Police Cpl. Rob Lester to the hospital. He was discharged later the same day. Lester tells the *Rapid City Journal* he feels "lucky, very lucky." He says he has seen a lot of accidents in his career, and most people don't walk away from crashes like the one in which he was involved. The Highway Patrol says Lester was blinded by the early morning sun and

turned his vehicle into the path of the truck. The truck driver wasn't hurt. The 45-year-old Lester suffered a broken right wrist and scrapes to his head and arms.

Pierre Boy To Be Tried As Adult In Teen's Killing

PIERRE (AP) — A 17-year-old Pierre boy will be tried as an adult in the fatal shooting of a classmate, a judge ruled late Friday. Circuit Court Judge John Brown said the seriousness of the crime, its impact on the community and the families, and the lack of remorse in Braiden McCahren factored into the decision. McCahren pleaded not guilty to first-degree murder, attempted first-degree murder and aggravated assault in the Dec. 18 shooting death of Dalton Williams, 16. McCahren is accused of shooting Williams with a shotgun after first pointing the weapon at another 16-year-old boy following an argument about a paintball game. If convicted as a juvenile, McCahren could have been held by the state until he was 21. In adult court, he faces up to life in prison. His trial is scheduled to start Oct. 21.

This week's hearing focused largely on whether the shooting of Williams in the McCahren home was an accident, as the defense argued, or murder. Defense attorneys William Taylor and Brad Schreiber argued that McCahren had not tried to shoot anyone and that the gun was fired accidentally. A gun expert testified that it was possible a shell had been "hidden" in the gun and wasn't found until it was fired. The defense also used behavioral experts who testified that McCahren suffered emotional and physical problems in which he had difficulty judging right from wrong. Taylor told Brown that this was not a murder case. "It seems to me like an impulsive young man who did something incredibly stupid that he will regret the rest of his life," Taylor said. But special prosecutor Michael Moore, the Beadle County state's attorney, argued that McCahren had a history

of violent, reckless behavior since childhood. Moore said the other juvenile witness at the scene said McCahren had aimed the 20-gauge shotgun at him two or three times and pulled the trigger two or three times before shooting Williams. "He took a gun, pointed it at somebody and pulled the trigger again and again," Moore told Brown. "Normal teenagers don't do this. This is not juvenile boys being boys." In his ruling, Brown called the shooting a tragedy for everyone and said McCahren's behavior "was aggressive, it was violent and it was willful." KCCRAM reported that when Brown announced his ruling, sobs could be heard from the Williams family and also from those on McCahren's side. McCahren showed no visible emotion as he was led out of the courthouse.

Lawmaker's Life Remembered

Anti-Abortion Leader Jay Duenwald Laid To Rest In Hoven Friday

BY BOB MERCER
State Capitol Bureau

HOVEN — Family, friends and colleagues said their last farewell Friday morning to Jay Duenwald, a tall, strong farmer who gave 40 years of his life to protecting unborn children and along the way became South Dakota's foremost opponent of legalized abortion.



PHOTO: BOB MERCER
The flag in front of the American Legion post in Hoven flew at half-mast Friday in honor of the late Jay Duenwald. The former lawmaker died Aug. 31 and was buried Friday.

Duenwald, age 76, died Aug. 31. He was known for his refusal to accept no when he wanted something important, but his will couldn't overcome the Parkinson's disease that forced him into a wheelchair in his final years and ultimately took his life. Duenwald and his wife, Agnes, raised eight children. He served 12 years in the Legislature and 21 years on the board for the National Right to Life organization. As an unpaid lobbyist he helped steer the Legislature in 1991 to within one "aye" of approving a ban against abortion as birth control in South Dakota. After his first election to the state House of Representatives in 1996, abortion increasingly became a dominant issue in the Legislature and in state-level political campaigns. Among the approximately 200 people attending the funeral Mass for Duenwald on Friday at St. Anthony Catholic Church — the same church where he was baptized — were Gov. Dennis Daugaard and his wife, Linda, as well as many figures from what the Rev. John Lantsberger described as "the movement for life" and half of a dozen former legislators who served with him. "He was my mentor," said former Rep. Tom Hackl as he left the cemetery. Hackl now lives at Sioux Falls and was a Hoven resident when he was in the House.

Duenwald's politics in the Legislature were rural South Dakota Republican at its essential: A social conservative, who sought more-efficient government, and who supported small communities and schools. He stood for protecting life from the point of conception until death. In addition to a variety of abortion regulations (see related story), he sponsored the 2000 law that prohibited non-therapeutic research on human embryos. During his third two-year term in the House, Duenwald was appointed as chairman of the House Agriculture and Natural Resources Committee. After moving to the Senate, he became agriculture committee chairman for the 2005 and 2007 terms. He was well-known in the Legislature and among agriculture organizations for his support of landowner rights and for freedom of farmers

and ranchers to produce. Not surprisingly he favored more oversight of the state Game, Fish and Parks Department and giving more control of hunting licenses to landowners. He had his pet projects, too. He so disliked prairie dogs that he once tried to pass a law renaming them "prairie rats." He backed several efforts, all unsuccessful, to keep the fall tradition of girls basketball season after it was switched to winter. Former Sen. Bob Drake, R-Watertown, was one of the former legislators who made long drives to Hoven for the funeral. He previously lived at Bowdle and represented the area in the Legislature. Drake said he and Duenwald worked together often through the years before they were in the Legislature, and Duenwald won election to the open Senate seat after Drake moved. "He was involved in

everything," Drake said. Duenwald unquestionably was South Dakota's leader in National Right to Life. He was on the national board from 1990 through this year, served on the executive committee from 1997 to 2011 and was vice-chairman of the national board from 1999 to 2011.

He was part of the organization's delegation that visited President George W. Bush at the White House in 2001, the first time the group received an invitation from a president. Duenwald was born Feb. 26, 1937, at Bowdle to parents Leo and Frances Duenwald. The 1955 graduate of Hoven High School received a bachelor degree in agricultural engineering at South Dakota State University. That's where he met Agnes Mack, who was from Kranzburg. They married at Holy Rosary Church at Kranzburg on June 25, 1962. Then he was drafted and spent two years in the U.S. Army. He returned home to work on the family farm with his brother, Bill, and their parents and to raise his own family with Agnes. He was active in the church, parish council, St. Anthony school board and Holy Infant Hospital board, serving for several years as an unpaid administrator. He enjoyed hunting and often sang at weddings and funerals and in barbershop quartets. Father Lantsberger, whose parish is at Dell Rapids, came to Hoven for the funeral Mass because he is a cousin of Agnes. He said Jay Duenwald was humble and a giver. "We can thank God for many good deeds in this man's life," he said.

Pine Ridge Res. Receives Road Grant

WASHINGTON (AP) — The Oglala Sioux Tribe is getting a federal grant of nearly \$8.8 million to upgrade a road on the Pine Ridge Indian Reservation in southwest South Dakota. The grant is part of a total of \$474 million in U.S. Transportation Department grants for projects in 37 states. Money from the DOT's Transportation Investment Generating Economic Recovery program will upgrade 17.6 miles of loose gravel road to a paved surface. The Transportation Department says the project will improve connections to jobs, educational institutions and health care facilities on the reservation, while also supporting tourism on the

reservation and the south unit of Badlands National Park. The project also is designed to improve safety on the road. The upgrade will include a designated bicycle lane.

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