

SD High Court To Hear Confession Case

MITCHELL (AP) — The South Dakota Supreme Court will hear arguments later this month on whether to allow at trial an alleged confession by a teenager charged with murder.

State Circuit Court Judge Tim Bjorkman a year ago threw out the alleged confession of Maricela Diaz because he said she did not waive her right to remain silent when being questioned in the November 2009 death of 16-year-old Jasmine Guevara of Mitchell.

Prosecutors appealed in January. *The Daily Republic* reports state Supreme Court justices will hear the case Sept. 30.

Diaz was 15 years old at the time of Guevara's killing but is being tried in adult court. She is now 19.

Diaz's boyfriend, Alexander Salgado, pleaded guilty to murder in the case three years ago and is serving life in prison.

Beef Plant Borrowing \$512K For Bills

SIOUX FALLS (AP) — A federal judge is allowing Northern Beef Packers to borrow \$512,000 to pay bills as its Chapter 11 bankruptcy case continues.

Judge Charles Nail approved the plant's request to obtain secured credit during a hearing on Thursday. Northern Beef's request to borrow \$2.25 million and move forward with a sale of the beef plant will be considered during the next hearing, scheduled for Sept. 26 in Pierre.

Northern Beef Packers opened its \$109 million state-of-the-art facility on a limited basis in 2012 after years of delays. But its owners filed for Chapter 11 bankruptcy protection less than a year later, saying they didn't have enough money to buy cattle for slaughter.

The plant wants to hold an auction sale rather than have its case move into a Chapter 7 liquidation.

Nine Injured In Neb. School Bus Crash

POTTER, Neb. (AP) — A school superintendent says two people injured in the collision of a Potter-Dix school bus and a pickup Thursday in far western Nebraska were flown to a hospital in Scottsbluff.

Superintendent Kevin Thomas said Friday that seven students, the bus driver and the driver of the pickup were injured. All were taken to a hospital in Sidney. Thomas said he did not know whether the two flown to Scottsbluff were students and did not know their conditions, but said "both were stable when they boarded the helicopter."

Thomas says that of the seven who remained at the Sidney hospital, all but two were treated and released.

The Nebraska State Patrol and the Cheyenne County Sheriff's Department say the crash happened after school, around 4:20 p.m. Thursday.

SD AG Warns People Of Repair Scams

PIERRE (AP) — South Dakota Attorney General Marty Jackley says people should beware of scams by out-of-state vendors who charge a lot of money but do poor work when repairing hail damage or doing paving jobs.

Jackley says the Consumer Protection Division in his office has received complaints about out-of-state operations targeting people who sustained hail damage recently in the Rapid City and Sioux Falls areas. He says transient vendors also seek paving jobs.

Jackley says homeowners and business owners report poor quality work at prices that are sometimes double or triple what was originally quoted.

He warns people not to be pressured into a quick agreement with a contractor. He says people should request a written contract, seek references, get competitive bids, and not make full payment until a job is done.

Lincoln Chancellor Schedules Address

LINCOLN, Neb. (AP) — University of Nebraska-Lincoln Chancellor Harvey Perlman will deliver his 14th annual State of the University address on Tuesday.

It is scheduled to begin at 11 a.m. at the Lied Center for Performing Arts.

Campus Recreation will provide free, 10-minute chair massages from 9 to 11 a.m. in the Lied Center.

The speech will be streamed live at unl.edu and televised on NebSat 105, Campus Channel 4, Lincoln Cable Channel 21 and KRNU Radio (90.3 FM).

All 13 of Perlman's previous State of the University speeches are available online at <http://go.unl.edu/state-oftheu>.

Pierre City Workers Save Fisherman

PIERRE (AP) — Officials in Pierre say two city workers saved a 57-year-old Pierre man who fell into the Missouri River while fishing.

Pierre Fire Chief Bill Alexander tells KCCR radio that the man was fishing on the rocks at the LaFramboise Island Causeway on Friday morning and went into the water to retrieve his fishing gear. The man was pushed 30 to 40 yards away from shore by the current.

Pierre Police Captain Elton Blemaster says two employees on a causeway paving project jumped in and brought the man back to shore.

The man was treated on scene. His name was not released.

SIDS Down In SD In 2012, Infant Mortality Still Up

PIERRE (AP) — The number of deaths in South Dakota attributed to Sudden Infant Death Syndrome was at its lowest level ever in 2012, but the state's infant mortality rate still rose, according to a state report released Friday.

The state Health Department reported that the six infants who died from SIDS in 2012 marked the "lowest ever number" of such deaths in South Dakota, where the 13-year median for SIDS deaths is nine. SIDS is defined as the sudden and unexplained death of an infant who is less than a year old, according to the Centers for Disease Control and Prevention's website.

However, there were 104 infant

deaths total, topping the previous high of 100 deaths set in 2008. The median for overall infant deaths is 80 in South Dakota, according to the report.

"The numbers do fluctuate from year to year because of our small population, but any increase is cause for concern," said Health Secretary Doneen Hollingsworth. "We need to do more to get women in for early prenatal care and to continue the declining numbers of pregnant women who smoke."

First lady Linda Daugaard, who led the 2011 Governor's Task Force on Infant Mortality, said the group's recommendations were just beginning to be implemented in 2012.

"We need to recognize that the things we're working on today will have a long term impact and changes won't happen overnight," she said. "Every woman who stops smoking during pregnancy, every pregnant woman who gets early prenatal care and every parent who puts their baby to sleep on their back helps to reduce the risk of infant death."

"Helping more babies reach their first birthday is such an important issue and we need to be committed to it for the long haul," Daugaard said. "We will see success but we also need to be prepared for setbacks. There is certainly more we can do to promote healthy pregnancies and healthy babies."

Court Dismisses Nebraska Man's False Rape Lawsuit

BY MARGERY A. BECK
Associated Press

OMAHA, Neb. — A Wymore man falsely accused of rape will appeal the dismissal of his lawsuit against Gage County and several of its deputies, his lawyer said Friday.

Elliot Hawkins, 50, sued the county and law enforcement officials over his 2011 arrest, accusing officials of negligence and saying they violated his due process rights by conducting a reckless investigation and intentionally ignoring leads that would have exonerated him. The lawsuit sought an unspecified amount for lost earnings capacity, damage to his reputation and emotional distress, among other things.

Last week, U.S. Magistrate Judge Cheryl Zwart granted the county's motion for summary judgment, saying the defendants have immunity from liability.

Hawkins arrest came after Jennifer Valenta, 28, also of Wilber, told authorities she was raped by four men, including Hawkins. Investigators later determined her injuries from the alleged attack were self-inflicted, and she admitted to fabricating the rape. She pleaded no contest to evidence tampering, false reporting and attempted prostitution and was sentenced earlier this year to 32 to 60 months in prison.

But Hawkins spent 23 days in jail while law enforcement investigated the rape allegation.

Hawkins said in his lawsuit that investigators ignored his pleas to interview witnesses at a local bar, where he and Valenta went after having consensual sex, who could have told them that Valenta appeared calm, visited the bathroom and ate while there.

The judge rejected this argument, saying investigators knew Hawkins frequented the bar, that the clientele were his friends and that Valenta had told them Hawkins

threatened to hurt her if she reported the alleged rape. Also, Zwart said, officers believed three other assailants were still at large and, therefore, avoided contacting bar patrons to protect Valenta's safety.

"(T)he conduct of officers is not judged from the perspective of hindsight, they are not liable for bad guesses in gray areas, and they are not required to conduct perfect investigations to avoid suit for false arrest," Zwart wrote in her order. "They can be held liable under (the law) only for transgressing bright lines."

Hawkins' attorney, Joy Shiffermiller of Lincoln, said Friday she plans to appeal the dismissal before the deadline next month. She believes there is a genuine dispute that a jury should hear.

"The law is clear. You have to do an even-handed investigation," Shiffermiller said.

An attorney for the county and the law enforcement officials did not immediately return phone and email messages left Friday seeking comment.

Modernization Under Way For Cosmetology Regulators

BY BOB MERCER
State Capitol Bureau

PIERRE — Four years ago the state Cosmetology Commission designated on-line license renewals and acceptance of electronic payments as the top priority. The project is finally about to begin, as part of a general updating of the commission's data-base system.

An outside contractor will be used because of continuously high demand on state government's technology staff. The plan calls for the work to be done in 2014 if all goes right.

"As slow as it's been in coming, it looks like a destination is showing up," commission member Pat Clark of Pierre said at the group's meeting Tuesday.

Smart Software Solutions, a Pierre-based company, was selected to perform the work. Kate Boyd, the commission's executive director, said the contract details will be finished later this month.

The company recently signed major contracts for several other state government projects.

One is an update of the driver-license system for the Department of Public Safety. Two others deal with the on-

going conversion to a new Medicaid payment system for the Department of Social Services.

The Cosmetology Commission oversees licensing and inspections of salons and beauty schools as well as the people engaged in the practices of hair care, nail technology and skin and body treatments known as esthetics. Barbers are regulated under a separate board.

The commission plans to start computer-based online testing for license applicants in October, according to Boyd. They will be in English and Vietnamese.

The commission began offering the tests in a Vietnamese version in 2011 because so many applicants, especially those in the nail field, speak the language, she said.

The commission has also changed its hands-on salon testing for applicants. The commission now offers the testing at Watertown, Sioux Falls and Rapid City where there are cosmetology education programs.

Previously the salon tests were conducted only in Pierre at the commission's offices, which include a salon in the rear for that purpose.

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Woman Indicted On Child Abuse Charge

SIOUX FALLS, S.D. (AP) — A Dell Rapids woman was indicted on a felony child abuse charge Thursday after being accused of beating her 2-year-old stepdaughter for not eating supper.

The *Argus Leader* reports that 32-year-old Stephanie Jo Thompson was arrested Aug. 13 on one count of abuse or cruelty to a minor.





The state Department of Social Services and Minnehaha County Sheriff's Office were called about alleged abuse by the child's daycare provider on Aug. 7. Officers took several photos of cuts and bruises before taking the girl into protective custody.

Thompson was indicted on the charge after grand jurors heard testimony from a Minnehaha County detective.

A telephone message left for Thompson's public defender, Katie Dunn, was not immediately returned.

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Dr. Naila Qazi recently completed a fellowship in Combined MRI at the University of Wisconsin, Madison. She completed her diagnostic radiology residency at Jackson Memorial Hospital in Miami, Fla., and her internship in internal medicine at Mercy Catholic Medical Center in Darby, Pa. Dr. Qazi holds a medical degree from Khyber Medical College at the University of Peshawar in Pakistan.
Dr. Qazi joins the physicians of Avera Medical Group Radiology Yankton who specialize in the interpretation of diagnostic imaging tests such as mammography, CT, MRI and X-ray for accurate diagnosis of a range of medical conditions.
Contact Dr. Qazi
Avera Medical Group Radiology is located on the campus of Avera Sacred Heart Hospital at 501 Summit.
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