

NE Farmers Win Appeal In Grain Elevator Case

BY MARGERY A. BECK
Associated Press

OMAHA, Neb. — The Nebraska Supreme Court on Friday reversed a state Public Service Commission’s ruling in the case of two farm operations whose claims for compensation were denied when a Pierce grain elevator closed. The commission wrongly denied the claims of Curt Raabe and James and Diane Herian, all farmers in Pierce County, the high court said. The decision came in the aftermath of the failure of Pierce Elevator Inc., which the commission closed in March 2014 after a bank stopped financing the operation. State law gives the commission oversight of the grain elevators. More than 200 farmers filed claims worth \$9.7 million against the company. The commission approved claims of \$4.6 million for those who had grain stored at the elevator, which get first

priority in the event of a failure. The commission also agreed to \$3.3 million for dealer claims, but those were covered by a \$300,000 bond, which provided a scant 9 cents on the dollar. The commission denied another \$2 million in claims. The high court ordered Raabe be paid his \$88,500 claim to cover a check issued to him four days before the elevator closed. The commission had previously denied Raabe’s claim, saying the state’s Grain Warehouse Act denies relief to claimants who sold stored grain in the days prior to the elevator’s closing. The high court said the commission misinterpreted the law, which specifically allows recovery for holders of checks issued within five business days of the closure. Raabe could not be reached for comment Friday. His attorney, Richard Garden of Lincoln, declined to comment, saying he and other attorneys in the

firm that also represented the Herians and several other claimants still were studying the ruling. The court also ordered the Herians be compensated for nearly 28,000 bushels of corn in possession of the failed elevator. The commission had denied their claim, saying they failed to prove the elevator stored the grain because they did not produce an official transfer document. The Herians argued they had other ways to prove the elevator had their grain, which the commission should have considered, and the Supreme Court agreed. “We were very excited when we heard the news this morning,” Diane Herian said from her home Friday. “We’re guessing it’ll be around \$120,000.” The state’s Supreme Court on Friday also upheld the commission’s findings denying the claims of several other farmers in the case.

5 Family Members Shot To Death In Minnesota Home

BY STEVE KARNOWSKI
Associated Press

MINNEAPOLIS — A family of five, including three children, died of apparent gunshot wounds in what authorities believe was a murder-suicide in an affluent Minneapolis suburb, police said Friday, but added that they still don’t know for sure who did the shooting. Authorities were sent to the lakeside home of Brian and Karen Short in Greenwood on Thursday after the family hadn’t been seen in days and a co-worker of the father asked police to check on them. Officers found five bodies inside — the couple and their three teenage children. The South Lake Minnetonka Police Department said all five family members died of apparent gunshot wounds. Four were found in their bedrooms. The husband, who was the children’s father, was found in the lower-level garage, authorities said. Police said at this point, they cannot say definitively who shot whom. A weapon they believe was used was found at the scene. The children had not been in school since classes resumed Tuesday, interim Police Chief Mike Siitari said Thursday. Calling the deaths “an unspeakable tragedy,” he said it probably would take investigators several days to finish processing “a complex crime scene.” Cole Short, 17, Madison Short, 15, and Brooklyn Short, 14, had attended Minnetonka High School, where counseling was available Friday for students struggling with the deaths. “This is an incredibly difficult time for our school community,” Principal Jeffrey Erickson said in a letter to parents. Erickson told The As-



RICHARD TSONG-TAATARI/MINNEAPOLIS STAR TRIBUNE/TNS
People who knew the family of five found dead in their home seek to comfort one another on Sept. 10 as police investigate the scene of an apparent murder-suicide in Greenwood, Minn.

sociated Press on Friday the school of 3,100 students is “going through a lot of grief.” “I would certainly say this has impacted everybody in the building,” Erickson said. “It’s just the first day and our goal of day one was simply supporting students.” Greenwood, a village of about 700 people, sits on the south side of Lake Minnetonka. The Shorts bought the home on St. Alban’s Bay in 2011 for \$2 million, Hennepin County property tax records show. Brian Short was the founder of AllNurses.com, a social networking site for nurses. A biography posted there described him as an entrepreneur who built and launched the website when he was a nursing student and couldn’t find nursing-related information online. An administrator of All-

Nurses.com posted a notice Thursday night saying the family had been killed and calling it “a very tragic loss for the extended families, friends, co-workers, and this nursing community.” Another statement promised, “Please be assured that we will continue to serve our devoted network of nursing professionals during this difficult time.” A man who answered the phone at AllNurses.com Friday declined to comment. Short told the *Minneapolis-St. Paul Business Journal* in 2012 that he started AllNurses.com in 1994 to provide a resource to fellow medical professionals. Originally just a hobby, the website — which offers a forum for nurses to chat and a platform to post articles — chipped away at his job as a critical care nurse in Minneapolis until he took

Prosecutor Mulling Death Penalty

DEADWOOD (AP) — The Lawrence County State’s Attorney is still deciding whether to seek the death penalty against a Lead man charged in the August stabbing death of a 27-year-old woman. Prosecutors charged James Lewis Rogers Jr. with first-degree murder in the death of Caitlin Kelly Walsh. He pleaded not guilty on Sept. 1 and is being held without bond in the Lawrence County jail. “We’re still reviewing all of the facts in this case,” State’s Attorney John Fitzgerald told the *Rapid City Journal*. Fitzgerald declined to say whether a potential plea deal was being discussed with Rogers and Ellery Grey, his court-appointed Rapid City defense attorney. Lead police arrested Rogers on Aug. 17 after discovering Walsh’s body in his apartment. Prosecutors allege Rogers stabbed Walsh multiple times and then kept her dead body in his apartment for five days. Authorities have not disclosed the nature of the relationship between Rogers and Walsh. If convicted, Rogers faces either the death penalty or life in prison without parole. No lesser sentence may be given, according to Fitzgerald. Rogers is due back in court Oct. 6.

New Veterans’ Home To Get \$52 Million

LINCOLN, Neb. (AP) — Nebraska is now in line to receive \$52 million from the federal government to help pay for a new state veterans’ home in Kearney. Gov. Pete Ricketts announced Friday that the U.S. Department of Veterans Affairs has set aside partial grant funding for the project. The new \$121 million facility will replace the outdated home in Grand Island. The Nebraska Department of Health and Human Services signed a contract with a Kearney architectural firm in June 2014 to begin design work for the project. Courtney Phillips, the department’s CEO, says the state will receive the money if it completes the next round of federal requirements within 180 days. The requirements include final architectural drawings and specifications, an advertisement for construction bids, and submittal of the final application.

Man Sentenced For Stabbing In Fight

PIERRE (AP) — The U.S. Attorney’s Office says a 27-year-old man has been sentenced to three years and eight months in prison after pleading guilty to stabbing two men after a bar fight. Acting United States Attorney Randolph J. Seiler says Kenneth Littlewolf of Mission pleaded guilty in June to assault with a dangerous weapon. U.S. District Judge Roberto A. Lange sentenced him on Wednesday. Prosecutors say Littlewolf was at a bar near Mission on Jan. 31 and was asked to give a ride to two people. Littlewolf agreed, but got into an argument and stabbed both people. The bar’s owner and bartender broke up that fight, but Littlewolf kicked the men with his work boots and stabbed them before fleeing in his vehicle.

Man Convicted Of Homicide In Crash

LINCOLN, Neb. (AP) — A 21-year-old man has been convicted in the crash death of a motorcyclist in Lincoln. The *Lincoln Journal Star* reports that a jury on Thursday found Cody Dietz guilty of misdemeanor vehicular homicide. He faces up to a year in jail when he’s sentenced Nov. 6. Dietz’s lawyer had said 24-year-old Jaclyn “Jaci” Kehling should not have been speeding and weaving through traffic on Aug. 4, 2014, just moments before her motorcycle collided with Dietz’s sedan as he turned left. But prosecutors said that if Dietz had taken more time to check oncoming traffic, he would not have struck the motorcycle and fatally injured Kehling.

Sanford To Break Ground On Building

SIOUX FALLS (AP) — Dakotas-based Sanford Health is breaking ground Friday on a 100,000-square-foot medical genetics building in Sioux Falls. Construction of the three-story Sanford Imagenetics center is expected to be completed in 2017. Imagenetics is a program that integrates genomic medicine with primary care for adults. Its services will include general internal medicine, medical genetics, genetic counseling, cytogenetic and molecular genetic laboratories, radiology and patient access management. The building will also have a new dialysis center and teaching space for the genetic counseling graduate program created in partnership with Augustana University. Groundbreaking ceremonies are planned for late Friday morning. Sanford Health is based in Sioux Falls and Fargo, North Dakota.

Student Accused Of Sex Assault In Dorm

LINCOLN, Neb. (AP) — A first-year student from Arizona is accused of sexually assaulting an 18-year-old student in a dorm at the University of Nebraska-Lincoln. University officials say Christopher Petersen, of Scottsdale, Arizona, has been barred from campus following the Sept. 5 incident. His attorney, Bob Creager (KREE’-gur), declined to comment on Friday. A court affidavit says Petersen and the woman went to the woman’s room and began kissing. The woman told investigators that Petersen continued kissing and groping her after she told him to stop. The affidavit says Petersen acknowledged during a subsequent interview with an officer that he’d made some “bad decisions.”

State Trustees OK Deadwood Historical Preservation Budget

BY BOB MERCER
State Capitol Bureau

PIERRE – The State Historical Society trustees approved the budget Friday for Deadwood’s historical preservation program. The 2016 budget request is for \$11,658,620. That is a substantial increase from the \$10,039,442 budgeted for 2015 and well above the \$8,188,904 spent in 2014. The 2016 plan features \$7 million of income from gambling revenue, the same as this year, but will draw more heavily from reserves. The amount to come from reserves next year is \$4,658,620. That includes paying \$3 million for constructing the welcome center and contributing \$300,000 to the reconstruction of U.S. 85-385 through Deadwood.

By contrast, the historic preservation program is set to draw \$2,404,442 from reserves this year – the big item is \$1,244,000 for improvements at the rodeo grounds – and spent \$1,023,203 from reserves in 2014. Altogether almost \$4.3 million will be spent for capital improvement projects in 2016. City historic preservation officer Kevin Kuchenbecker said equipment for the welcome center will be partially covered by the 2016 budget and the rest would come in 2017. “It will take two budget cycles for us,” he said. The trustees for the State Historical Society didn’t challenge any of the proposed allocations in the 2016 but several raised questions about the welcome center’s design and materials, including the artificial stone that currently

is planned to be used. Kuchenbecker said the building plan is 80 percent done.



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