

Trial courts may allow cameras starting July 1

By Tena Haraldson
Associated Press

SIOUX FALLS — When the rules change July 1 to allow media cameras and microphones into South Dakota court trials, the system will be the only one of its kind in the nation, Chief Justice David Gilbertson told a media group Monday evening.

South Dakota will permit the news media to broadcast audio coverage of state court hearings and trials with the judge's permission. But both the lawyers and the judge would have to agree before still or video cameras would be allowed.

"Quite frankly it was my idea," Gilbertson said of the two-level system. "I thought it was a fair way to maybe do away with some of the fear of the cameras in peoples' faces."

The chief justice invited media to a

question and answer session Monday night that was streamed on the Internet.

The South Dakota Supreme Court has allowed camera coverage for 10 years, but until recently state law banned news cameras in lower courts. After the Legislature lifted the ban on cameras, the Supreme Court appointed a committee to recommend rules for expanded electronic coverage.

The majority of the committee favored the system used in Minnesota where cameras are allowed only if all parties agree to permit them. In reality, that almost never happens so expanded media coverage is rare in that state. A smaller contingent within the committee wanted a more liberal policy that would allow cameras unless the judge found a good reason to keep them out.

Gilbertson said the audio-only option was his attempt to find a middle ground.

"We thought there was some validity to the criticism that this (the Minnesota plan) was too restrictive, that it wouldn't be that often that both the attorneys and the judge would agree," he said.

"It occurred to me that people are scared of cameras, but they're not scared of microphones. So we opened up the second option, that the media can go to the judge, and the judge can do that on his or her own volition."

Gilbertson said the burden will be on the media to work together and share a single feed of sound or pictures from the courtroom. "I really hope that we are able to make the system work," he told reporters. "It's up to you folks, and it's up to the judges."

The court administrator in each circuit will serve as the media coordinator and receive requests for expanded coverage. The rules require media to request expanded coverage at least a week before the trial or hearing is set to begin. However, some court proceedings happen with only days' or perhaps hours' notice. In those cases, it's up to the judge to decide how the media request should be handled.

In fact, judges will have very wide powers to control what the media can or cannot do with electronic coverage, the chief justice said. If members of the media don't like the ruling of a judge, they can appeal to the Supreme Court, but the trial will go on as scheduled, Gilbertson said.

"We didn't want to delay the trial fighting over coverage," Gilbertson said. "The judge's decision is final, but

if you want to appeal it for future cases you have that right."

The new rules state that expanded coverage may be used only for news or educational purposes, Gilbertson said. However the court won't decide who is a member of the media.

"That's the million dollar question," he told the media group. "This is your problem, not ours. I thought you would have a card saying, 'I am a member of the media.' I thought somebody had to certify that you were a member of the media. It turns out you don't..."

It will be up to the media to decide who represents a legitimate news or educational organization. Expanded coverage will not be permitted for political or advocacy purposes, he said. He cautioned the media to guard against unauthorized use of courtroom coverage that could sour judges on the new access.

Tune Band to celebrate 10 years of Gayville Hall

Ten years ago this week, the late Omaha saxophonist Preston Love, a player in the Count Basie, Ray Charles, and Motown bands, inaugurated the stage at Gayville Hall with a two-hour concert of jazz and rhythm-and-blues classics.

Another great saxophonist, C. J. Kocher of Vermillion, and hall regulars from rural Wakonda, Owen DeJong, Nick Schwebach, and Larry Rohrer, known collectively as The Public Domain Tune Band, will celebrate Gayville Hall's anniversary at 8 p.m. on Saturday, May 21, with a performance of popular tunes of the early 20th century through the 1930s.

The two-hour show will feature "tunes our parents and grandparents loved," according to Gayville Hall proprietor Doug Sharples of Wakonda.

He and his wife Judi started the smoke-and-alcohol-free music hall in 2001 after Gayville's grocery store closed, leaving the historic, 1880's merchantile building that

now houses Gayville Hall empty on the town's mainstreet.

The Tune Band was founded as a duo by singer-guitarist Schwebach and fiddler DeJong in 1979 to perform pre-World War II tunes by songwriters like Fats Waller and George and Ira Gershwin.

Rohrer joined the duo's five-piece band, Poker Alice, on bass in 1989 and has backed them also at many Tune Band gigs.

Doug Sharples suggested that Kocher, who teaches jazz at the USD and plays soprano, alto, tenor and baritone saxophones, sit in with the Tune Band and learn its repertoire two years ago so they could perform together at Gayville Hall, which they did twice that year.

Gayville Hall is located at 502 Washington Street in Gayville. Tickets are \$12.50 at the door, or \$15 reserved. Call 605-267-2859.

GRADS

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anybody. I was being lapped."

Dejected, he moved over to the eighth lane, ready to give up.

Then he heard the voice of his father — late to the race — encouraging him to finish.

"There are going to be some times when you want to move over to that eighth lane," McBride said. "Don't. Move back and finish the race, and know who the voice is that you're going to listen to when you're down in the dumps. When you're over in the eighth lane you need to know who's there for you, who's your voice. Cultivate it today. Give them thanks today. Turn to those around you who are cheering you on and tell them, 'I'm going to need you. Thank you for being there.'"

McBride said it's also important to be there for others. He said that when he was 12, his sister died in a car accident, and it was hard for him to grieve.

Then, one night, he awoke to find his three best friends in his room. They got him out of bed,

brought him outside and took him to Wagner's main street.

That's when they informed him they were going streaking.

"You've got to know, in Wagner at two in the morning, nobody's up," he said. "But you know, halfway down that street I started laughing, too. I started feeling like I was human..."

"There are a lot of trophies you can go for — a great career, all the money you want in the world," he said. "You can go for all of that, but there's one thing in life I'm going to tell you to be today. Learn to be a good friend. Learn to be somebody who can be there for somebody else."

Several of the graduating seniors spoke, as well, offering their reflections on the past and the future.

"We will all move on after high school and be successful at something," said class secretary Sarah Szymonski. "Some of us will become teachers, doctors, nurses, engineers, air traffic controllers, anthropologists or pharmacists. We set our goals high and we're not afraid to take a chance. Even if we fall, we know we will be able to pick ourselves back up and find

something else to be successful in. ...

"No matter where we go, we will always remember where we came from. High school is all about making friends and memories, but it's time to move on. The diplomas we will soon receive are tickets to new lives. Moving on and leaving your friends behind are inevitable, but this is a time to rejoice and be glad for the time we shared together," she said.

"For as long as I can remember, you as a class have been in my life," added class president Doug Kronaizl. "I assume I haven't gone a day since kindergarten without talking to one of you or seeing you around town. As long as I can vividly remember, you've all been here. But after today, after this ceremony, after we turn these (tassels), we won't be together the same way that we have our entire lives, which can be really hard to handle. But after today, we still have all the friends we've made, all the memories that bind us together, everything that has happened to us."

"For all those memories ... I thank you," he said.

RUSCH

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First Circuit since 1995, a position that puts him in charge of management and administration of the circuit, which includes 14 southeast South Dakota counties.

Rusch also has served on the South Dakota Supreme Court for 23 different cases.

"I feel like I've had three careers now," he said.

There are personal pros and cons to his role in the legal system, he said.

"Being a judge probably isn't as satisfying as representing a client and getting a good result for them, but on

the other hand, you don't have to worry about meeting the overhead every month," Rusch said.

He added that the aspect of his work that he likes the most is the fact that "your decisions really do count for something."

But this may also make the job more difficult.

One case in particular that Rusch mentioned in this light was the trial of Donald Moeller, who was convicted of raping and murdering 9-year-old Rebecca O'Connell and sentenced to death.

"I've tried 123 jury trials during the 17 1/2 years I've been on the bench, and that's clearly the most difficult," Rusch said. "Death penalty cases are different from anything else."

The trial was held over a six-week

period in Rapid City, at the request of the defense.

"The state didn't really resist that, because they felt there had been so much publicity in the Sioux Falls area that it would be difficult to seat a jury there," Rusch said.

Ultimately, the trial led him to moderate his views on the death penalty.

"In all the years I was a prosecutor, I would have told you I was very strongly in favor of the death penalty, but after sitting through (a death penalty trial) and seeing how expensive it was and how hard it on the jurors and everyone involved, I came away from that not as strong a supporter of the death penalty as I'd been before," he said.

After Rusch's retirement takes effect,

he will focus much of his attention on historical research.

"I'm working on a book right now on the history of courthouses in South Dakota, and have been talking to some people about working on a biography of Judge Jefferson Kidder," Rusch said.

Kidder was one of the founders of Vermillion who also donated land for the construction of USD.

"He was one of the people who was very instrumental in getting the university going," Rusch said. "Of course, Kidder Street is named after him."

Rusch's love of history is reflected in the Clay County Courthouse, as well.

"When I first came here as a judge, we did not have any pictures of any of the prior judges here, so I got pictures of all of the prior judges who ever

served here in Vermillion, and their pictures are in the courtroom," he said.

A similar undertaking now is underway to collect pictures of all the governors, senators and congressmen who came from Vermillion.

"We only need Sen. Johnson's picture yet," Rusch said.

He also plans to continue to volunteer with the university, including the USD School of Law, which gave him a Volunteer Service Award last year.

"I'm not one to sit and do nothing," he said.

Rusch lives in Vermillion with his wife Lana. They have four grown children.

BIKES

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(Sioux Falls), which will complete the weeklong event on Friday, June 10. The six-day tour will cover 430 miles.

On Sunday morning, June 5, the riders will leave Sioux Falls and arrive at South Dakota State University in Brookings for an evening of South Dakota hospitality. Following the overnight festivities and stay in Brookings, the riders will head for Dakota State University in Madison on Monday, June 6, to enjoy another great university and town full of fantastic food and community hospitality.

Continuing southwest, riders will push forward to Mitchell for an evening of pampering, entertainment, and incredible food selections. With only two nights left, and a little over 200 miles already completed, riders will enjoy entertainment and a good night's rest in Freeman on Wednesday, June 8.

Finally, after passing through dozens of South Dakota communities, riders forge south on Thursday, June 9, for their final overnight stay at the University of South Dakota in Vermillion featuring more incredible food.

Waking up early for the last day of the ride on Friday, riders will make their final trek back to Sioux Falls to the University of Sioux Falls.

"The riders will be coming in to Vermillion on June 9 from Freeman, where they will have stayed the night before," Cashin said. "We don't really know what time the bikers will be arriving, but we're told that some of them get up at sunrise and hit the road, so we can

expect them anytime from 10 a.m. on that day. They'll be here all day Thursday, June 9, and stay overnight, and then leave on Friday, June 10, for the last day of the tour which takes them back to Sioux Falls."

The Tour de Kota™ campsite for bikers will be located on the USD campus in the North Complex area just north of Cherry Street between N. University and Plum Streets.

"Those who choose to camp will be camping in tents, and those who choose to stay in residence halls will be staying in one of or some of the four halls that are located near the campsite," Cashin said. "The bikers will have access to showers in the halls, too, and they will also have access to showers at the USD Wellness Center."

Original plans call for the campsite to be located at the tailgate site near the DakotaDome.

"As a result of the weather, the grassy area in that area is not good," she said. "It would be real muddy if we received more rain like we have lately, and then if it got windy and dry, there would be a lot of dirt."

"So the committee decided, along with Facilities Management at USD, to change the location," Cashin said.

A nearby parking lot, located south of the Warren M. Lee Center for the Fine Arts, will be home to food vendors, an information booth, and necessary equipment that travels along with the contingent of bikers.

It is estimated that between 400 and 600 riders will participate in this year's TDK.

"We are trying to promote within the Vermillion, too," Cashin said, "so that we can get people from the community to

come out and share in the fun."

Vendors and the food selections they plan to offer bikers include:

- Cherry Street Grille: Indian Taco, "Big Dawg" hot dog, shaved ice, cotton candy, chips, water.

- Red Steakhouse: East African Burrito Bowl (rice/curry pinto beans/braised pork/warm tortillas).

- Jones Food Center / Mr. Smith's Bakery, Café & Catering: Homemade chicken salad sandwich, pasta bowl with Alfredo or marinara sauce and garlic stick, homemade fruit pie, bananas, Gatorade.

- Hy-Vee: Breakfast burrito, chicken breast sandwich, hot dog, hamburger, bananas, water, Powerade.

- Scotty D's BBQ: BBQ ribs, pulled pork, beef brisket,

smoked prime rib, soft drinks.

- Pizza Hut: Jumbo pizza slice, pasta.

- Scoops: Ice cream (hard-packed in a variety of delicious flavors!).

- Pros Sports Bar, located one block away from the campsite on Dakota Street, offers various drink selections and other menu items.

- Poker Alice" will also perform at the campsite from approximately 6:30 to 8:30 p.m. June 9.

Midcontinent Communications will provide wireless access at the TdK campsite. For those staying in the residence halls, wireless access is also available there.

The USD shuttle "Charlie" will be available to transport people around campus between the residence halls, TdK

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campsite, and Wellness Center.

The services of Vermillion Transit will also be available to the riders so that they may either visit Vermillion's retail business to purchase needed items, or visit the city's attractions, such as the National Music Museum, W.H. Over Museum, Austin-Whittemore House Museum, Oscar Howe Gallery, Prentiss Park, and the

Valiant Vineyards Winery.

The bikers will leave Vermillion Friday morning, June 10, for the last leg of their journey back to Sioux Falls. They will receive a hearty sendoff, as the Vermillion Lions Club plans to serve their famed breakfast of pancakes and sausage for breakfast. Cost is \$3 per plate for unlimited cakes and a couple of sausages.



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