

General surgeon joins Sanford Vermillion team

Sanford Vermillion is pleased to announce that Rob Gustafson, MD, has joined its team of health care providers. Dr. Gustafson, a general surgeon, began practicing at Sanford Health Vermillion Clinic on Oct. 3.

Dr. Gustafson provides general surgical services, including:

- Screening and diagnostic scope procedures
- Colonoscopy
- Breast surgery, biopsy, and care of breast disease
- Cancer surgery
- Skin cancer removal
- Open abdominal surgery
- Laparoscopic surgery
- Hernia repair

Dr. Gustafson was born in Minneapolis, Minn., and raised in Brookings. He received his medical degree from the University of South Dakota School of Medicine and completed his residency at Eisenhower Army Medical Center, Augusta, Ga.

"We are very excited to have Dr. Gustafson join our patient care team at Sanford Clinic Vermillion," said Dr. Mary Jo



ROB GUSTAFSON

Olson, clinic medical director. "He is a wonderful addition to our clinic."

"Dr. Gustafson's education and experience will greatly benefit Vermillion and surrounding communities," said Tim Tracy, CEO, Sanford Vermillion. "Our entire team is excited to expand our care to those in our service area."

Dr. Gustafson and his wife, Brooke have three children and reside in Vermillion. In his spare time, he enjoys mountain biking, hiking and guitar.

Supreme Court hears first-degree murder conviction appeal

By Travis Gulbrandson
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A lawyer appealing a Nebraska man's first-degree murder conviction alleged a Miranda rights violation among other charges before federal judges Wednesday, Oct. 26.

The 8th U.S. Circuit Court of Appeals heard the case of 34-year-old Niobrara man Shanon R. Thomas, who was found guilty last December in the shooting death of his former girlfriend, 46-year-old Dawn Starlin of Santee, Neb.

The case was one of three that a three-judge panel heard in the courtroom at the University of South Dakota School of Law that morning.

Shannon P. O'Connor, first assistant federal public defender, District of Nebraska, said two FBI agents and the chief of police for the Santee Tribe met with Thomas at the home of Thomas' mother after the death of Starlin.

O'Connor said that when the authorities arrived, Thomas told them, "You're looking for me. Let's go."

Instead, O'Connor said the agents began asking Thomas specific interrogation questions, such as, "Why did you do it?" and "Were you drinking?"

Thomas then began to answer the questions without having been informed of his Miranda rights.

"A person would not feel they can turn

down the questions," O'Connor said, further stating that Thomas himself had made it known where he was through a friend so that the authorities could come arrest him.

"He did not invite them over for an interrogation," O'Connor said.

Michael P. Norris, assistant U.S. attorney, District of Nebraska, said the fact that Thomas let the law enforcement officials into the residence and made a confession before them "speaks to the voluntariness of that instance."

Norris said the failure of the authorities to inform Thomas of his Miranda rights before they asked their initial questions was not deliberate, and that Thomas was informed of them before an interrogation at the police station shortly thereafter.

At that time, Thomas told the authorities he was aware of his rights, and commenced to give a narrative of what happened that lasted "about 20 minutes," Norris said.

Judge C. Arlen Beam asked O'Connor how the incident between Thomas and the authorities was different than what is referred to as a "knock and talk," which is when a police officer can ask someone any number of questions as long as the officer does not break the threshold of the residence.

O'Connor said this was different than a "knock and talk" in that Thomas said, "I'm not here to talk - I'm here to turn myself in."

Norris disagreed, saying, "You don't have the right to be arrested because you want to

be arrested at that time."

He further stated that the matter was given an extensive hearing before a magistrate judge, the conclusion of which was that the meeting between Thomas and the authorities was non-custodial and a Miranda warning was not required.

Beam asked Norris if the finding was incorrect and that warning should have been given, would that have an effect on Thomas' 20-minute confession.

"I don't think it does anything," Norris replied.

Thomas currently is serving a life sentence. Along with first-degree murder, he was found guilty of the discharge of a firearm during and in relation to a crime of violence.

At his trial, Thomas moved for a judgment of acquittal at the end of the government's case and again at the close of his defense. Both motions were denied.

Tom Sorensen, associate dean for the USD Law School, was quoted last week as saying that no firm decisions on any of the cases will be made at this time.

A final decision will be handed down at a later date.

Summaries of all three cases heard last Wednesday are available at www.usd.edu/law/upload/Case-Synopses.pdf.

- Randy Dockendorf contributed to this report.

FOR THE RECORD

Cases Disposed 10/28-11/3/2011

Tyler James Stickland, 4301 W. 56th St., Vermillion; Open container, \$57.00 plus costs
Robert Ganschow, 45619 302nd St., Wakonda; Open container, \$54.00 plus costs
Andrew Brown, 400 N. Plum St. #423, Vermillion; Seat belt violation, \$25.00
Kevin Ray Luchtel, 402 N. Dakota, Vermillion; Use or possession of drug paraphernalia, \$204.00 plus costs
Katelyn Rose Mace, 25754 Highway 12, Westfield, Iowa; Speed on four-lane in rural areas, \$39.00 plus costs
Dangelo Butler, 520 E. Main St. #101, Vermillion; Renewal registration during assigned month, \$54.00 plus costs
Justin A. Stade, 821 Glenwall Dr., Fort Collins, Colo.; Open container, \$54.00 plus costs
Jonathan Browning Millea, 2339 E. 44th St. Ct., Davenport, Iowa; Open container, \$54.00 plus costs
John Alexander Person, 405 Pinehurst Ave., Vermillion; Open container, \$57.00 plus costs
Michael Mailey, 712 Vermont Ave., Dell Rapids; Open alcoholic beverage container accessible in vehicle, \$54.00 plus costs
Cody Jade Moss, 1204 S. Wayland Ave., Sioux Falls; Open container, \$54.00 plus costs
Nicholas Leafstedt, 6712 W. Westminster Dr., Sioux Falls; Open container, \$54.00 plus costs
Megan Stroup, 201 W. Greenwood St., Brandon; Fail to obey lawful order, \$104.00 plus costs
Adam Michal Trudeau, 33060 481st Ave., Jefferson; Fail to stop or slow down for school bus, \$54.00 plus costs; Seat belt violation, \$25.00
Heriberto Vargas-Delgado, 2104 Pierce Street, Sioux City, Iowa; Speeding other roadways, \$39.00 plus costs
Jesse Jay Block, 23130 Nowlin Rd., Midland; Urinating in public, \$105.00 plus costs
Joey Woods, 120 Virginia Way, Searcy, Ark.; Speed on four-lane in rural areas, \$39.00 plus costs
Lucas Shane Snodgrass, 308 Maud, Newcastle, Neb.; No motorcycle driver license, \$54.00 plus costs
Marty Allen Peterson, 1006 Rice Dr., Vermillion; Open container, \$54.00 plus costs; Litter ordinance violation, \$104.00 plus costs
Tyler Douvia, 216 6th NE, Lemars, Iowa; Fail to obey lawful order, \$104.00 plus costs; Open container, \$54.00 plus costs
Tyler Glenn Carlisle, 221 Elm Street, Vermillion; Certain operators required wear seat belts, \$25.00; Operator assure passengers 5-18 wear seat belts, \$25.00
Ethan Pace, 309 Bede Hall, Vermillion; Possession of alcohol by minor, \$54.00 plus costs
Ethan Pace, 209 Bede Hall, Vermillion; Fail to obey lawful order, dismissed
Todd Arnold Tronson, 430 N. Nesmith Ave., Sioux Falls; Seat belt violation, \$25.00
Todd Alan Archambeau, 3111 W. 8th St., Yankton; Renewal registration during assigned month, \$54.00 plus costs
Marty Allen Peterson, 1006 Rice Dr., Vermillion; Seat belt violation, \$25.00
Oscar Rodriguez Leyva, 2612 Willow Street, Sioux City, Iowa; Under twenty-one driver, \$54.00 plus costs

Lee A. Friesen, 7717 W. Ione, Sioux Falls; Speeding on state highway, \$19.00 plus costs
Cory Poelstra, 1201 E. 15th Street, Yankton; Open container, \$54.00 plus costs
Dette D. Beruck, 30248 Colfax Avenue, Centerville; Seat belt violation, \$25.00
David Andrew Sturdevant, 813 W. Batchler Ln., Sioux Falls; Open container, \$54.00 plus costs
Christian Lentini, 2300 S. Arbor Ave., Sioux Falls; Urinating in public, \$104.00 plus costs
Jesse Glenn Watts, 214 Bower St. #102, Vermillion; Driving with suspended (not revoked) license, dismissed
Eric Joseph Christianson, 119 1st NW Ste. 3, Hampton, Iowa; Use or possession of drug paraphernalia, \$204.00 plus costs
John Breckenridge, 265 Matthews Hall, Brookings; Open container, \$54.00 plus costs
Brett Austin Vanderzee, 13900 Benson Rd., Edmond, Okla.; Speeding other roadways, \$39.00 plus costs
Chris C. Becker 606 Lakeshore Drive, McCook Lake; Speed on four-lane in rural areas, \$79.00 plus costs
Angela D. Wilson, 306 N. 8th St., Beresford; Speeding on state highway, \$59.00 plus costs
Braden Michael Binger, 2230 Bluesill Ave., Brookings; Open container, \$54.00 plus costs
Grant Robert Flyger, 901 E. 34th St., Sioux Falls; Open container, \$54.00 plus costs
John Bernal, 1024 S. 25th St., Omaha, Neb.; No drivers license, \$54.00 plus costs
Christopher Heirigs, 44427 298th St., Irene; Speed on four-lane in rural areas, \$59.00 plus costs
Allyse Emma Marie Thaler, 1141 E. Duke #105, Vermillion; Failure to stop, \$54.00 plus costs
Louise B. Gregoire, 30918 Pleasant Valley Ave., Wakonda; Speeding other roadways, \$39.00 plus costs
Amber Joy Kolb, 919 S. Duluth Ave., Sioux Falls; Municipal speeding, \$39.00 plus costs
Alfredo Reyes, 175 Sycamore #102, Vermillion; Disorderly conduct, \$100.00 plus costs
Louis Lloyd Cunningham, 2104 S.D. Highway 314, Yankton; Commercial vehicle plates, \$104.00 plus costs
Judge Tami Bern presiding
Amber Afraidofbear, 530 Elm St. #18, Vermillion; Driving under influence-1st offense, recharged; Driving under influence-1st offense, \$525.00 plus costs
Kimberly Taggart, 314 Austin #3, Vermillion; Driving under influence-2nd offense, \$500.00 plus costs; Open alcoholic beverage container accessible in vehicle, dismissed; Twenty days county jail is suspended based on the conditions of the court
Brian James Twenter, 25 Elm St., Vermillion; Driving under influence-1st offense, \$350.00 plus costs
Logan Allan Marsh, 402 North Dakota St., Vermillion; Possess two ounces of marijuana or less, dismissed; Ingest intoxicant other than alcoholic beverage, \$371.00 plus costs; Use or possession of drug paraphernalia, dismissed; Maintain place to violate beverage laws-nuisance, dismissed
Zachary Wayne Steele, 901 Rose Street #276A, Vermillion;

Possess two ounces of marijuana or less, dismissed; Ingest intoxicant other than alcoholic beverage, \$371.00 plus costs; Use or possession of drug paraphernalia, dismissed
Jeremie Boyd, 501 Crawford Court, Vermillion; Reckless driving, \$300.00 plus costs; No drivers license \$54.00 plus costs; Ten days county jail is suspended based on the conditions of the court
Benjamin Mitchell, 708 Main Ave., Brookings; Impersonation to deceive law enforcement officer, \$300.00 plus costs; Possession of alcohol by minor, \$54.00 plus costs
Justin Giblin, 402 Murphy Lane, Yankton; Ingest intoxicant other than alcoholic beverage, \$371.00 plus costs
Lynette F. Hofer, 135 W. Brian,

Tea; Reckless driving, \$350.00 plus costs
Michael J. KJose, 112 Cotts Drive, North Sioux City, S.D.; Reckless driving, \$350.00 plus costs
Janis L. Breen, 5788 S. Laredo Court, Centennial, Colo.; Reckless driving, \$350.00 plus costs
Hayley J. Robley, 802 N. Plum #104, Vermillion; Possession of alcohol by minor, \$114.00 plus costs
Stephanie M. Hiltunen, 409 Regal, Yankton; Possession of drug paraphernalia, \$54.00 plus costs
Trevor John McCaskell, 901 Rose St., Vermillion; Possession of alcohol by minor, \$54.00 plus costs
Andrew Thomasjohn McCann, 476 Hanson Hall,

Brookings; Possession of alcohol by minor, \$54.00 plus costs
Connor David O'Hara, 800 N. Dakota St. #212, Vermillion; Open container, dismissed; Possession of alcohol by minor, \$54.00 plus costs
Kevin James English, 1000 E. Dove Tr., Sioux Falls; Possession of alcohol by minor, \$54.00 plus costs; Open container, dismissed
Curtis Johnathon Kull, 126 One Triton Circle, Fort Dodge, Iowa; Possession of alcohol by minor, \$54.00 plus costs; Open container, dismissed
Kyle Matthew Brummel, 1624 Black Forest Rd., Hull, Iowa; Possession of alcohol by minor, \$54.00 plus costs; Open container, dismissed
Marcus Alan Lee, 3307 Grand Duke, Yankton; Possession of alcohol by minor, \$54.00 plus

costs
Marcus Alan Lee, 3307 Grand Duke, Yankton; Fail to obey lawful order, dismissed
Mitchell Allen Kiers, 517 2nd St., Hull, Iowa; Possession of alcohol by minor, \$54.00 plus costs
Jason R. Wyatt, 316 Prentis St., Vermillion; Fail to maintain financial responsibility, dismissed
Kyle Lee Strom, 23107 Fir, Merrill, Iowa; Possession of alcohol by minor, \$54.00 plus costs
Rebecca Ketterer, 702 E. Cherry #415, Vermillion; Possession of alcohol by minor, \$54.00 plus costs
Danielle McKinley, 703 Annie St., Newcastle, Neb.; Fail to maintain financial responsibility, dismissed

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Have a nose for good health



Get your flu vaccination.
Mist or shots available.

Sanford Vermillion - Main Lobby
20 S Plum Street, Vermillion

Thursday, Nov 17
5 - 7 p.m.

Cost: \$20 (shot or mist)
18 years or younger: provided FREE by SD-DOH

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