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For Immediate Release:
April 29, 2004

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Attorney General Bruning Announces
Sexual Assault Task Force

(Lincoln, NE) Attorney General Jon Bruning announced today the creation of the Nebraska Sexual Assault Task Force to address issues relating to sexual assault victims. Bruning moved to create the task force when he learned of the courage of Heidi Wilke, an Omaha woman who was kidnapped, robbed and raped in January, 2002. Since Wilke's attack, she and her husband, Jeff Wilke, have made it their mission to turn her tragic experience into something positive. Their fund raising efforts made it possible for Omaha Methodist Hospital to establish a unique facility where victims of sexual assault are now treated in a private setting by specially trained Sexual Assault Nurse Examiners.

"Prior to the rape, Jeff and I rarely noticed news items relating to sexual assault," said Wilke. "In hindsight, we believe this may be a result of simply not wanting to subject ourselves to such an ugly and personal crime. After the rape, it is rare that we do not find a daily article in the local or national headlines regarding a sexual assault crime."

"We need to do more to ensure that victims of sexual assault receive proper care from start to finish," said Bruning. "It is my hope that working together we will be able to identify gaps in our current response to sexual assault victims, and develop solutions to these problems."

Jeff and Heidi Wilke will serve on the Task Force together with other volunteers and professionals from across the State who represent a variety of disciplines. The Task Force will focus on four aspects of the criminal justice system's response to sexual assault victims:

- medical examinations
- law enforcement procedures
- prosecution and the courts
- victim services

"Statewide, this horrific crime occurs daily. The numbers are unfathomable in our community alone. We do know that one rape is too many. It is our sincere hope that the Attorney General's Sexual Assault Task Force will be able to develop proposed solutions to end the violence and deal more compassionately with those who are victims of sexual violence," said Heidi Wilke.

"We've got dedicated folks working to help victims from Scottsbluff to South Sioux City," said Bruning. "The goal of the task force is to bring all of their efforts together to create a coordinated and consistent response statewide."

The Task Force will first meet on May 27, 2004, from 10 a.m. to 3 p.m., at the State Office Building, Room 6Z. For more information, please visit the Attorney General's website at www.ago.state.ne.us.



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April 28, 2004

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\$4 MILLION DOLLAR CLAIM AGAINST STATE DISMISSED

(Lincoln – NE) Attorney General Jon Bruning announced today that the District Court in Morrill County has dismissed the Spear T Ranch’s \$4 million claim against the State of Nebraska. Spear T Ranch sued the Nebraska Department of Natural Resources in Morrill County for the Department’s failure to regulate groundwater use in Pumpkin Creek to protect Spear T Ranch’s surface water rights. The Court ruled that the State had no duty to take action to regulate groundwater use.

“The Department of Natural Resources does not have the legal authority to regulate groundwater use as claimed by Spear T Ranch,” said Bruning.

Spear T Ranch is expected to appeal the Court’s decision.



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Bruning Files Charges Against Michael McGuire

(LINCOLN, NE) Attorney General Jon Bruning announced today that the State has filed charges against Michael McGuire. The charges filed this morning in Douglas County and Johnson County stemmed from McGuire's escape from Johnson County Hospital in February. McGuire, a convicted rapist and robber, escaped while being escorted by two prison guards from Tecumseh State Prison and subsequently kidnapped and robbed Arthur Baker in Omaha.

The charges filed include:

Johnson County

- One count of escape (Class III felony)
- Two counts of kidnapping (Class II felony)
- One count of possession of a firearm by a felon (Class III felony)
- One count of use of a firearm to commit a felony (Class II felony)
- One count of Habitual criminal (Mandatory minimum 10-year imprisonment)

Douglas County

- One count kidnapping (Class IA felony)
- One count robbery (Class II felony)
- One count attempted first degree assault on an officer (Class III felony)
- One count use of a firearm to commit a felony (Class II felony)
- One count possession of a firearm by a felon (Class III felony)

"Michael McGuire is the worst type of offender," said Bruning. "His disregard for the law and reckless behavior put law enforcement and all Nebraskans at risk. We'll go to the mat to make sure he and other criminals know this behavior won't go unpunished."

"I'm pleased to have Attorney General Bruning and his staff working alongside my office in the prosecution of McGuire for his crimes in Johnson County," said Johnson County Attorney Randy Ritnour.

McGuire could receive up to life imprisonment for his recent offenses.



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For Immediate Release:
April 22, 2004

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8th Circuit Denies Rehearing in Low Level Case

(Lincoln, NE) The United States Eighth Circuit Court of Appeals today denied the State of Nebraska's request that all of the judges reconsider the Low Level Radioactive Waste lawsuit decision.

In its petition, Nebraska asked the entire Court to look at three issues. Those issues included Nebraska's contention that it did not consent to a lawsuit for money damages, that the Compact does not allow the Commission to recover money damages for itself, and that Nebraska was entitled to a jury trial.

"Nebraska continues to believe that the award of money damages against the State was inappropriate in this situation." Bruning said.

"Obviously, we are disappointed the entire Court did not agree to rehear the case," said Bruning. "However, three of the judges clearly recognized the merit in the arguments we made that Nebraska did not consent to be sued for money damages."

"We will continue to pursue all avenues in finding a resolution to this case, including further appeals and settlement discussions," Bruning added.

The next step in the appeals process is to petition the United States Supreme Court to hear the case.



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For Immediate Release:
April 19, 2004

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Attorney General Bruning Announces Win for Nebraska
Supreme Court Denies Appeal from Dakotas

(Lincoln, NE) Attorney General Jon Bruning announced today that the U.S. Supreme Court has denied an appeal in *South Dakota v. Ubbelholde*. Last June, Nebraska successfully obtained an order from the U.S. Eighth Circuit Court of Appeals forcing the U.S. Army Corps of Engineers to comply with the Corps Missouri River Master Manual. Nebraska was also successful in convincing the Eighth Circuit Court to overturn injunctions sought by the states of South Dakota and North Dakota. The Dakotas appealed to the Supreme Court, asking the Court to overturn the decision but the Supreme Court announced today that it would not take the appeal.

“Today’s announcement is welcome news in our effort to protect Nebraska’s interests including power generation, flood control, municipal water supply, recreation and navigation,” said Bruning. “The Supreme Court confirms what we have said all along, the Corps must comply with the Flood Control Act and serve the purposes required by the Act.”

Nebraska has long sought a reasonable solution to the Missouri River disputes. In the late 1990s, Nebraska supported a modified operating plan proposed by the Missouri River Basin Association and backed by seven of the eight Basin states. The Corps, however, did not adopt that proposal. In response to last summer’s lawsuit challenges, Nebraska again took the lead, along with several other Basin states, to develop a new plan to balance the many different interests in the River Basin. The “Nebraska Plan,” endorsed by a majority of the Basin states, was presented to the federal agencies in December 2003 during the Master Manual revision process, as a compromise solution to the ongoing litigation.

The Corps did not completely adopt the Nebraska Plan into its revised Master Manual. Nebraska has filed motions in U.S. District Court asking the Court to order the U.S. Army Corps of Engineers to fix the problems with the Revised Master Manual and meet the level of river flow necessary to operate Nebraska’s power plants along the river.



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For Immediate Release
April 15, 2004

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Attorney General Bruning and Col. Nesbitt to Ensure Law Enforcement Assistance in Keya Paha County

(LINCOLN, NE) Attorney General Jon Bruning and Superintendent of the Nebraska State Patrol, Colonel Tom Nesbitt are stepping up efforts in Keya Paha County to increase the visibility of law enforcement. The increased presence follows Bruning's announcement yesterday that Keya Paha Sheriff Greg Swan was ticketed and will be charged with one count of official misconduct for failing to become certified as a law enforcement officer. Following the citation, Bruning called Nesbitt to see what more could be done to ensure the safety of the residents in Keya Paha.

"We want the citizens of Keya Paha County to feel confident help will be available if needed", said Colonel Tom Nesbitt, Superintendent of the Nebraska State Patrol. "We ask residents in the area to continue to use the 9-1-1 system in the event of an emergency. Doing so will ensure the timely dispatch of our troopers."

"Safety is our first priority," said Attorney General Bruning. "I appreciate the Patrol's willingness to go the extra mile to ensure the safety of Keya Paha County residents."

Swan was elected Keya Paha County Sheriff last November and had eight months to complete a sheriff's certification course at the Nebraska Law Enforcement Training Center in Grand Island. He entered the academy twice. Swan withdrew once for medical reasons and was separated from training a second time for academic failure. The Keya Paha County Board of Commissioner has been withholding Swans' salary since October.

Six troopers out of Troop B, headquartered in Norfolk are assigned to the area, covering Valentine, Ainsworth and O'Neill.



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For Immediate Release:
April 14, 2004

Contact: Holley Bolen
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Attorney General Bruning Announces Charges Against Keya Paha County Sheriff, Silver Creek Police Chief and Clarks Police Officer

(LINCOLN, NE) Attorney General Jon Bruning announced today that the State is in the process of ticketing and will file charges against three law enforcement officers. Among those being charged is Keya Paha County Sheriff Greg Swan. Swan's charges include one count of official misconduct for failure to comply with a State law requiring county sheriffs to be certified in basic law enforcement training, a Class II misdemeanor. He is also facing a charge for unauthorized use of a motor vehicle, a Class III misdemeanor, stemming from his failure to return the sheriff's cruiser which is owned by the county.

"No one, including members of law enforcement, is above the law," said Bruning. "The law applies equally to all of us and the 'good old boys' network of the past won't protect wrong-doers. We will hold those in positions of authority accountable for their actions."

"I'm grateful for the Attorney General's help with this case," said Keya Paha County Attorney Eric Scott. "Having access to the resources provided by the Attorney General's Office has been instrumental in the prosecution of this case."

Nebraska law requires sheriffs to attend the Nebraska Law Enforcement Training Center and receive a certificate of satisfactory completion of the basic law enforcement training course within 8 months of taking office. Swan received a waiver from becoming certified within the first 8 months. He was denied additional waivers and was required to obtain certification which he has failed to do. His refusal to obtain certification underlies the charge of official misconduct. Under Nebraska law, official misconduct can be asserted in a separate civil proceeding to remove a county official from office.

In an unrelated case, Silver Creek Police Officer Bernard Kresha and Village of Clarks Police Officer Ron Jones will also face charges. Officer Jones, who was arrested this morning, is facing one count of criminal mischief, a Class IV felony, two counts of theft, Class II misdemeanors, and two counts of oppression under the color of office, also Class II misdemeanors. Those charges stem from allegations that Jones, on August 17, 2003, unjustifiably fired a weapon into the radiator of a vehicle owned by Mary and Servio Quinonez. It is also alleged that Jones stole an angle iron from a local business and removed confiscated bottles of liquor and distributed them as gifts. Jones also faces oppression under color of office for using his position to intimidate and harass two village residents. Kresha will face one count of accessory to a felony, a Class I misdemeanor, for allegedly helping Jones conceal evidence used in his criminal offenses.



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**Attorney General Bruning Gives Internet Safety
Presentation to Middle School Students**

HOLDREGE, NE – Attorney General Jon Bruning will present students with a program on Internet safety on Tuesday, April 6. The program outlines ways that predators track young victims and provides information on how to stay safe from online predators.

“It’s important to be aware of what you’re disclosing when you’re online. What may seem to be an insignificant piece of information can be used to find out a lot about a person,” said Bruning.

Bruning will caution young people against giving out personal information such as names, addresses, or phone numbers online.

“Unfortunately, there are a lot of dangerous criminals out there that use the Internet as a tool to find their next victim,” said Bruning. “You may think you’re talking to a peer when in reality he or she may be a convicted, middle-aged sex offender.”

The Internet safety presentation will take place at 2:40 p.m. at The Tassel, which is located on 14th and Tildon St. in Holdrege, Nebraska.

For more information on how to protect yourself against Internet predators visit the Attorney General’s website at www.ago.state.ne.us.