



Alliance Times-Herald



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Alliance, Nebraska

Wednesday, August 26, 2020

Three Felony Cases Against Dawn Dismissed on Eve of Trial

Miller Fails to Endorse Witness in Time

By SHAUN FRIEDRICHSEN
News Director

Henrietta Dawn is free after having three felony cases dismissed just days before the jury trial in two cases was set to proceed.

In the two cases set for trial, Dawn's Attorney Stacy Bach filed a Motion in Limine for the Box Butte County District Court for an order "excluding the testimony and presentation of any evidence of the State's Witness of 'NSP Lab Analyst' or any other such designated witness and alleged illegal substance



Courtesy photo

Henrietta Dawn possession."

She filed the motion on Aug. 13. Bach cited her reason for the motion

as a "lack of compliance with statutes and court orders, lack of notice to the Defendant, Defendant's due process rights, and the highly prejudicial affect upon the Defendant if such witness is allowed to testify and present such evidence."

In the motion, Bach noted that no lab analyst was endorsed as a witness. She wrote that in one of Dawn's cases, Jerry Smith was listed as an additional witness on May 6, but that there was no identification or endorsement. She explained in the motion that the prosecutor had not made a motion to endorse Jerry Smith as a witness.

On Aug. 17, a hearing was conducted on Bach's motion.

On Aug. 18, Deputy County Attorney Larry Miller filed a motion to endorse Jerry Smith as a witness, arguing that the Defendant's counsel had been provided with "five separate Nebraska State Patrol Laboratory Results Signed by Jerry D. Smith," in January.

Also on Aug. 18, District Court Judge Travis O'Gorman ordered to not allow Jerry Smith to testify as "the State has failed to properly endorse the witness, and

Dawn Jumps to Page A3



Courtesy photo ran with permission from News Channel Nebraska

Ross Herstedt, of Alliance, (in yellow) poses for a photo with the man he saved from drowning (far right) at Lake Ogallala.

Herstedt Saves Life at Lake Ogallala

By SHAUN FRIEDRICHSEN
News Director

hero to his resume after saving a Denver man from drowning at Lake Ogallala this past weekend.

Ross Herstedt, a bus driver for Alliance Public Schools, can add the word

Herstedt Jumps to Page A3

Commissioners Agree To Sign Completion Form With Contentions

By KATHRYN KELLAR
Alliance Times-Herald

Last Monday Box Butte County Commissioners Mike McGinnis and Doug Hashman voted to sign a certificate of substantial completion form with contentions. Commissioner Susan Lore was absent.

Despite finishing construction work earlier this summer, Willdan and the county have talked about several projects that have had issues or have not been completed.

One of the biggest problems that was discussed during the recent meeting was a leaking air conditioning unit located in the district courtroom.

"We have a few things that need to be fixed yet (...) and I think you are aware of most of them," Hashman said.

Willdan Construction

Field Engineer Chris Barton, who spoke via a phone conference, asked Box Butte County Courthouse Facilities Maintenance Supervisor Lori White to provide a checklist of all the problems that need to be fixed.

Barton said his goal was to have the problems fixed within the next week so the paperwork can be signed.

When Barton asked commissioners if they were okay with agreeing to sign the completion form at a later date, the commissioners discussed the various issues with courthouse projects, including carpet stains and leakage in the district courtroom, holes in the floor in the first story men's bathroom and numerous problems.

"We're reluctant," Hashman said. "We don't want to sign this

certificate of completion until we're complete. We want to change that date to probably, now probably be Sept. 1."

McGinnis and Hashman agreed to authorize the chairman of the board to sign the documents, reluctantly. McGinnis suggested setting the warranty dates as the same day.

Barton said the units under warranty were being used prior to the date the commissioners were asking to start the warranties. Warranty dates for the new units installed were set by Barton as June 22 and July 13.

"That's not, honestly, really fair to my contractors. Mainly because you guys have had the system for three months now running under your guys' usage. So, that's not really fair

Completion Jumps to Page A3

Multiple Schools Report COVID-19 Cases

By SHAUN FRIEDRICHSEN
News Director

The number of COVID-19 cases in the Panhandle continues to rise as the virus spreads throughout the region.

In Box Butte County, as of press time, the cumulative number of cases has reached 19, with three cases currently active. On Aug. 18, COVID-19 Unified Command announced the two most recent cases in Box Butte County. One case involved an adult being in close contact with a previously positive case, and the second case involved an adult who tested positive for the virus, but the exposure type was unknown.

"The virus is here, and in the foreseen time we must live with the increased prevention tools for the safety of all in our community which include quarantine and

isolation," Unified Command stated in a press release.

New cases continue to crop up every day, including in schools. On Aug. 19, Sidney Public Schools issued a letter to the community regarding a student who tested positive for the coronavirus. The student was confirmed to be in the building on Aug. 17. School officials announced they were working together with health officials to trace individuals who were in close contact with the student.

Also on Aug. 19, Western Nebraska Community College announced that two people on the Scottsbluff Campus tested positive for the coronavirus. Panhandle Public Health determined no exposure sites on the campus, though officials are asking WNCC students, faculty and staff to monitor their symptoms.

Facial coverings are required at the three

WNCC campuses, and officials encourage everyone to continue washing their hands regularly and practicing social distancing.

This week, Scottsbluff Public Schools reported one positive case on its COVID-19 dashboard. No specific information was given about the case. The dashboard states that seven people have been quarantined.

At Chadron Public Schools, according to their COVID-19 Dashboard, a total of 10 positive cases have occurred among students and staff in the district, with a total of 27 people being quarantined.

According to Chadron State College's COVID-19 Dashboard, a total of 17 students and staff at the college have tested positive for coronavirus since the semester began. As of press

Covid Jumps to Page A3

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