



COLBY FREE PRESS

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Pabst, Kansas ready to face off in court

By JAN KATZ ACKERMAN

Colby Free Press

Colby resident Tod A. Pabst will be in Thomas County District Court next week to support his claim Kansas wrongfully convicted him of murder.



T. Pabst

Starting 9 a.m. Wednesday and Thursday, District Judge Glenn Schiffner will preside over the bench trail in the civil case Pabst filed against Kansas in 2003.

Pabst, being represented by Richard Ney of Wichita, claims state prosecutors twice have not provided him a fair trial.

Pabst was convicted in August 1997 of the March 1997 premeditated murder of his fiancée Phoebe Harkins in their Colby home.

Pabst appealed his conviction claiming a state's attorney made prejudicial remarks against him. That conviction was reversed Feb. 11, 2000, setting in motion a second

Prompted by murder, Phoebe's Law born

Rep. Jim Morrison (R-Colby) saw the need to do something for children who have a parent killed by the other parent.

After Colby resident Tod A. Pabst was charged with the March 1997 murder of his fiancée, Phoebe Harkins, Morrison introduced a bill to protect child victims of domestic murder.

Pabst shot Harkins in the home they shared with their 3-year-old daughter. The girl was home at the time of the shooting.

Hearings in the Senate Judiciary Committee on March 10, 1998, opened the door to the bill, dubbed Phoebe's Law,

which was signed into law by Gov. Bill Graves April 23, 1998.

On Wednesday, Morrison talked about his support of the law. He said he wanted to make sure the girl stayed with family members so he helped Travis and Sara Oliver of Perry, Kan., succeed in their effort to adopt the young child. The Olivers are the child's aunt and uncle. Sara was Phoebe Harkins' sister.

"They were having a problem adopting her so I contacted Pedro Irigonegaray to help with the adoption and I introduced the bill to stop Tod Pabst's right of stopping the adoption," Morrison said.

Morrison said Phoebe's law severs the parental rights of a convicted felon. He said two bills introduced during this session of the Legislature takes Phoebe's law to the next step.

"We are trying to keep kids with family they know," he said.

"In situations, for whatever reason, that a child has both parents gone and the court has established custody with a grandparent, the grandparents will now be eligible for financial assistance. And HB 2665 is an expanded version to include surviving stepparents to adopt children of domestic violence."

Maag also stated Pabst's attorneys during the first two trials were "not ineffective for failing to object to Irigonegaray's participation." Maag said the Kansas Court of Appeals judges were also not ineffective for failing to question Irigonegaray helping prosecutors try the criminal cases against Pabst.

Pabst claims he was subjected to double jeopardy as a result of the prosecutor's misconduct in the first trial.

The state denies this claim as being "wholly without merit."

Pabst also claims the doctor who performed Harkins' autopsy had questionable professional history which made him not credible as a witness. Pabst said testimony of one of the Kansas Bureau of Investigation agents who investigated the criminal case was biased because he allegedly knew Harkins' late father, a Colby banker at the time.

Under Kansas law, it's up to Schiffner's discretion whether he'll accept successive motions in the civil case and Pabst has the right to take Schiffner's decision to the Kansas Court of Appeals.

Job market holding steady in Colby, region

By Tisha Cox

Colby Free Press

The unemployment rate in Thomas County is lower than the state average said Phyllis LaShell manager of the Colby and Hays Workforce offices.

In December, the unemployment rate was 2.8 percent in Thomas County and jumped up to 3.6 percent in January.

"Jobs aren't as active," LaShell said, "It goes up a little that time of year." However, the area is still below the state's unemployment rate of about 5 percent.

Available jobs in northwest Kansas posted on the organization's Web site range from an economic development director to farm, construction and hospitality.

"We have quite a variety of positions," she said.

Many of the new jobs were posted this week, including several from the new Wal-Mart Supercenter opening this spring in Colby. The store is creating jobs, and will help with the overall job market.

"That will definitely make a difference," she said. "It's getting better. The jobs are starting to grow out there."

LaShell said the market will pick up as the spring progresses, and there will be more opportunities.

That time of year, more seasonal jobs become available such as landscaping, construction on roads and

farm work.

The basic function of LaShell's office is to link prospective workers and employers.

"We take skilled workers and place them with someone who needs those skills," LaShell said.

LaShell said employers also look for people with what she called "soft skills." Those are qualities like dependability, punctuality and more.

Unemployment information is distributed at the workforce office and people can file claims on their computers. The office doesn't handle claims.

That is left up to the Department of Labor and have most of their contact through phone calls or the Internet.

The workforce office' new Colby location is on South Country Club Drive. She said business will pick up there as people get familiar with the new address.

LaShell said the average annual civilian labor force in Thomas County and Colby for 2005 was 4,381, with 4,238 employed.

With only 143 unemployed the unemployment rate for the year was 3.3 percent.

"That's a pretty good number," LaShell said.

That percentage varied throughout the year, reaching its lowest point in December at 2.8 percent and the highest was 3.5 in March and November.

Lansing Correctional Facility in Lansing.

According to court documents, Assistant Attorney General Jared S. Maag of Topeka will represent the state. Pabst's suit and ask Schiffner to dismiss all of Pabst's other claims.

In the state's answer filed in September,

Maag stated the state's position is Pabst's due process was not violated because the Harkins family hired a private attorney, Pedro Irigonegaray of Topeka, to assist state prosecutors in the first trial.

Offering assistance



TISHA COX/Colby Free Press

Destiny Oliver, left, helped her mother, Martina, fill out forms at a pre-kindergarten screening Wednesday at Colby United Methodist Church. The screening was for all children that will start kindergarten this fall.

Beringer named city council president

By Patty Decker

Free Press Editor

When Colby City Council president Ken Bieber replaced Warren Hixson as mayor in February it left the president's position open, but at Tuesday's meeting, a new president was chosen.

Councilman Mark Beringer ac-

cepted the presidency following a near unanimous vote. Member Jim Tubbs was absent.

In addition, the council approved issuing \$1.6 million in industrial revenue bonds for the Oasis Travel Center facility and Petro Lube.

City Manager Carolyn Armstrong said the resolution of intent indicates the city is committed to

issuing the industrial revenue bonds for the Petro Lube project.

As part of the approval, the council agreed to give a 100 percent tax abatement for 10 years on no more than the \$1.6 million.

"The amount of property eligible for tax abatement will be determined by the Board of Tax Appeals after the project is completed," she

said. Prior to the advertisement for the sale of the bonds, she said, the council would see the feasibility study on the project.

The council also discussed industrial revenue bonds for a project that Drs. Gary Slavens, Jeff Morrison and Mark Wahlmeier are working on. More about that project will be in Friday's Free Press.

Listen up!



TISHA COX/Colby Free Press

The Colby Community College Lady Trojans basketball team listened to head coach Tom Stephens, center, during a timeout during their game Wednesday against the Kansas City Community College Lady Blue Devils at the Community Building. Trojan basketball fans are wanted at 1:15 p.m., Friday, at the parking lot near the college gymnasium as the mens and womens teams prepare for Region VI action in Wichita. See page 8 for all the sports.

Prairie Heights requests to close

TOPEKA (AP) — Having seen a small trend in recent years of rural districts with declining student numbers electing to consolidate, a House committee wants to make sure mergers remain financially attractive.

The Education Committee endorsed a bill Wednesday to give districts merging after July 1, 2004, three years of funding as if the districts had remained separate. The measure would extend a law that was passed in 2002 as a way to encourage districts that were faced with declining enrollments to consolidate with neighbors.

Chairwoman Kathe Decker said the law is viewed by some legislators as a reward for school districts making the difficult decision to consolidate, which often means closing school buildings in rural communities.

"It helps them to have the money to facilitate doing things the way they should be done," said Decker, R-Clay Center. "I think people are just deciding on their own that this is what is the feasible thing to do for

some areas.

"This is a long, painful, emotional experience. We understand that."

Legislators already had renewed the law so that it applied to consolidations completed by July 1, 2005. Earlier this session, senators approved extending the law through the 2007-08 school year by a vote of 39-0. The measure being considered in the House would make the law permanent.

The House could vote on the measure next week, Decker said.

On Tuesday, four districts in north-central Kansas received voter approval to consolidate effective July 1. Those districts are Washington and North Central in Haddam, which will become Washington County Schools, and Hillcrest-Cuba and Belleville, which will become Republic County Schools.

In Jewell County, the White Rock and Mankato districts already planned to merge July 1.

A seventh district, Prairie Heights in Decatur County, has asked the State Board of Education

for permission to dissolve at the end of the school year. The district, which has fewer than 15 students, is the smallest in the state. Remaining students would attend surrounding districts, which also would divide Prairie Heights' territory.

The State Board of Education will consider the request at its meeting next week in Topeka. If approved, Kansas would start the 2006-2007 school year with 296 districts, down from 304 in the 2000-01 school year.

House committee members made few changes to the bill but did raise concerns about state aid for bond issues passed by voters to build new facilities. Some members were concerned that small districts on the verge of consolidating would pass huge bond issues and seek to continue state aid for repaying that money long after the buildings are no longer in use.

"I think it makes the system better, not just monetarily, because we know it costs money to shut down buildings. But it's better for the student," Decker said.