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**Chadrad Communications, Inc.**  
226 Bordeaux St - Chadron, NE 69337  
308-432-5545 fax 308-432-5601  
E-mail: [kcsr@chadrad.com](mailto:kcsr@chadrad.com)

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#### (S.D.)-Judge's Ruling Paves Way For Upcoming Execution



By: Roxie Graham-Marski Posted at: 10/10/2012 10:44 AM

SIOUX FALLS, S.D. (ASSOCIATED PRESS) - A federal judge has paved the way for the execution of a convicted killer whose attorneys wanted to challenge the constitutionality of South Dakota's execution protocol over his objections.

Donald Moeller is set to die later this month for the 1990 slaying of 9-year-old Becky O'Connell. Moeller says he's ready to die for the crime and asked that the challenge be dismissed.

Judge Lawrence Piersol has accepted Moeller's dismissal despite objections from the Arkansas attorneys who had been representing him.

The attorneys had argued Moeller is incompetent and incapable of making voluntary and rational decisions.

They wanted to press forward with arguments in their challenge, which focused on whether South Dakota's use of the lethal injection drug pentobarbital in a one-drug method would inflict cruel and unusual punishment.