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### (S.D.)-Supreme Court Overturns Rodney Berget's Death Sentence



By: Roxie Graham-Marski Posted at: 01/03/2013 09:36 AM

PIERRE, S.D. (AP) - The South Dakota Supreme Court has overturned a state prison inmate's death sentence for the killing of a prison guard nearly two years ago.

Justices say Rodney Berget must get a new sentencing hearing because the circuit judge who sentenced him to die improperly considered statements Berget made to a psychiatrist.

Berget and another inmate, Eric Robert, pleaded guilty to killing prison guard Ronald Johnson during a failed escape attempt in April 2011 at the South Dakota State Penitentiary in Sioux Falls. Robert was executed by lethal injection last October. Berget appealed his death sentence.

A third inmate, Michael Nordman, was given a life sentence for providing materials used in the slaying.