

Court

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medical records for delivery to the judge.

Hosmer anticipated completing the process by today (Thursday).

Hosmer had objected to the defense request, but he told the *Press & Dakotan* that he respected Eng's ruling and was complying with it.

"It's the judge's decision, and we'll abide with it," the attorney said.

During last month's hearing, Hosmer raised a number of objections to turning over his client's medical records to the defense.

The defense request was intended not only to discredit Stacy Miller's testimony but also cast suspicion on her as the party responsible for Jacob's death, Hosmer argued.

Hosmer questioned the relevancy of the medical records to the court proceedings, noting the records go back a decade and cover a wide range of medical care.

Hosmer also expressed

concerns about Stacy Miller's privacy. He particularly questioned her ability to receive medical care throughout the duration of the court proceedings if health care providers are concerned about patient-doctor confidentiality.

The medical records do not fall under the state's criminal discovery rules, Hosmer said. Also, the defense must also show specific information sought from the records, he added.

During Wednesday's interview, Hosmer told the *Press & Dakotan* that he has no further comments on his previous objections to the defense request.

Wednesday's hearing also featured questions surrounding expert witnesses and the disclosure of rebuttal witnesses and their information.

Eng heard from the prosecution team of Deputy Attorney General Bob Mayer — who joined the hearing by speaker phone from Pierre — and Bon Homme County state's attorney Lisa Rothschadl and from defense attorneys Tim Whalen of Lake Andes and Scott Podhradsky of Wagner.

The judge set a Jan. 11 hearing in Tyndall to resolve those issues and handle further motions. Eng also set a Feb. 29 hearing

at Tyndall for testimony from an expert witness for the defense. The witness resides in Minneapolis, so the testimony might be taken over the court's interactive television system.

Both sides said they anticipate a lengthy session with the expert witness.

"That will be a daylong hearing," Whalen said. "No matter how you slice it, it will take a day."

Chris Miller faces a lengthy prison term if convicted of any charge.

Second-degree murder, a Class B felony, carries a mandatory penalty of life in prison. First-degree manslaughter, a Class C felony, carries a maximum penalty of life in prison.

Aggravated assault for a child under 3 years of age, a Class 2 felony, carries a maximum penalty of 25 years in the state penitentiary.

If convicted on any of the charges, Miller could be found a habitual offender because of previous convictions. The habitual-offender status would intensify the aggravated-assault charge, raising it to a Class C felony with a maximum penalty of life in prison and a \$50,000 fine.

Chris Miller hugged his father after Wednesday's hearing, then was returned to the Yankton County Jail.

Trail

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funding through the NDOR. That entity, along with the Federal Highway Administration, makes all decisions pertaining to the Meridian Trail construction components and requirements.

"There were a number of obstacles we had to overcome because it did involve stimulus funding," Moser said. "We worked through NDOR; they pretty much have control from the federal highway administration on the funding aspect and on the components. All of these things had to come together, including environmental studies that had to be done before and construction could get under way."

Moser said seeing the project started was a relief for everyone involved.

"Seeing some dirt get moved and some trail components get completed was a good feeling," he said. "The trail will be an exciting addition to the dam area. I think a lot of people will use the trail because you can get close to the river, you can fish from there, and hiking and biking along there will just be a nice path."

When completed, the finished surface — crushed concrete with an armor coating on top — will be identical to what is currently available at Paddle Wheel Point located on the southeast side of Yankton, Moser said.

"Crews started hauling crushed concrete to form the bed of the trail on Nov. 28," Moser said. "The concrete will be covered with 'armor coating.'"

He added, that while the majority of the trail is crushed concrete, a portion of the trail will be concrete, which was poured on Dec. 2.

Moser said that with the onset of winter weather, construction will be halted for the remainder of the year and resume again next spring.

"Right now, the frost is a big factor because you can't do any work when there is frost present in the dirt," he said. "So, as soon as the frost comes out, they will get back in there and finish it up. We are probably talking March or April before we can do any additional work."

Because crews were able to accomplish so much this month, Moser said he feels there is only approximately a month's more work needed to complete Phase 1.

Phase 2 of the Meridian Trail also appears to be on course for construction in the near future. NDOR has indicated it will fund the work at 100 percent of cost. Phase 2 is proposed to extend Phase 1 construction east of Murdo's to the Lewis and Clark Estates area north of Highway 121 in the highway right-of-way. LCNRD officials are working to complete NDOR requirements and awaiting final design guidance before proceeding with this phase.

Moser warns that the portion of the trail begun this fall is not open for public use this winter.

"We are asking people to stay off at this point," he said. "It is not complete and, to be honest, there are a lot of hazardous features along it because they have not finished shaping. So it is not anything we encourage people to utilize at this point. It won't be opened until spring or summer of 2012."

# Celebrating OUR SAVIOR

## Emmanuel Evangelical Church

**Saturday, Dec. 24th**  
4:00pm Christmas Eve  
Worship Service  
YHS Theatre

**Sunday, Dec. 25th**  
10:45am Christmas Day  
Worship Service  
YHS Theatre

### Schedule of Holiday Services

## St. John's Lutheran Church

1009 Jackson, Yankton, SD • 665-7337

Sun., Dec. 18th	10:30 a.m.	Christmas Cantata, featuring Vocal & Handbell Choirs
	3:00 p.m.	Children's Christmas service
Sat., Dec. 24th	4:30 & 7 p.m.	Christmas Eve Candlelight Service with communion
Sun., Dec. 25th	9:00 a.m.	Christmas Day Service with celebration of Jesus' Birthday cake & Holy Communion

## FEEL THE WARMTH

We warmly welcome you to join the St. Benedict's family for our Christmas services! Come enjoy the excitement, warmth and love of the holiday season with us.

**Saturday, Dec. 24th**  
Mass 4:00, 6:30 & 10:00 pm

**Sunday, Dec. 25th**  
Mass 8:30 & 10:30 am

## St. Benedict Catholic Church

1500 St. Benedict Dr.  
Yankton, SD

## Calvary Baptist Church

2407 Broadway, Yankton, SD • 665-5594

Sun., Dec. 18th	10:30am	Worship Service
Sat., Dec. 24th	4:00pm	Christmas Eve Service
Sun., Dec. 25th	10:30am	Worship Service

(No Sunday School)

## Riverview Reformed Church

1700 Burleigh St, Yankton • 665-9204

**Saturday, December 24th**  
Christmas Eve  
Candlelight Service – 5:30 p.m.

**Sunday, December 25th**  
Christmas Day  
Celebration Worship – 9:30 a.m.

*Celebrate the Nativity of Our Lord!  
All are welcome!*

## Sacred Heart Church

509 Capital St., Yankton  
665-3655

Sat., December 24	4:00 p.m.	Mass (Childrens Choir – Music begins at 3:30p.m.)
	6:00 p.m.	Mass (Adult Choir – special music begins at 5:30 p.m.)
	10:00 p.m.	Mass
Sun., December 25	8:00, 9:30 & 11:00 a.m.	Mass
	2:00 p.m.	Spanish Mass, Confessions 1:15pm

All masses at Sacred Heart Church

## Cornerstone Evangelical Church

**Christmas Eve Service**  
**Sat., Dec. 24th**  
**5:30pm**

**Stewart Elementary School**  
208 W. 21st, Yankton

## Sacred Heart Monastery

The Benedictine Sisters of Sacred Heart Monastery invite you to services at Bishop Marty Chapel

**Christmas Day, December 25**  
10:00 a.m. – Mass

**New Years Day, January 1**  
10:00 a.m. – Mass

*Have a Blessed Christmas!*

*Peace on Earth*

## United Church Of Christ (Congregational)

5th & Walnut, Yankton, SD  
665-7320

Dec. 18	10:00 a.m.	Children's Christmas Program "God Gave, We Give"
Dec. 24	7:00 p.m.	Christmas Eve Candlelight Worship Service
Dec. 25	10:00 a.m.	Christmas Day Service Celebrating Carols

## Trinity Lutheran Church

403 Broadway, Yankton, SD • 665-7415

We invite you to attend one of our December 24th Christmas Eve Candlelight Services  
Time are 4:00, 6:30 & 10:00 pm  
Communion will be served at all services.  
Sunday School Christmas program  
is 3:00 pm December 18th

## Peace Presbyterian Church

206 East 31st Street, Yankton, SD 57078 • 665-0448  
Reverend Dr. Nelson Stone • Reverent Marilyn Stone

Sunday, Dec. 18th 10:00 A.M. Christmas Pageant

Christmas Eve  
Sat., Dec. 24th 7:00 P.M. Lessons & Carols

Sunday, Dec. 25th 10:00 A.M. Worship Service

## Christ Episcopal Church

517 Douglas, Yankton, SD

Dec. 18	9:00-9:30 a.m.	Serenity (Meditation)
	10:15 a.m.	The Holy Eucharist – Children's Christmas Pageant
Dec. 24 "Christmas Eve"	5:00 p.m.	Candlelight Holy Eucharist
	11:00p.m.	Candlelight Holy Eucharist

## First United Methodist Church

207 West 11th St, Yankton • 665-2991  
Our Mission: To grow disciples of Jesus Christ and equip them for ministry in the world.  
Rev. Ron Johnson, Pastor • Pastor Bob Cappel, Associate Pastor

**Sunday, December 18th**  
6:30 PM Sunday School Christmas Program followed by a Birthday Party for Jesus

**Sunday, December 18th**  
8:30 AM United Methodist Hour on KYNT, 1450 AM  
9:00 AM Worship Service, Contemporary; childcare provided  
10:15 AM Sunday School for all ages; childcare provided  
10:30 AM Worship Service, Traditional; childcare provided

**Christmas Eve, December 24th**  
4:30 PM Worship Service, Candlelight Service  
7:00 PM Worship Service, Candlelight Service

**Christmas Morning, December 25th (one service)**  
10:30 AM Worship Service, Childcare Service Available