

Murder

From Page 1

Miller was found guilty on the two counts after a week-long trial.

At the start of Friday's proceedings in Tyndall, defense attorney Scott Podhradsky of Wagner made a motion to set aside the jury verdict.

Podhradsky argued the prosecution provided no evidence that Miller was of "depraved mind." The defense attorney also contended the state did not provide clear evidence on the cause of the infant's fatal injury.

Podhradsky referred to a defense argument that Chris Miller had placed Jacob back in bed, and Stacy Miller had passed out from drinking, rolled on top of their son and accidentally suffocated the infant.

Eng denied the motion to set aside the verdict, based on his observations.

"The court believes the (Parker) jury very seriously took the matter under consideration," the judge said. "The facts do and can support the verdict."

Chris Miller took the stand for proceedings dealing with his alleged probation violation.

The proceedings addressing his alleged habitual offender status focused on February 1993 convictions in Minnehaha County

for aggravated assault of an officer and first-degree burglary, and an August 2009 conviction in Bon Homme County for unauthorized manufacture of a controlled substance.

Friday's court action featured emotional comments and testimony from Chris Miller, Eng and Bon Homme County State's Attorney Lisa Rothschadl. Their voices broke as they spoke.

The parties referred to the wide-ranging impact of the child's death, the public reaction to the crime, and the long two-year court process.

Rothschadl expressed both shock and anger at Chris Miller's continued proclamation of his innocence.

"I am appalled that he's still not taking responsibility for his actions. He continues to blame his wife," Rothschadl said.

"I would hope that, some day, he takes responsibility for the events of March 3, 2011."

The pain of Jacob Miller's death will be felt by those around him long after Chris Miller goes to prison, Rothschadl said.

She said she has received an outpouring of public reaction to Chris Miller's conviction.

"During the last two weeks (since the trial), I have received numerous calls, emails and handshakes, even from people who didn't know Jacob Miller, thanking me for doing justice," she said.

As far as the sentencing, Podhradsky said there was little doubt when it came to

the second-degree murder conviction.

"The writing was on the wall with the mandatory sentence," he said. "The number of years for the other counts don't mean much."

Podhradsky presented a different picture of Chris Miller, saying his client was misunderstood by the public.

"I believe the community has come up and thanked (Rothschadl)," Podhradsky said. "But (she) has never (had the opportunity to sit) down with the defendant, to get to know him."

As defense attorney, Podhradsky said he has spent the past two years getting to know his client.

"(Miller) is not a monster, just a genuinely good person who makes mistakes," Podhradsky said. "He's not this monster. ... Chris is like a bear. If you get between him and his cubs, he'll rip you apart. But he wouldn't attack his own cub."

Podhradsky said he has also heard from persons showing sympathy for Miller.

The defense requested the change of venue for the trial because Bon Homme County residents heard only one side of the story or assumed that Miller was guilty because he was under investigation, Podhradsky said.

"Would (members of the public) really think that, if they heard the whole story?" he asked.

Miller's 911 call at the time of Jacob's injuries don't match up with someone who had allegedly just harmed his child,

Podhradsky said. Stacy Miller was drunk and could have dropped the child, or the resuscitation efforts could have caused the infant's brain to swell, the defense attorney said.

"People just don't understand (Miller)," Podhradsky said.

Chris Miller said he would continue to proclaim his innocence in his son's death. "You can let me out (of prison) today, and I won't admit to doing harm to Jacob except for handing him to Stacy," Miller said.

Chris Miller said he was seen as a "bogyman" because of his prior felonies and the charges against him in his son's death.

Miller requested a return to the Yankton County Jail for the weekend so he could see his daughter one last time before entering the penitentiary.

"(Miller) hasn't seen Elizabeth since November. She thinks she has done something wrong, that she hasn't seen her daddy," Podhradsky said.

Miller said he wanted to leave behind a statement of his innocence that his daughter would read someday.

"It's not the pen time so much, it's Elizabeth thinking that I killed Jacob," he said.

In his closing remarks, Eng reminded Miller of his 2009 appearance before the judge.

"I told you, the court is always concerned when people appear before it. I said, the past dictates the future of people, or they overcome their past," Eng said.

"At the time of your sentence, I asked the number of years you had been in the penitentiary, and you said 14, and you were 35 at the time."

Eng said he spoke at the time of Miller's circumstances and the direction of his life. The judge said he worried about the impact on Miller if he were sent to prison.

The judge said, at the 2009 hearing, he told Miller that he had worth but had to break free from his criminal past. Miller was a hard worker and appeared to be developing positive relationships, the judge said.

Things seemed to be going well, but Miller then started drinking heavily and complaining that he felt stressed in his life, Eng said.

At Friday's sentencing, Eng said that Miller's choices — including the fatal night at the family's home — had resulted in Jacob's death and tragedy for all those around them.

"Do I think you wanted your baby dead? No. Baby Jacob was very precious to you," the judge told Miller. "But our actions sometimes overwhelm our wants, and what we do on certain days."

With that, Eng passed sentence on Miller and quickly retired to the judge's chambers.

After the proceedings, Miller was transported immediately to the state penitentiary in Sioux Falls.

You can follow Randy Dockendorf on Twitter at twitter.com/RDockendorf

OBITUARIES

Maynard 'Mike' Saylor

Maynard M. 'Mike' Saylor, 78, of Yankton, died Thursday, February 14, 2013 at Good Samaritan Society in Scotland, South Dakota.

Funeral services are 10:30 a.m. Monday, February 18, 2013 at the Wintz & Ray Funeral Home in Yankton with Reverend Charles Asche officiating. Burial will be in the Garden of Memories Cemetery in Yankton with military honors provided by the Ernest-Bowyer VFW Post No. 791.



Saylor

Ken, Kevin, Keith and Kelly Saylor, and Kevin and Randy Bruening. Mike was born September 16,

Visitation is from 5-8 p.m. on Sunday, at the Wintz & Ray Funeral Home in Yankton with a prayer service at 7 p.m. Visitation continues one hour prior to the funeral on Monday.

Pallbearers are Ken, Kevin, Keith and Kelly Saylor, and Kevin and Randy Bruening. Mike was born September 16,

1934 on the family homestead near Lesterville, to Walter and Pauline (Gall) Saylor. He attended Northstar Grade School in rural Lesterville and then Scotland High School. In September of 1952, Mike enlisted in the United States Navy and served in the Philippines during the Korean War. He was honorably discharged in September of 1955. Mike married Janet Souhrada on June 6, 1956 in Lesterville. After their marriage, they lived in Yankton where Mike operated a service station. The following year, they moved to

Lesterville and Mike attended Southern State Teacher's College in Springfield, SD, graduating with a degree in Industrial Arts. He worked as an insurance adjuster for several years, then at Utica Lumber building houses and finally went back to the adjusting business. His job took him to Eureka, SD, Waterloo, IA, Sioux Falls and finally to Pierre where he worked for the Department of Commerce Division of Insurance. Mike retired in 1999 at the age of 65 and then moved to Yankton. Mike loved working in the garage

restoring old cars, woodworking and fishing.

Mike is survived by his wife, Janet Saylor of Yankton; two daughters, Roxanne (Greg) Ellinger of Lesterville, SD and Julie (Miles) Tolentino of Federal Way, WA; three grandsons: Jason and Mike Tolentino and Nathan Ellinger; one great grandson, Benjamin Tolentino; and many nieces and nephews.

Mike was preceded in death by his parents; and brother and sister-in-law, Walter Allan and Betty Saylor.

To post an online sympathy message, please visit www.wintzrayfuneralhome.com.
Yankton Press & Dakotan
February 16, 2013



Online condolences at:
www.wintzrayfuneralhome.com

Eva Wiebelhaus

Eva B. Wiebelhaus, 86 of Crofton, Neb., died on Thursday, February 14, 2013 at Avera Sr. James Care Center in Yankton.

Mass of Christian Burial will be on Monday, February 18, 2013 at 10:30 a.m. at St. Rose of Lima Catholic Church in Crofton with Rev. Timothy Lange officiating. Burial will be in the St. Rose of Lima Cemetery in Crofton.

Visitation will be on Sunday from 3-6 p.m. with a Vigil Service and Video Tribute at 4:30 p.m. at the church. Visitation will begin one hour prior to services on Monday at the church with the



Wiebelhaus

dren, Richard Genovese, Brian Genovese, Jason Genovese, Tom Wiebelhaus, Jenny Coates, Kelli Wiebelhaus, Joe Wiebelhaus, Scott Wiebelhaus, Rob Wiebelhaus, Jill Wiebelhaus, Luke Merkel and Dana Merkel.

Wintz Funeral Home in Crofton in charge of arrangements.

To send online condolences or to view the video tribute please visit www.wintzrayfuneralhome.com.

Pallbearers will be her grandchildren, Richard Genovese, Brian Genovese, Jason Genovese, Tom Wiebelhaus, Jenny Coates, Kelli Wiebelhaus, Joe Wiebelhaus, Scott Wiebelhaus, Rob Wiebelhaus, Jill Wiebelhaus, Luke Merkel and Dana Merkel.

Honorary Pallbearers will be Stacy Genovese, Jill Genovese, Taryn Genovese, Tracie Wiebelhaus, Adam Coates, Jeff Gilsdorf, Kelly Wiebelhaus, Brittney Wiebelhaus, Chance McCoy, Ashley Merkel and Ben List.

Eva was born on November 15, 1926 at Crofton to Thomas Harvey and Ruth Rebecca (Zurcher) Jackson. She grew up and lived in Crofton all of her life graduating from Crofton High School in 1945. She attended a business school in Omaha and then returned to Crofton where she worked for Dr. Joseph Wiebelhaus at the New Meridian Sanatorium. Eva married Walter Wiebelhaus on October 21,

1946 at Crofton. They owned and operated Wiebelhaus Recreation until they sold it to their son Brian in 1989. They continued to help Brian over the years.

Eva was a member of the St. Rose of Lima Catholic Church, Guild and Christian Mothers. She was very active in the Crofton High School Alumni Association and was also very active in the planning of the Crofton Centennial in 1992. She loved to crochet and knit and was an avid Nebraska Cornhusker fan. In 2008 she and Walt were inducted into the Nebraska State Bowlers Association Hall of Fame. She treasured any

time she could spend with her family, especially with her grandchildren.

Eva is survived by her husband, Walter of Crofton; 5 children and their spouses, Sandra and Richard Genovese of Fairview, Texas; Gordon and Suzanne Wiebelhaus of Crofton; Gary and Gale Wiebelhaus of Omaha, Nebraska; Brian and Deb Wiebelhaus of Crofton; Marianne and Dale Merkel of Crofton; 12 grandchildren, 11 great grandchildren, 2 sisters, Lucille Klimm of Lincoln, Nebraska and Dorothy and Leo Dwyer of Elgin, Nebraska.

She was preceded in death by

her parents, a grandson, Troy Wiebelhaus, 2 sisters, Margaret Brewer and Ethel Mae Jackson, 4 brothers, Raymond, Don, Leslie "Buzz" and Vernie Jackson.

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Adeline Frick

Adeline Marie Frick, 79, of Yankton entered into eternal rest on Thursday, February 14, 2013 at Avera Sister James Care Center.

Mass of Christian Burial will be on Monday, February 18, 2013 at Sacred Heart Catholic Church in Yankton at 10:30 a.m., with Rev. Mark Lichter officiating. Burial will be in the Sacred Heart Cemetery.

Visitation will be on Sunday, February 17 at 5 p.m. with a Rosary at 7 p.m. and a Scripture Service at 7:30 p.m. at Opsahl-Kostel Funeral Home & Crematory in Yankton. Visitation will resume



Frick

one hour prior to the service at the church.

Pallbearers are Adam Frick, Tyler Frick, Brandon Frick, Charlie and Nate Stephenson, Todd Schlup, Mike Schlup and Jim Penn. Honorary

Pallbearers are the retired Yankton Volunteer Fire Department Auxiliary members.

Adeline was born June 21, 1933 on a farm near Lesterville to

Rudolph and Lillian (Skorepa) Totusek. She attended grade school in rural Utica and Lesterville and graduated from Scotland High School in 1951. Adeline married Gerald Frick on February 23, 1954. In addition to being a dedicated stay at home mother and in home day care provider, she worked at Contractors and Builders Supply, Gurney Seed and Nursery, and Earl's Mini Market. In her later years, she especially enjoyed working with the Sisters as a receptionist at Sacred Heart Monastery.

Adeline enjoyed cooking, boating, walking, traveling, shopping,

spending time with friends, and dancing. She was an active member of the Yankton Volunteer Fire Department Auxiliary. She was a proud parent and grandparent. She was always a great supporter of the family's hunting and fishing hobbies, and especially enjoyed the time spent on the river with family and friends. She also loved conversation and visits with her grandchildren, as well as attending their activities. Her family greatly admired her strength and courage in her battle with Rheumatoid Arthritis in the last decades of her life. She will always

be remembered for her big heart and warm smile.

She is survived by her loving husband, Gerald of Yankton; six children: David (Brenda), Steve (Linda), Dan, Brian (Susie), Tom (Roxanne), and Lori (Rob) Stephenson, all of Yankton; 12 grandchildren: Adam (Kendra), Jacques, Tyler, Rachel, Brandon, Becky, Michael, Savannah, and Austin Frick, Charlie, Nate, and Halle Stephenson; 3 great-grandchildren: Boston, Cooper and Jake Frick; brother-in-law, Bob Penn of Wayne, NE; special friends, Karen Edler of Yankton and Kaylee Lar-

son of Sioux Falls; and many nieces, nephews and cousins.

She was preceded in death by her parents, sister, Mavis Penn, and grandson, Elijah Stephenson.

Adeline will be deeply missed by all who knew and loved her. May she rest in peace.

Yankton Press & Dakotan
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Online condolences at:
www.opsahl-kostelfuneralhome.com

PRESS & DAKOTAN

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Crohn's And Colitis Meeting Set For Tuesday

There will be a Crohn's and Colitis support group meeting at 6:45 p.m. Tuesday, Feb. 19, at the Avera Sacred Heart Campus Pavilion, 409 Summit, Yankton.

This meeting is for patients with Crohn's or Colitis and their family and friends.

For information, call Kathy Ryken at 665-8667 or Dave Brown at 665-7199, evenings.

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Muriel Shelden

Muriel Shelden, 92, died Feb. 10, 2013, at the Avera Yankton Care Center surrounded by family and friends.

Funeral services were held Wednesday, Feb. 13, at the Lake Whitewood Lutheran Church.

The Johnson-Henry Funeral Home of Arlington is in charge of arrangements.

THANK YOU

We would like to extend a big thank you to our family, friends and coworkers for helping us celebrate our retirement. Thank you for the gifts and cards. A big thank you to our children and grandchildren for working so hard to make this such a special surprise for us.

You are the best,
Frank and Jan Vellek

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