

Irene woman charged after death of baby

BROKEN BOW, NE (AP) — A woman prohibited from practicing as a midwife in Nebraska and South Dakota has been charged with manslaughter in connection with the death of an infant.

Judy K. Jones, 65, of Irene, was arraigned last week in Custer County Court in Nebraska. Prosecutors claim she told a Nebraska couple that she was a midwife even though she was unlicensed.

She was charged following the death of an infant, Eli Fenske, who was born in his family's rural Custer County home on Sept. 24, 2011, according to Lexington radio station KRVN-AM. The boy developed medical problems shortly after he was born, according to a sworn statement by a Nebraska State Patrol investigator.

An emergency room doctor who examined the infant told investigators that Eli's condition was "grave" when he arrived at the hospital in Broken Bow, according to court records. The baby was transferred to Kearney

and then Omaha. The first doctor told investigators that Jones never consulted with her.

A second doctor in Omaha told investigators that he investigated Jones' history after examining the child and discovered that she was not licensed as a nurse in Nebraska. The Omaha doctor told investigators that the child had suffered brain damage and was partially brain dead because of a lack of post-birth care.

Investigators also found that Jones failed to perform blood tests before birth or any follow-up exams to ensure the child was healthy, according to court records.

The infant's parents, Jeff and Whitney Fenske, told an investigator that Jones failed to contact a doctor after the delivery when the child stopped breathing.

The parents said Jones massaged the infant to restart his breathing, and when the baby quit breathing a second time, she hit him on the back. The infant later died.

Legislative report:

State lawmakers finish second week

By Sen. Tom Jones
District 17

We're now well into committee work in our appropriations committee as we end the second week of the session. The 38 days of the legislature go by quickly. In addition to our regular committee meetings, and each day's general session on the floor, this week there have been special briefings on the school funding formula and the problems in the Black Hills with the Mountain Pine Beetles. Last week there was another special briefing on Medicaid expansion. Legislators have important decisions to make on all of these issues.

Two things that I've noticed that each of the six departments that we have heard from has in common when they present their request for their portion of the state budget are: 1) They are all asking for more money than what our governor has proposed in his budget proposal and 2) They all have good reasons for asking for more money. Once again, our job is to prioritize the money requests and suggest to the legislature how the monies should be

appropriated.

School funding — You will hear me continue to mention the need to fund schools and back-fill from the cuts of two years ago. I believe that providing adequate funding for South Dakota's public schools is the number-one public policy issue of this legislative session.

The goal of the funding formula which originated in 1997 is equity among school district, so we don't have great disparity between property rich and property poor districts. Almost all states have a similar goal and funding formula, although South Dakota lags behind almost all states in the amount it puts into the formula.

Even with the one-time dollars which were appropriated for the formula last year, schools receive \$4,521 per student during the 2012-13 school year. Back in the 2007-08, the funding formula was \$4,529. That's \$8 less per student than five years ago. There is no other part of the state government's budget which can say that it is receiving less than five years ago.

Medicaid expansion — Earlier this week legislators attended

briefings on the proposed Medicaid Expansion which I support. Medicaid is one of the largest healthcare insurers in South Dakota.

Most of the people covered in our state under Medicaid are children. In fact, 69 percent of the current Medicaid recipients are children and 31 percent are adults. Disabled adults and low-income parents qualify for Medicaid. Many of our nursing home residents qualify for Medicaid.

The Affordable Care Act (ACA) allows the states to expand coverage to those adults who qualify if they are at 138 percent of the poverty level. (Children are already covered whether or not we expand Medicaid.) The population affected would be South Dakota's working poor who do not typically receive health insurance through their employer. If states choose to expand Medicaid, the federal government will cover 100 percent of the costs from 2014 to 2016.

The fed's contribution will begin to decrease in 2017, but will never be less than 90 percent,

under the ACA. This expansion would bring close to \$200 million federal dollars to South Dakota to care for those in need, make our citizens healthier, and keep them out of more expensive emergency care. Arizona recently announced that they will provide the Medicaid expansion to their citizens.

Economic development — After voters rejected Referred Law 14, the Republican legislature's plan for taxpayer-funded giveaways to large out of state corporations, Democrats and Republicans are coming together to create economic development programs that support all South Dakota businesses, entrepreneurs and workers — without draining your general fund dollars. The legislature is looking at expanding our housing stock for new workers, providing workforce training scholarships, and investing in our infrastructure.

Please feel free to contact me with your ideas. We want economic development to work for you. I invite you to contact me with your questions and concerns. I may be reached via e-mail: sen.jones@state.sd.us.

FOR THE RECORD

Cases disposed 1/11-17/2013
Clinton Fabian, 933 W. Clark St. #8, Vermillion; Domestic abuse — simple assault, dismissed

Tyler Caleb Simpson, 1804 S. Covell Ave., Sioux Falls; Driving with suspended (not revoked) license, \$204.00 plus costs

Mark Joseph Holzbauer, 1105 Kennedy Drive, Yankton; Careless driving, \$54.00 plus costs

Mark Joseph Holzbauer, 1105 Kennedy Drive, Yankton; County speeding, \$39.00 plus costs

Andrea L. Lucas, 601 W. Cedar St., Vermillion; Speeding on state highway, \$39.00 plus costs

Mitchell Hass, 529 Cottage #1, Vermillion; Renewal registration during assigned month, \$54.00 plus costs

Tiffany Johanna Switzenberg, 3700 W. Sillow #201, Sioux Falls; Use or possession of drug paraphernalia, \$204.00 plus costs

Samantha M. Earl, 815 1/2 W. Main St., Vermillion; Seat belt violation, \$25.00

Mitchell Lee Nelson, 122 N. Yale St., Vermillion; Overdriving road conditions, \$54.00 plus costs

Daniel Marc Peck, 904 E. 13th St. #4, Yankton; Seat belt violation, \$25.00

Shayne Ludwig, 32016 White Street, Burbank; Seat belt violation, \$25.00

Lexy Kristine Schenk, 206 S. Dickerson Ave., Irene; Speeding other roadways, \$39.00 plus costs

Zsanece Gutierrez, 19311 Blondo Parkway, Elkhorn, NE; Speeds in excess of those fixed, \$54.00 plus costs

Denise Van Voorst, 1 Linden St., Lemars, IA; Speeding other roadways, \$39.00 plus costs

Anthony Landers, 123 12th St. SW, Watertown; Seat belt violation, \$25.00

Matthew L. Zatkoff, 1038 N. Hermitage Ave, Chicago, IL; Speed on four-lane in rural areas, \$39.00

plus costs
Keri Lynn Stilwell, 600 Davis Street, Gayville; Speeding other roadways, \$19.00 plus costs

Christopher Michael Brumwell, 1219 5th Ave. W., Columbia Falls, MT; Speeding other roadways, \$39.00 plus costs

Judge Tami Bern presiding
Benjamin Patrick Walsh, 901 Rose Street #317C, Vermillion; Driving under influence-2nd offense*, \$500.00 plus costs, thirty days county jail; Possession of alcohol by minor*, dismissed; Twenty days county jail is suspended based on the conditions of the court; *This offense may have been previously reported as having been disposed

Dylan Young, 1303 E. Main Street, Vermillion; Ingest intoxicant other than alcoholic beverage*, \$371.00 plus costs; *This offense may have been previously reported as having been disposed

Jason Bengford, 905 Tom St., Vermillion; Possess two ounces of marijuana or less, dismissed; Ingest intoxicant other than alcoholic beverage, \$371.00 plus costs; Use or possession of drug paraphernalia, dismissed

Shannon Norman, 214 Bower Street #207, Vermillion; Driving under influence-1st offense*, \$1,000.00 plus costs, two days jail; Impersonation of deceive law enforcement officer, recharged; Impersonation of deceive law enforcement officer, dismissal-reduction; Disorderly conduct, \$100.00 plus costs

Robert Lloyd Hollingsworth, 6933 N. 118 Circle, Omaha, NE; Driving under influence-1st offense, recharged; Open alcoholic beverage container accessible in vehicle, dismissed; Driving under influence-1st offense, \$1,000.00 plus costs, two days jail; Imposition of sentence is suspended based on the conditions of the court

Taylor Strasburg, 802 N. Plum #212, Vermillion; Under twenty-one driver, \$54.00 plus costs; Ingest intoxicant other than alcoholic

beverage, recharged; Use or possession of drug paraphernalia, dismissed; Ingest intoxicant other than alcoholic beverage*, \$371.00 plus costs; *This offense has a previous disposition and may have been previously reported as having been disposed

Nathan A. Niehus, 7576 Correctionville Road, Lawton, IA; Fraud to obtain game license, \$300.00 plus costs

Sheridan Sogge, 220 Sycamore #39, Vermillion; Forgery, dismissed; Forgery, dismissed; forgery, dismissed; Forgery, dismissed; Petty theft 2nd degree-\$400 or less, \$100.00 plus costs; Fourteen days county jail is suspended based on the conditions of the court

Alex Christopher Hansen, 411 Stanford St. #34, Vermillion; Illegal dumping second degree, \$300.00 plus costs

Jack Williams, III, PO Box 2500, Nebraska State Penitentiary, Lincoln, NE; Theft by insufficient funds check, \$100.00 plus costs; Theft by insufficient funds check, dismissed; Thirty days county jail is suspended based on the conditions of the court

Charles Miller, 45475 318th St. Meckling; Disorderly conduct, \$100.00 plus costs; Fourteen days county jail is suspended based on the conditions of the court

Jan Bingen, 46882 N. Railroad, Burbank; Deface or alter boundary marker, dismissed

Gregory T. Hogues, PO Box 905, Jackson, SC; Speeding other roadways, \$59.00 plus costs

Joshua W. Abels, 1545 R. Street, Lincoln, NE; Possession of alcohol by minor*, \$54.00 plus costs and conditions; *This offense has a previous disposition and may have been previously reported as having been disposed

Adam Hasse, 415 Sterling Street, Vermillion; Reckless driving, \$350.00 plus costs

Fernando Espino Lira, 1276 Jennings Street, Sioux City, IA; Domestic abuse — violation of protection order, \$300.00 plus costs; Thirty days county jail is suspended based on the conditions of the court

Jamie Sue Brooks, 400 N. Pine St. #627, Vermillion; Driving under influence-1st offense, \$350.00 plus costs; Five days county jail is suspended based on the conditions of the court

Christina Nicole Nelson, 901 Rose Street #259, Vermillion; Possession of alcohol by minor, \$54.00 plus costs

Caleb Austin Tilstra, 1238 Edgerly, Larchwood, IA; Possession of alcohol by minor, \$54.00 plus costs

Sierra Johnson, 1121 Madison Street #204, Vermillion; Petty theft 2nd degree-\$400 or less, \$100.00 plus costs; Five days county jail is suspended based on the conditions of the court

Eric Andrew Robertson, 901 Rose #412, Vermillion; Possession of alcohol by minor, \$54.00 plus costs

Corey Allen Rush, 833 E. Duke St. #100, Vermillion; Fail to maintain financial responsibility, \$64.00 plus costs; Renewal registration during assigned month, \$54.00 plus costs

Dacory Paul Daisy, 221 E. Main Street, Vermillion; Fail to obey lawful order, dismissed

Mackenzie Rose Shannon, 17740 48th Pl. N., Plymouth, MN; Possession of alcohol by minor, \$54.00 plus costs

Justin Gabbert, 206 N. Plum Street, Brandon; Possession of alcohol by minor, \$54.00 plus costs

Shane Anthony Wernke, 206 Plum, Vermillion; Possession of alcohol by minor, \$54.00 plus costs, fourteen days county jail; Twelve days county jail is suspended based on the conditions of the court

Scott Welby Heier, 131 Prentiss Street, Vermillion; Careless driving, \$54.00 plus costs; Pass on right — driving off pavement, \$54.00 plus costs

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Lincoln, NE; Possession of alcohol by minor*, \$54.00 plus costs and conditions; *This offense has a previous disposition and may have been previously reported as having been disposed

Jacob Weber, 3221 Sycamore Ter., Sioux City, IA; Possession of alcohol by minor, \$54.00 plus costs

Eddy Armando Dubon-Perez, 677 2nd St. SW, Huron; Possession of alcohol by minor, \$134.00 plus costs, fourteen days jail, twelve suspended

Randall Dean Anglin, 505 W. Main #308, Vermillion; Fail to maintain financial responsibility, \$64.00 plus costs

Christina Nicole Nelson, 901 Rose Street #259, Vermillion; Possession of alcohol by minor, \$54.00 plus costs

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