

Saturday December 4th 1:00 – 3:30pm

CELEBRATE HIS BIRTH



Children's Nativity — You're Invited!

The Christmas story is shared by Nativity characters and a storyteller and allows children to interact with the Nativity characters to further understand the Nativity story. There are also live animals in the outdoor stable! Inside the church, a storyteller will share a special story with the children.

There will be a performance by an Ensemble from Angelica Cantanti, a Twin Cities children's choir.

There will also be crafts and treats. Admission is FREE

For further information or directions call the church **952-941-1094** or visit our website at www.crossview.net

Cross View Lutheran Church

6645 McCauley Trail W. in Edina near the intersection of Highway 169 and the Crosstown.

Celebrate and Remember the life of a loved one with a memorial in Southwest Newspapers this Holiday Season.

In Loving Memory of
John R. "Hoagie" Hogenson
Born Aug. 15, 1934
Died Nov. 3, 2004

Dad, we'll forever miss your humorous stories and jokes you could only tell. You always had something to teach us, whether it was from one of our mistakes or how we could do it better next time. You will forever be part of each one of us.

We will love and miss you always,
Michael, Mark, Marty,
Wendy, Jennifer & Mom

Call Kathy today to place your memorial at 952-345-6880



Courts in conflict?

County attorney calls on high court to intervene regarding two high-profile murder cases

By Shawn Hogendorf

The Minnesota appellate courts last month handed down "conflicting decisions" about the admissibility of expert psychiatric testimony in two high-profile Scott County murder cases — pushing prosecutors to request that the state's high court step in and review a Court of Appeals decision.

The appeals court ruled on Oct. 12 that Charles Anthony Maddox Jr. would be allowed to present expert testimony about two undiagnosed, stress-related mental disorders to explain why he dressed as a woman, among other unusual behaviors, after he allegedly killed Shakopee Valley News reporter Ruth Anne Maddox.

Two days later, on Oct. 14, the Minnesota Supreme Court upheld a district court judge's decision that expert testimony about Asperger's syndrome could not be used in the Craiglist murder case to show that Michael John Anderson's mind worked differently than a "normal" mind — because allowing that testimony would be using a diminished-capacity defense.

The Maddox ruling, according to prosecutors, created a new "behavior" exception to psychiatric disorder evidence, violated a long-standing Supreme Court decision that states psychiatric opinion testimony should not be allowed to show diminished capacity, and created a conflict between the appellate court's own decisions.

"The Court of Appeals' decision doesn't make sense," Scott County Attorney Pat Ciliberto wrote in a 10-page brief asking the Minnesota Supreme Court to review the ruling. "The legal issues presented by this case are important and have broad impact well beyond the unique interests of the parties. This [Minnesota Supreme] Court should grant this petition for a discretionary review."

Maddox was charged with second-degree murder in November 2008 after he allegedly beat his estranged wife to death when she threatened to expose sexually explicit e-mails if he did not agree to her demands in their divorce. Prosecutors say that Maddox then hid her

body in the garage, scrubbed the crime scene, drove her car to the airport, dressed as a woman and left various notes and text messages implying that she was leaving.

Maddox has pleaded not guilty to the murder charge. He has admitted to killing his estranged wife, but claims it was in self-defense after she came at him with a knife and a screwdriver.

The high court will take the Scott County Attorney's Office's request for review under consideration before deciding whether the case moves forward in district court or arguments surrounding expert testimony and summarized hearsay evidence will head to the Supreme Court.

'Conflicting' conclusions

The courts' conflicting rulings about psychiatric evidence in the Maddox and Anderson murder cases began in Scott County District Court.

During the pretrial arguments of Anderson's first-degree murder trial, defense attorneys argued that he would be denied due process if the jury was not allowed to hear information about Asperger's syndrome. Anderson's attorneys argued that he was diagnosed with Asperger's syndrome and "was laboring under it" so that he "didn't know the nature of his actions or that they were wrong."

The defense attorneys asked Scott County District Court Judge Mary Theisen to allow the introduction of information about the disorder into the jury trial, arguing that the average person is not familiar with the developmental disorder.

But Theisen ruled that the argument brought forth by the defense was insufficient to show that Asperger's syndrome, which was diagnosed by a defense psychiatrist after the killing, had any effect on the murder. Theisen also ruled that testimony on the syndrome might compel jurors to determine that Anderson had a diminished mental capacity — a defense the judge said is "not recognized in Minnesota."

In a written opinion, the Supreme Court agreed with Theisen and concluded that the judge did not abuse her discretion when she excluded expert

psychiatric testimony.

"While a defendant has the right to introduce evidence that helps explain conduct to a jury, that right is not unlimited," the Supreme Court ruled. "We agree with the District Court that whatever probative value the expert testimony would have had, it was substantially outweighed by the danger of confusing the jury by causing them to speculate how Asperger's may affect Anderson."

During pretrial arguments in the Maddox case, Defense Attorney Fred Bruno told Scott County District Court Judge Jerome Abrams that he intended to present expert testimony from a psychiatrist relating to Acute Stress Disorder and Post-Traumatic Stress Disorder.

Bruno argued that Abrams should allow the testimony because "90 percent" of the prosecution's case "is what happened after the death — and the only way we can fairly even try to explain that behavior would be in the context of the well-known phenomenon of PTSD."

Bruno stated that Maddox has never been diagnosed with PTSD or ASD, but wanted the psychiatrist to tell the jury about the disorders in general as an alternative explanation to his behavior following the violent and traumatic death of his wife.

Bruno told Abrams he would "then argue that, of course, in my closing."

Citing two unpublished appellate court decisions about expert testimony that were in conflict, Abrams ruled that the testimony would be allowed during trial, "so the jury can somehow have something to think about whether or not he had maybe undiagnosed PTSD."

The Scott County Attorney's Office appealed Abrams' decision — sending the case to the Court of Appeals.

A three-judge panel of the appeals court then ruled that expert testimony was admissible to provide an alternative explanation for Maddox's "post-killing behavior," but could not be used to explain intent or to present a diminished-capacity defense.

Prosecutors argue that there is no support for a separation of behavior from intent.

"A defendant's behavior 'before, during and after killing' is

relevant to determine whether he intended to kill," Ciliberto wrote, citing the Anderson ruling. "The state will therefore use Maddox's post-killing behavior to show his pre-killing intent."

A summary of the defense's expert testimony says that Acute Stress Disorder can be caused by a life-threatening event.

But "the only life-threatening event in Maddox's story is Ruth Anne's alleged attack upon him with a knife and a screwdriver," Ciliberto wrote.

The appeals court's decision would prevent Maddox from using testimony about psychiatric disorders to explain his conduct from the alleged life-threatening event to his estranged wife's death, "but would permit Maddox to use such disorders to explain his conduct the second he was done beating her to death," Ciliberto wrote.

"This arbitrary distinction has no basis in logic or law," Ciliberto argues. "Maddox's behavior 'before, during and after the killing' is relevant to determine his intent, and since psychological disorders cannot be used to explain his pre-killing behavior, they should not be used to explain his post-killing behavior either."

Prosecutors also argue that the psychiatric testimony may be misunderstood by a jury and cause them to speculate that Maddox did not have the capacity to form the intent to kill his wife, because he was suffering from Acute Stress Disorder.

"Provost [a 1992 Supreme Court decision that the court has consistently held stating psychiatric opinion testimony should not be allowed to show diminished capacity or diminished responsibility] prohibits evidence of diminished capacity," Ciliberto wrote. "The Court of Appeals recognized this prohibition, then allowed such evidence to explain behavior."

"But behavior and intent are intertwined," he continued. "If they can be separated for purpose of mental disorders and expert psychiatric testimony, it should be done by this court — not by unpublished decisions of the lower courts."

Shawn Hogendorf can be reached at 952-345-6374 or shogendorf@swpub.com.

Public Notices

STATE OF MINNESOTA
SECRETARY OF STATE
CERTIFICATE OF
ASSUMED NAME

Minnesota Statutes Chapter 333
File Number:
Date Filed: November 02, 2010
The filing of an assumed name does not provide a user with exclusive rights to that name. The filing is required as a consumer protection, in order to enable consumers to be able to identify the true owner of a business.

1. State the exact assumed name under which the business is or will be conducted: Wife On Call

2. State the address of the principal place of business. A complete street address or rural route and rural route box number is required; the address cannot be a P.O. Box: 17026 Cedarcrest Drive, Eden Prairie, MN 55347

3. List the name and complete street address of all persons conducting business under the above Assumed Name, OR if an entity, provide the legal corporate, LLC, or Limited Partnership name and registered office address. Attach additional sheet(s) if necessary: Jennifer Dewberry - 17026 Cedarcrest Drive, Eden Prairie, MN 55347

4. I, the undersigned, certify that I am signing this document as the person whose signature is required, or as agent of the person(s) whose signature would be required who has authorized me to sign this document on his/her behalf, or in both capacities. I further certify that I have completed all required fields, and that the information in this document is true and correct and in compliance with the applicable chapter of Minnesota Statutes. I understand that by signing this document I am subject to the penalties of perjury as set forth in Section 609.48 as if I had signed this document under oath.

Signature:
Jennifer Dewberry - Sole Proprietor
Jennifer Dewberry - Contact Person
952-688-6490

Date: 11-02-10
(Published in the Eden Prairie News on Thursday, November 18 and 25, 2010; No. 3050)

CITY OF EDEN PRAIRIE
HENNEPIN COUNTY,

MINNESOTA
PAVEMENT MATERIALS
ORDINANCE
SUMMARY OF ORDINANCE
NO. 16-2010

AN ORDINANCE OF THE CITY OF EDEN PRAIRIE, MINNESOTA, AMENDING CITY CODE CHAPTER 11 BY AMENDING SECTION 11.03 SUBDIVISION 3 H AND I RELATING TO SPECIAL REQUIREMENTS RELATING TO OFF-STREET PARKING FACILITIES AND OFF-STREET LOADING FACILITIES; AND ADOPTING BY REFERENCE CITY CODE CHAPTER 1 AND SECTION 11.99 WHICH, AMONG OTHER THINGS, CONTAIN PENALTY PROVISIONS.

THE CITY COUNCIL OF THE CITY OF EDEN PRAIRIE, MINNESOTA, ORDAINS:

Summary: This ordinance amends city code chapter 11 relating to pavement in parking areas, loading areas and driveways.

Effective Date: This Ordinance shall take effect upon publication.
Phil Young, Mayor
ATTEST: Kathleen Porta, City Clerk

(A full copy of the text of this Ordinance is available from City Clerk.)
(Published in the Eden Prairie News on Thursday, November 25, 2010; No. 3055)

NOTICE OF PUBLIC HEARING
CITY COUNCIL MEETING
Tuesday, December 7, 2010 - 7:00 PM

City Center - 8080 Mitchell Road
Eden Prairie, MN 55344

Project: The Pointe on Lake Riley - Leu - RESCINDING APPROVALS

Location: 9092, 9100 and 9108 Stephens Pointe
Developer: Jeffery D. Leu and Karen M. Leu

NOTICE: Residents of Eden Prairie are invited to attend a public hearing about a proposal for rescinding of approvals for The Pointe on Lake Riley - Leu. The meeting is televised live on cable channel 16 and rebroadcast on Tuesdays at 7:00 p.m. and Sundays at 1:00 p.m. The developer is requesting the following actions by the City:

Rescind:
The Resolution for Planned Unit

Development Concept Review on 2 acres

The Ordinance for Planned Unit Development District Review with waivers on 2 acres

The Zoning Amendment in the R1-22 Zoning District on 2 acres

The Resolution for Preliminary Plat of 2 acres into one lot

The Resolution for Final Plat of 2 acres into one lot

The Amendment to Development Agreement

QUESTIONS OR COMMENTS: If you wish to see plans before the meeting, please stop by City Hall between 8:00 a.m. to 4:30 p.m., Monday through Friday. If you want to talk to someone about the proposed project, please contact Scott Kipp, the project planner, at 952-949-8489. Copies of any written comments submitted to the Community Development Department by 12:00 p.m. on the Wednesday prior to the meeting date will be distributed in the Council packets.

(Published in the Eden Prairie News on Thursday, November 25, 2010; No. 3056)

Notice of Sale of Abandoned Property

The City Council adopted a Resolution at its November 16, 2010 meeting declaring property that has lawfully come into the possession of the City in the course of municipal operations, remains unclaimed by the owners, and has been in the possession of the City for over 90 days as abandoned property. Property will be sold to the highest bidder on www.propertyroom.com.
(Published in the Eden Prairie News on Thursday, November 25, 2010; No. 3057)

The Public Notice deadline for the Eden Prairie News is at 4 p.m. Thursday, for the following week's issue. Faxes are not accepted.

RELIGION NEWS

Pax Christi's Holiday Boutique

Find a wide variety of beautiful, unusual handcrafted gifts at the Holiday Boutique at Pax Christi Catholic Community, from 9 a.m. to 5 p.m. Saturday, Dec. 4.

More than 50 juried vendors will be selling their handcrafted items, including jewelry, purses, pottery, clothing and accessories, and holiday, home and garden décor. A full vendor list is available on the parish website, www.paxchristi.com.

A light lunch will be available for purchase from 10:30 a.m. to 2 p.m., and treats will be available. Pax Christi youth will be sponsoring a bake sale.

For more information about the Holiday Boutique, contact the parish office or visit www.paxchristi.com.

MILITARY NEWS

Viking Squadron helps with event

On Nov. 11, 62 scouts from the Great River District earned their Aviation Merit Badges at the Salvation Army Building. Three qualified members of the Civil Air Patrol in cooperation with the Minnesota Department of Transportation Aviation Section put the scouts through the program which allows them to earn the Aviation Merit Badge.

Major David Coates, external aerospace education officer of the Minnesota Wing and AE officer of Viking Composite Squadron, gave a PowerPoint presentation on aviation jobs. He pointed out the education,

Christmas play-break classes

"Need a break to go Christmas shopping? Let the loving, trained staff at Prairie Lutheran Preschool help you to make your child's Christmas wishes come true," according to a news release. "While you are shopping, your child can attend our December play-break classes. Making gifts and ornaments is part of the play-break activities.

Classes are offered to children age 33 months to 5 years old. Current enrollment at Prairie Lutheran Preschool is not a requirement. All children are welcome. For more information call 952-942-1800 or visit www.prairielutheran.org. Prairie Lutheran Preschool is at 11000 Blossom Road in Eden Prairie.

Thanksgiving service, pie social

An event for the whole community is being sponsored by Prairie Lutheran Church of Eden Prairie. A special worship service is at 7 p.m. Thanksgiving Eve, Wednesday, Nov. 24. A pie social will follow the service. Bring family and friends and join in this service of Thanksgiving, featuring music and a message from Pastor Joel Quie, Lead Pastor. There is no cost to attend.

Prairie Lutheran Church is at 11000 Blossom Road, Eden Prairie, one mile west of 169 off Pioneer Trail. For more information or directions, visit www.prairielutheran.org or call 952-829-0525.

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SUBMITTED PHOTO

Richard Sevenbergen answers scouts' questions.

pay rate and flying and non-flying positional opportunities in aviation. He also pointed out the demand for aviation careers in the future. The scouts then built the model PPG-9 aircraft and had a competition to demonstrate the precision landing and distance capabilities

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