

Arenz, Joseph J.

From: jsovell@venturecomm.net
Sent: Sunday, February 21, 2021 4:27 PM
To: Arenz, Joseph J.
Cc: hydecosa@venturecomm.net
Subject: FW: The Death of Joseph P. Boever

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From: hydecosa@venturecomm.net <hydecosa@venturecomm.net>
Sent: Sunday, February 21, 2021 3:58 PM
To: Emily Sovell <jsovell@venturecomm.net>
Subject: FW: The Death of Joseph P. Boever

From: Barnabas Joseph Nemeč <[REDACTED]>
Sent: Sunday, February 21, 2021 11:15 AM
To: Hyde County SA <hydecosa@venturecomm.net>
Subject: The Death of Joseph P. Boever

Hello Hyde, Beadle, Minnehaha, and Pennington County States Attorneys:

My name is Barnabas Nemeč and I am a brother of Victor and Nick Nemeč, and a cousin of Joe Boever, who was struck and killed by the South Dakota Attorney General, Jason Ravnsborg. I am writing to present information that may affect impact on the charging decisions related to my cousin's death. To summarize, I believe with a very high degree of confidence Joe committed suicide by throwing himself into the path of a speeding car. For this reason, I believe the AG has been lying about it from the start, going so far as to let the public believe he carelessly drove off the road and hit Joe. As a lawyer he would be well aware it was effectively legal to do so in SD, since *carelessness* is classified as *negligent* not *reckless*.

Descriptions and anecdotes of Joe have been made shedding light on his outwardly mild and inwardly unsettled personality. Until now these things have always maintained the polite respectfulness that is reserved for the recently deceased. I've known Joe since childhood and we bonded in college some 20 years ago as young adults. Joe was more than a well-read, unsettled intellectual. He was an admitted alcoholic with a brooding depressive streak unparalleled by anyone else I have ever known.

Our interactions as younger adults involved binge drinking, cannabis use, discussions of spirituality, and soul searching. His depression and anxiety, for which he told me he was prescribed medication, was undoubtedly severe enough to be debilitating. He was describable as "down and out" at that point, unemployed, and living with his parents in Brookings, SD, despite having recently completed a nursing degree to compliment his other educational achievements. These college-era interactions ended in legal charges for both of us stemming from

a vehicle accident that served as the catalyst for me to clean up my act (like Joe, I've had my own issues). The legal details of this incident should be retrievable from historical SD court records.

More recently, after Joe moved to Highmore, I began visiting him whenever I was in town to see the rest of my family. I was impressed with how comparatively organized he and his life were at that point. He was not drinking, was gainfully employed, owned a home, and had a new wife whom I got to know a little bit. Much of this improvement was likely due to various medical diagnoses he was forced to confront toward the end of his life; balancing the multiple medications and required treatments undoubtedly demanded sobriety.

Unfortunately, the last few of times I saw Joe alive, in December of 2019, he had taken a turn for the worse. He seemed as "down and out" as I'd ever seen him. He was separated from his wife, and his house was nearly empty save a few pieces of furniture. Worse, he was binge drinking, a topic I approached on the first visitation. He said his separation was because he "screwed up". Being able to empathize with a depression/anxiety/substance-abuse issue, I asked him if he was psychologically safe to be by himself. He responded affirmatively, though the discussion that followed proceeded to the point where he told me his preferred method of suicide would be to throw himself in front of a car. I don't think I entertained the conversation enough to give my own preference, but I definitely remember his.

On the next of these interactions, Joe was not answering his unlocked door, but I heard a noise inside. Cracking the door open, I saw Joe had fallen and was so intoxicated he was making his way to the door by crawling. I believe this was the morning of my mother's funeral. He was very apologetic of his condition. I made sure there was no medical emergency, but left the uncomfortable situation soon after and informed Victor of his state; Victor also has a long, personal experience concerning Joe's alcohol problems.

I ask those involved to reconsider other pieces of evidence, and more importantly the entirety of the situation with a mind open to the possibility that there was a suicide involved. In doing so, the notion that the AG was truly unaware of what he hit is simply not believable. For example:

1. In the released 911 call, the AG confidently and quickly works into the conversation not once, but *twice*, that Joe was, "in the middle of the road!". In fact, much of the call is presenting and reinforcing this point. Elsewhere, there is reluctance to answer even simple questions providing further information. For example, when **directly asked** what it was that he hit, his response is a wishy washy; (*pause*) "...I have nooo idea...". In other words, in a suicide scenario, the truthful responses are reflexive and delivered without hesitation; the (obviously) deceptive responses are slow and meandering.
2. Meanwhile, in the AGs released statement (containing words carefully chosen as opposed to the words of a spontaneous conversation), the location of the impact itself is never even mentioned. In fact, much of the statement revolves around reinforcing a notion that he did *not* know what he hit, a stance he took in the spur of a moment on a 911 call a few days earlier, immediately after he killed Joe.
3. Upon impact, the AG lost speed moving over to the shoulder before applying brakes hard enough to leave evidential marks. Therefore, an impact speed would have been greater than 67mph, thus making *recklessness* a greater possibility, increasing culpability. These are facts an informed lawyer would've known. (Also, this number is not a direct measurement, but an estimate needing a tolerance.)
4. Most recently, the AG's public statements oddly make mention of the presumption of innocence, effectively embracing the acknowledged version of events (shoulder impact location), yet the acknowledged version of events call him guilty of offenses he otherwise would not be, like crossing the white line, considering his truthful 'middle-of-the-road' insistence,

In conclusion, for the last several months, I was certain a more sophisticated and insightful report would be released and convince me the crude drawing in the accident report is correct in asserting the point of impact was on the shoulder. I was certain this was only a preliminary report; the data collected by my brothers would create a more accurate drawing. I was certain someone would interview my brother Victor, the last one to see Joe alive. I thought someone might contact *me* regarding my past legal issues involving Joe. Most importantly, I thought the AG himself might himself come forward and tell the truth. But, none of this happened.

Barnabas Nemec