

SOUTH DAKOTA HOUSE OF REPRESENTATIVES

IN THE MATTER OF THE INVESTIGATION OF THE CONDUCT OF
 Jason Ravensborg, Attorney General of the State of South Dakota

LIST OF REDACTED CONTENT FROM INVESTIGATIVE FILE

File Description	Redactions
ND Report 1 : a. Initial BCI Report by Joe Arenz — 09/15/20 (4 Pages) i. No attachment	Personal identifying information redacted, date of birth, home address, personal cell phone numbers.
ND Report 2: a. Scene Assist report by Pat Helfrich — 09/15/20 (3 Pages) i. No attachment	No redactions.
ND Report 3: a. Scene Processing/Interview with Sheriff Mike Volek Report by Joe Arenz — 09/28/20 (8 pages) i. Attachment: Evidence Inventory and Receipt (1 page)	Personal identifying information redacted, date of birth, home address, personal cell phone numbers.
ND Report 4: a. Drone Photos and Pix4d Animations Report by Alex Droske — 10/05/20 (3 pages) i. Attachment: Photos and Drone footage folders (333 Photos & 2 Videos)	Personal identifying information redacted, date of birth, home address, personal cell phone numbers. Photographs showing body 023-028, 034-040, 107-109, 115-128
ND Report 5: a. Initial Scene Processing Report by Michael Mees — 10/05/20 (5 pages) i. Attachment: Initial Scene Photos Folder (373 photos)	Personal identifying information redacted, date of birth, home address, personal cell phone numbers. Photographs showing body 303, 349, 353, 355-359, 360-378, 383-389, 391, 556, 559, 561, 570-579, 580-586, 593-636
ND Report 6: a. Cell Phone Processing Report by Cassidy Halseth — 10/06/20 (9 pages)	Personal identifying information redacted, date of birth, home address, personal cell phone numbers.

<p>i. Attachment: 3 Consent to Search Forms for cell phones (1 page each)</p>	
<p>ND Report 7: a. Scene Processing Report by Arnie Rummel — 10/13/20 (5 pages) i. Attachment: Highway Patrol Appointment (2 pages)</p>	<p>Personal identifying information redacted, date of birth, home address, personal cell phone numbers.</p>
<p>ND Report 8: a. Autopsy Report by Scott Voeltz — 10/14/20 (4 pages) i. Attachments: Provisionary Autopsy Report by Ramsey County (2 pages) Evidence Inventory and Receipt (3 pages) Autopsy Photos (122 photos)</p>	<p>Personal identifying information redacted, date of birth, home address, personal cell phone numbers.</p> <p>All autopsy photographs.</p>
<p>ND Report 9: a. Vehicle Processing Report by Michael Mees — 10/14/20 (5 pages) i. Attachments: l. Evidence Inventory and Receipt (2 pages) Hughes County Search warrant (2 pages) Digital Photos of vehicle (268 photos)</p>	<p>Personal identifying information redacted, date of birth, home address, personal cell phone numbers.</p>
<p>ND Report 10: a. Jason Ravnsborg First Interview Report by Joe Arenz — 10/14/20 (10 pages) i. Attachments: l. Video Recording of Interview with Jason Ravnsborg Audio Recording of Interview with Jason Ravnsborg (1 :07:02 in length) C. Email Containing Guest List (2 pages) D. Email Containing Name of Rooster's Waitress (1 page) E. Email Containing Photographs of Red Tags (1 page) F. Photograph of Jason Ravnsborg's Vehicle G. Consent to Search for Skid Test (1 page) H. Consent to Search for LG Stylo 5+ (1 page) I. Photograph of Broken Eyeglasses</p>	<p>Personal identifying information redacted, date of birth, home address, personal cell phone numbers.</p>

<p>ND Report 11:</p> <ul style="list-style-type: none"> a. Anna Johnson Interview Report by Joe Arenz — 10/14/20 (4 pages) i. Attachment: Audio Recording of Anna Johnson Interview (21 : 19 in length) 	<p>Personal identifying information redacted, date of birth, home address.</p>
<p>ND Report 12:</p> <ul style="list-style-type: none"> a. Tim Bormann Interview Report by Joe Arenz — 10/15/20 (5 pages) i. Attachments: <ul style="list-style-type: none"> 1. Audio Recording of Tim Bormann Interview (26:11 in length) 2. Video Recording of Tim Bormann Interview (29:56 in length) 3. Screenshots of Text Messages (3 photos) 	<p>Personal identifying information redacted, date of birth, home address, personal cell phone numbers.</p>
<p>ND Report 13:</p> <ul style="list-style-type: none"> a. Jennifer Boever Interview Report by Joe Arenz — 10/16/20 (3 pages) i. Attachment: Audio Recording of Jennifer Boever Interview (9:28 in length) 	<p>Personal identifying information redacted, date of birth, home address.</p>
<p>ND Report 14:</p> <ul style="list-style-type: none"> a. 2011 Ford Taurus Search Warrant Report by Joe Arenz — 10/16/20 (4 pages) i. No attachment 	<p>Personal identifying information redacted, date of birth, home address, personal cell phone numbers.</p>
<p>ND Report 15:</p> <ul style="list-style-type: none"> a. 2011 Ford Taurus iVe Extraction Report by Pat Helfrich — 10/19/20 (3 pages) i. Attachment: iVe Report for 2011 Ford Taurus (24 pages) 	<p>iVe Report – all redacted except for cover page.</p>
<p>ND Report 16:</p> <ul style="list-style-type: none"> a. Secondary Scene Processing Report by Michael Mees — 10/19/20 (4 pages) i. Attachments: <ul style="list-style-type: none"> 1. Evidence Inventory and Receipt (1 page) 2. Scene Photos (22 photos) 3. Scene Drone Footage (22 videos) 	<p>Personal identifying information redacted, date of birth, home address, personal cell phone numbers.</p>
<p>ND Report 17:</p>	<p>Personal identifying information redacted, date of birth, home address, personal cell phone numbers.</p>

<p>a. David Natvig Interview Report by Pat Helfrich — 10/20/20 (4 pages)</p> <p>i. No attachment</p>	
<p>ND Report 18:</p> <p>a. Hyde County Sheriffs Department Reports by Joe Arenz — 10/20/20 (4 pages)</p> <p>i. Attachment: Hyde County Sheriffs Department Reports (9 pages)</p>	<p>Personal identifying information redacted, date of birth, home address, personal cell phone numbers.</p>
<p>ND Report 19:</p> <p>a. Victor Nemec Interview Report by Joe Arenz — 10/20/20 (5 pages)</p> <p>i. Attachment: Audio Recording of Victor Nemec Interview (30: 18 in length)</p>	<p>Personal identifying information redacted, date of birth, home address, personal cell phone numbers.</p>
<p>ND Report 20:</p> <p>a. Jason Jones Interview Report by Pat Helfrich — 10/20/20 (4 pages)</p> <p>i. No attachment</p>	<p>Personal identifying information redacted, date of birth, home address, personal cell phone numbers.</p>
<p>ND Report 21:</p> <p>a. Dispatch Recordings and Logs Report by Joe Arenz — 10/20/20 (4 pages)</p> <p>i. Attachments:</p> <ol style="list-style-type: none"> 1. Audio Recording of the 911 Call (2:22 in length) 2. Audio Recording of Call from Dispatch to Sheriff Volek (1 : 14 in length) 3. Audio Recording of Call from Sheriff Volek to Dispatch (1 in length) 4. Central South Dakota Communications Center Dispatch Log (1 1 pages) 	<p>Personal identifying information redacted, date of birth, home address, personal cell phone numbers, social security number.</p>
<p>ND Report 22:</p> <p>a. Cell Phone Exam Report by Cassidy Halseth — 10/20/20 (10 pages)</p> <p>b. Report 22-Cell Phone Extraction Cell Phone Exams</p> <ol style="list-style-type: none"> i. 2000536-429CH-Attachment #1 -Cellebrite HTML Report ii. 	<p>Personal identifying information redacted, date of birth, home address, personal cell phone numbers.</p> <ol style="list-style-type: none"> i. Attachment #1 redacted entirely, pulled. ii. Attachment #2 personal cell phone numbers redacted.

<p>iii. 2000536-429CH-Attachment #3-Magnet Forensics Axiom HTML Report</p> <p>iv. 2000536-429CH-Attachment #4-Cellebrite HTML Report</p> <p>v. 2000536-429CH-Attachment #5-Magnet Forensics Axiom HTML Report</p> <p>vi. 2000536-429CH-Attachment #6-Cellebrite HTML Report</p> <p>vii. 2000536-429CH-Attachment #7-Magnet Forensics Axiom HTML Report</p> <p>viii. 2000536-429CH-Attachment #8-Cellebrite HTML Report</p> <p>ix. 2000536-429CH-Attachment #9-Magnet Forensics Axiom HTML Report</p> <p>1. Report.html contains dead links for iOS iMessage_SMS MMS-9 13 2020 12 14 23 AM. The redacted message is contained in the file named "Chat preview report"</p> <p>x. 2000536-429CH-Attachment #10-Cellebrite HTML Report</p> <p>xi. 2000536-429CH-Attachment #11 - Magnet Forensics Axiom HTML Report</p> <p>1. Report.html contains a dead link for iOS iMessage_SMS MMS-9 13 2020 12 14 23 AM. The redacted message is contained in the file named "Chat preview report"</p> <p>xii. 2000536-429CH-Attachment #12-Cellebrite HTML Report (empty)</p> <p>xiii. 2000536-429CH-Attachment #13-Magnet Forensics Axiom HTML Report</p> <p>1. Report.html contains dead links for iOS iMessage_SMS MMS-9 13 2020 12_14 23 AM and iOS iMessage_SMS MMS-9 14 2020 4 53 59 PM.html. The redacted messages are contained in the file named "Chat preview report"</p> <p>xiv. 2000536-429CH-Attachment #14-Cellebrite HTML Report</p> <p>xv. 2000536-429CH-Attachment #15-Magnet Forensics Axiom HTML Report</p>	<p>iii. Attachment #3 redacted all but first 3 pages.</p> <p>iv. Attachment #4 redacted entirely, pulled.</p> <p>v. Attachment #5 redacted entirely, pulled.</p> <p>vi. Attachment #6 redacted of personal cell phone numbers.</p> <p>vii. Attachment #7 redacted of personal cell phone numbers.</p> <p>viii. Attachment #8 redacted of personal cell phone numbers.</p> <p>ix. Attachment #9 redacted of personal cell phone numbers.</p> <p>1. Redacted all but last 2 pages of Report.html contains dead links for iOS iMessage_SMS MMS-9 13 2020 12 14 23 AM</p> <p>x. Attachment #10 redacted of personal cell phone numbers.</p> <p>xi. Attachment #11 redacted of personal cell phone numbers.</p> <p>xiii. Attachment #13 redacted/pulled all except first 3 pages and last page of Magnet Forensics Report.</p> <p>1. Pulled/redacted entirely SMS MMS-9 14 2020 4 53 59 PM.html.</p> <p>2. Redacted Facebook messages</p> <p>3. Redacted iOS iMessage (pages 1-23)</p> <p>xiv. Redacted entirely/pulled Attachment #14 Cellebrite Report</p>
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<p>ND Report 23:</p> <p>a. Latent Blood Collection on Highway 14 Report by Joe Arenz — 10/21/20 (4 pages)</p> <p>i. Attachments:</p> <ol style="list-style-type: none"> 1. Evidence Inventory and Receipt (1 Page) 2. Jeramie Quam's Photographs Folder (9 photos) 3. S/A Troy Kelly's Photographs Folder (17 photos) 4. Drone Photographs of Designated Areas (15 photos) 5. Troy Kelly's Photographic Log (1 page) 	<p>Personal identifying information redacted, date of birth, home address, personal cell phone numbers.</p>
<p>ND Report 24:</p> <p>a. Toxicology Report by Joe Arenz - 10/21/20 (4 pages)</p> <p>i. Attachments:</p> <ol style="list-style-type: none"> 1. NDBCI Evidence Inventory and Receipt (1 Page) 2. Crime Laboratory Evidence Inventory (1 Page) 3. Crime Laboratory Evidence Receipt (1 Page) 4. Copy of Toxicology Submission Form (1 Page) 5. Toxicology Alcohol/Volatiles Analytical Report (7 Pages) 6. Toxicology Carboxyhemoglobin Analytical Report (7 Pages) 7. Toxicology Drug Analytical Report (7 Pages) 	<p>Personal identifying information redacted, date of birth, home address, personal cell phone numbers.</p> <ol style="list-style-type: none"> 4. Toxicology Submission Form redacted. 5. Toxicology Report redacted of personal identifying information, date of birth. 6. Toxicology Report redacted of personal identifying information, date of birth. 7. Toxicology Report redacted of personal identifying information, date of birth.
<p>ND Report 25:</p> <p>a. Latent Blood Collection on Ford Taurus Report by Joe Arenz — 10/22/20 (5 pages)</p> <p>i. Attachments:</p> <ol style="list-style-type: none"> 1. Evidence Inventory and Receipt — Pills (1 page) 2. Evidence Inventory and Receipt — Vehicle Samples (1 page) <ol style="list-style-type: none"> A. Photographs of Headlight Bulb (8 photos) B. SA Troy Kelly's Photographs (32 photos) C. SA Jeramie Quam's Photographs (14 photos) D. Affidavit and Search Warrant (1 I pages) E. SA Troy Kelly's Photographic Log (2 pages) F. Order to Seal Affidavit (1 page) 	<p>Personal identifying information redacted, date of birth, home address, personal cell phone numbers.</p>

<p>ND Report 26:</p> <p>a. Georgette Cermak Interview Report by Arnie Rummel 10/23/20 (3 pages)</p> <p>i. Attachment: Georgette Cermak Interview audio (9:49 in length)</p>	<p>Personal identifying information redacted, date of birth, home address, personal cell phone numbers.</p>
<p>ND Report 27:</p> <p>a. Joseph Boever's Personal Property Report by Joe Arenz — 10/23/20 (2 Pages)</p> <p>i. Attachments:</p> <ol style="list-style-type: none"> 1. Evidence Inventory and Receipt (1 Page) 2. Photographs of Personal Effects (50 photos) 3. Ramsey County Receipt (1 page) 	<p>Personal identifying information redacted, date of birth, home address.</p>
<p>ND Report 28:</p> <p>a. Janet Kopecky Interview Report by Joe Arenz — 10/23/20 (4 pages)</p> <p>i. Attachment: Audio Recording of Janet Kopecky Interview (13:37 in length)</p>	<p>Personal identifying information redacted, date of birth, home address, personal cell phone numbers.</p>
<p>ND Report 29:</p> <p>a. Brent Gromer Statement Report by Arnie Rummel — 10/26/20 (3 pages)</p> <p>i. Attachment: Statement by Brent Gromer (2 pages)</p>	<p>Personal identifying information redacted, date of birth, home address, personal cell phone numbers.</p>
<p>ND Report 30:</p> <p>a. Lincoln Day Dinner Witness Interview Report by Arnie Rummel — 10/26/20 (6 pages)</p> <p>i. Attachments:</p> <ol style="list-style-type: none"> 1. Arrival and Departure Video (2 videos) 2. JASON RAVNSORG's Receipt (1 page) 3. Chessa Quenzer Interview (18:17 in length) 4. Chessa Quenzer Diagram (1 page) 5. Brock Greenfield Interview (21 :24 in length) 	<p>Personal identifying information redacted, date of birth, home address, personal cell phone numbers.</p>
<p>ND Report 31:</p> <p>a. Nicole Baloun Interview Report by Joe Arenz — 10/26/20 (2 pages)</p> <p>i. Attachment: Audio Recording of Nicole Baloun Interview (4:19 in length)</p>	<p>Personal identifying information redacted, date of birth, home address, personal cell phone numbers.</p>

<p>ND Report 32:</p> <p>a. Peggy Taylor/Dean Taylor Interview Report by Joe Arenz — 10/28/20 (4 pages)</p> <p>i. Attachments:</p> <ol style="list-style-type: none"> 1. Audio Recording of the Interview with Peggy Taylor (12:17 in length) 2. Audio Recording of Dean Taylor Interview (8:06 in length) 3. Photograph of Text Message (1 photo) 	<p>Personal identifying information redacted, date of birth, home address, personal cell phone numbers.</p>
<p>ND Report 33:</p> <p>a. Shalon Arenholz Interview Report by Joe Arenz — 10/28/20 (3 pages)</p> <p>i. Attachment: Audio Recording of Shalon Arenholz Interview (6:47 in length)</p>	<p>Personal identifying information redacted, date of birth, home address, personal cell phone numbers.</p>
<p>ND Report 34:</p> <p>a. Matison Taylor Interview Report by Joe Arenz 10/28/20 (3 pages)</p> <p>i. No attachment</p>	<p>Personal identifying information redacted, date of birth, home address, personal cell phone numbers.</p>
<p>ND Report 35:</p> <p>a. Larry Nielson Interview Report by Arnie Rummel — 10/28/20 (3 pages)</p> <p>i. Attachment: Audio Recording of Larry Nielson Interview (7:35 in length)</p>	<p>Personal identifying information redacted, date of birth, home address, personal cell phone numbers.</p>
<p>ND Report 36:</p> <p>a. LG Stylo 5+ Cellebrite Advanced Services Report by Cassidy Halseth — 10/28/20 (5 pages)</p> <p>b. Report 36-Ravnsborg LG Stylo 5+cellbrite advanced services</p> <p>i. Magnet Forensics Axiom HTML Report</p> <p>l . Report.html contains dead links for Facebook Messenger Messages9 14 2020 9 04 43 AM.html. The redacted messages are contained in the file named "Chat preview report"</p>	<p>Personal identifying information redacted, date of birth, home address, personal cell phone numbers.</p> <p>Chat Preview report redacted to 1 page.</p>
<p>ND Report 37:</p> <p>a. Richard Ravnsborg Interview Report by Joe Arenz — 10/28/20 (4 pages)</p>	<p>Personal identifying information redacted, date of birth, home address, personal cell phone numbers.</p>

<p>i. Attachment: Audio Recording of Richard Ravensborg Interview (8:44 in length)</p>	
<p>ND Report 38: a. Sheriff Mike Volek 2nd Interview Report by Joe Arenz — 10/29/20 (4 pages) i. Attachment: Audio Recording of Sheriff Mike Volek Interview (20:59 in length)</p>	<p>Personal identifying information redacted, date of birth, home address, personal cell phone numbers.</p>
<p>ND Report 39: a. JASON RAVNSBORG 2nd Interview Report by Joe Arenz — 10/29/20 (16 pages) i. Attachments: 1. Spreadsheet of Phone Activity 2. Redacted Interview Video (02:10:16 in length)</p>	<p>Personal identifying information redacted, date of birth, home address, personal cell phone numbers.</p>
<p>ND Report 40: a. Flashlight Lab Analysis Report by Joe Arenz — 10/29/20 (4 pages) i. Attachments: 1. NDBCI Evidence Inventory and Receipt (3 Pages) 2. Crime Laboratory Evidence Inventory (1 Page) 3. DNA Evidence Information Sheet (1 Page) 4. Biological Screening Laboratory Report (5 Pages) 5. DNA Laboratory Report (6 pages) 6. Crime Laboratory Evidence Receipt (1 Page) 7. Crime Laboratory Submission Report (1 Page) 8. Crime Laboratory Evidence Return Sheet (1 Page)</p>	<p>Personal identifying information redacted, date of birth, home address, personal cell phone numbers.</p> <p>3. DNA Evidence Information Sheet - redacted dates of birth</p> <p>4. Biological Screening Laboratory Report – redacted dates of birth</p>
<p>ND Report 41: a. South Dakota Highway Patrol In-Car Videos Report by Joe Arenz — 11/03/20 (2 pages) i. Attachments: 3 SDHP In Car video of the scene.</p>	<p>No redactions.</p>
<p>ND Report 42: a. Photo Enhance Report by Derek Madsen — 11/03/20 (3 Pages) i. Attachments: 1. Bookmarked images of the Enhancement (5 photos) 2. AMPED Five Report (10 pages)</p>	<p>Personal identifying information redacted, date of birth, home address, personal cell phone numbers.</p>

<p>ND Report 43:</p> <p>a. Photo Comparison Report by Derek Madsen — 11/03/20 (3 pages)</p> <p>i. Attachments:</p> <ol style="list-style-type: none"> 1. Bookmarked images of the Comparison (5 photos) 2. AMPED Five Report (10 pages) 	<p>Personal identifying information redacted, date of birth, home address, personal cell phone numbers.</p>
<p>ND Report 44:</p> <p>a. Interview Verbatims Report by Joe Arenz — 11/04/20 (3 pages)</p> <p>i. Attachments:</p> <ol style="list-style-type: none"> 1. JASON RAVNSBORG Interview September 14, 2020 (54 pages) 2. JASON RAVNSBORG Interview October 30, 2020 Redacted (117 pages) 	<p>Personal identifying information redacted, date of birth, home address, personal cell phone numbers.</p> <ol style="list-style-type: none"> 1. Interview – redacted dates of birth and personal cell phones 2. Interview – DPS redactions on pages 100-101; auditor redaction on 116
<p>ND Report 45:</p> <p>a. Photo Recreate Report by Derek Madsen — 11/04/20 (4 pages)</p> <p>i. Attachments:</p> <ol style="list-style-type: none"> 1. Bookmarked images of the Comparison (5 photos) 2. Apple iPhone XR Report (533 pages) 3. AMPED Five Report (17 pages) 	<p>Personal identifying information redacted, date of birth, home address, personal cell phone numbers.</p> <ol style="list-style-type: none"> 2. Apple Report redacted entirely/pulled
<p>ND Report 46:</p> <p>a. Final Autopsy Report by Joe Arenz — 11/05/20 (2 pages)</p> <p>i. Attachment: Ramsey County Medical Examiner Autopsy Report (8 pages)</p>	<p>Personal identifying information redacted, date of birth, home address.</p> <p>i. Redaction of Autopsy Report</p>
<p>ND Report 47:</p> <p>a. James Lappe Interview Report by Arnie Rummel — 11/16/20 (4 pages)</p> <p>i. Attachment: Diagram of Stop Area After Crash (1 page)</p>	<p>Personal identifying information redacted, date of birth, home address, personal cell phone numbers.</p>
<p>ND Report 48:</p> <p>a. SD Highway Patrol Crime Scene Mapping Report by Joe Arenz — 11/20/20 (3 pages)</p> <p>i. Attachment:</p> <ol style="list-style-type: none"> 1. AG Crash Map (1 page) 2. Crash Area Zoomed (1 page) 3. Crash Area (1 page) 	<p>Personal identifying information redacted, date of birth, home address.</p>

4. AG Crash Final (CAD Program required to read)	
<p>ND Report 49:</p> <p>a. Doctor Kelly Mills Information Report by Arnie Rummel — 11/25/20 (3 pages)</p> <p>i. Attachment: Prescription Drug Monitoring Program Report (2 pages)</p>	Personal identifying information redacted, date of birth, home address.
<p>ND Report 50:</p> <p>a. Surveillance Video Report by Derek Madsen 11/30/20 (2 pages)</p> <p>i. Attachment:</p> <p>1. AMPED Five Report (8 pages)</p> <p>2. Bookmarked Images of Enhancement (4 photos)</p>	No Redactions.
<p>ND Report 51:</p> <p>a. Letter to Pennington County State's Attorney Report by Joe Arenz — 12/02/20 (3 pages)</p> <p>i. Attachment:</p> <p>1. Copy of Envelope (1 page)</p> <p>2. Copy of Letter (8 pages)</p> <p>3. Evidence Inventory and Receipt (1 page)</p>	Personal identifying information redacted, home address.
<p>ND Report 52:</p> <p>a. Miscellaneous Interview Report by Joe Arenz — 12/09/20 (8 pages)</p> <p>i. Attachments:</p> <p>1. Audio Recording of Matthew Samp Interview Part 1 (00:00:50 in length)</p> <p>2. Audio Recording of Matthew Samp Interview Part 2 (00:00: 16 in length)</p> <p>3. Audio Recording of Kristie Fiegen Interview (00: 12:28 in length)</p> <p>4. Audio Recording of Scott Odenbach Interview (00:1 1 :50 in length)</p> <p>5. Audio Recording of Stephanie Kozol Interview (00: 1 5: 12 in length)</p> <p>6. Audio Recording of Thomas Wollman Interview (00:20:07 in length)</p>	Personal identifying information redacted, date of birth, home address, personal cell phone numbers.
<p>ND Report 53:</p> <p>a. DVR Video Recovery Report by Jesse Smith — 12/09/20 (3 pages)</p>	No redactions.

i. No attachment	
<p>ND Report 54:</p> <p>a. Lab Analysis Report by Joe Arenz — 10/10/20 (6 pages)</p> <p>i. Attachments:</p> <ul style="list-style-type: none"> A. Crime Laboratory Evidence Receipt (2 pages) B. DNA Evidence Submission Forms (2 pages) C. Supplemental Biological Screening Laboratory Report (20 pages) D. Supplemental DNA Laboratory Report (20 pages) E. Crime Laboratory Evidence Return (2 pages) F. Crime Laboratory Inventory and DNA Information Sheets (15 pages) G. NDBCI Evidence Inventory and Receipt Form (9 pages) 	<p>Personal identifying information redacted, date of birth, home address, personal cell phone numbers.</p> <p>C. Supplemental Biological Screening Laboratory Report redacted of birthdates.</p> <p>D. Supplemental DNA Laboratory Report redacted of birthdates.</p> <p>F. Crime Laboratory Inventory and DNA Information Sheets redacted of birthdates.</p>
<p>ND Report 55:</p> <p>a. Miscellaneous Surveillance Videos Report by Joe Arenz — 12/11/20 (5 pages)</p> <p>i. Attachments:</p> <ol style="list-style-type: none"> 1. Video Footage from Appel's Quick Stop from September 12, 2020 2. Video Footage from Hoffman Trenching Inc. from September 12, 2020 3. Video Footage from Mashek's Food Center from September 12, 2020 	<p>Personal identifying information redacted, date of birth, home address, personal cell phone numbers.</p>
<p>ND Report 56:</p> <p>a. Secondary Laboratory Analysis Report by Joe Arenz — 01/06/21 (3 pages)</p> <p>i. Attachments:</p> <ol style="list-style-type: none"> 1. Email Chain from Prosecutor (2 pages) 2. Supplemental DNA Laboratory Report (19 pages) 	<p>2. Supplemental DNA Report redacted of birthdates.</p>
<p>ND Report 57</p> <p>a. Digital Media Search Warrants and Follow-Up Report by Cassidy Halseth — 01/20/21 (7 pages) i. No attachment</p>	<p>Personal identifying information redacted, date of birth, home address, personal cell phone numbers.</p>

<p>ND Report 58:</p> <p>a. SD Highway Patrol Report by Joe Arenz — 03/10/21 (2 pages)</p> <p>i. Attachment:</p> <p>1. SD Highway Patrol Report (404 pages)</p>	<p>1. SD Highway Patrol Reports redacted of personal identifying information, date of birth, home address, personal cell phone numbers, personal email addresses, social security numbers.</p> <ul style="list-style-type: none"> - Images of body redacted from report - Previous Police reports for Ravensborg redacted/pulled - Law on Charles Mix and Hyde County maximum speeds redacted/pulled.
<p>ND Report 59:</p> <p>a. Barnabas Nemece Interview by Joe Arenz — 03/11/21 — (6 pages)</p> <p>i. Attachments:</p> <p>1. Email from Barnabas Nemece to Emily Sovell (3 pages)</p> <p>2. Audio Recording of Interview with Barnabas Nemece (1 :07:55 in length)</p>	<p>Personal identifying information redacted, date of birth, home address, personal cell phone numbers and email address.</p>
<p>ND Report 60:</p> <p>a. Evidence Return Report by Joe Arenz — 03/11/21 (4 pages)</p> <p>i. Attachments:</p> <p>1. Crime Laboratory Evidence Return Sheet (2 Pages)</p> <p>2. Updated NDBCI Evidence Inventory and Receipt Forms (13 Pages)</p>	<p>Personal identifying information redacted, date of birth, home address, personal cell phone numbers.</p>
<p>ND Report 61:</p> <p>Case Master Report</p> <p>Case Closure Report – Arrest</p> <p>(These are the additional records received from ND Asst Attorney General in response to subpoena which were not included in the investigative file from SD Dept of Public Safety)</p>	<p>Personal identifying information redacted, date of birth, home address, personal cell phone numbers.</p>
<p>62. Cell Phone Data (From ND Reports 22 and 36)</p>	<p>Contained under Reports 22 and 36.</p>
<p>63. Law Enforcement Videos and Case Reports</p>	<p>Pulled/redacted all reports for Ravensborg (previous).</p>
<p>64. Property — Evidence</p>	<p>Contained in other reports.</p>
<p>65. SD Highway Patrol In-Car Videos</p>	<p>Not needed.</p>

66. SDHP Reports	Duplicate of reports under 58.
67. Documents published on the SD Dept of Public Safety website (as of January 31, 2022) - Craig Price, Secretary of SD Dept of Public Safety letter to Speaker Gosch dated September 1, 2021 - Audio of 911 call placed by Jason Ravensborg - Transcript of 911 call placed by Jason Ravensborg - Accident report - Order Precluding Disclosure of Criminal Investigation Information - Toxicology Carboxyhemoglobin Analytical Report - Toxicology Drug Analytical Report - Toxicology Alcohol Volatiles Analytical Report - Photo of Ravensborg car	Redacted birth dates in accident report.
68. Attorney General letter regarding September 12, 2020 accident	No redactions.
69. Hyde County State's Attorney File (This file was received in response to subpoena.)	Personal identifying information redacted, date of birth, medical providers.
70. John Daily, Jackson Hole Scientific Investigations Inc., response to subpoena - State of South Dakota Consulting Contract	No redactions.
71. Ross Garber letter submitted on behalf of Attorney General dated January 27, 2022	No redactions.
72. Letter to South Dakota House of Representatives dated Feb 7, 2022 re: non-public access, under certain conditions, to confidential investigative files and other confidential information	No redactions.
73. Press Release from DPS Secretary Price Urging Committee to Consider Facts in Impeachment Investigation dated March 9, 2022 - March 9, 2022 letter to Speaker Gosch - AG Crash Supplemental (Quadrants Described) from Trooper John Berndt dated March 9, 2022	No redactions.
74. Letter to Governor and Executive Branch from Select Committee dated March 17, 2022 re: cease and desist from further disclosures of the investigative file to the public and further attempts to pressure and influence the Select Committee Members and the House of Representatives	No redactions

On 9/15/20 I, SSA Brent Gromer, was in Pierre at DCI Headquarters for new Agent interviews. I was sitting in Asst. Director Scott Rechtenbaugh's office waiting for the interviews to begin. Dir. Natvig was also in AD Rechtenbaugh's office and we were making small talk. Attorney General Jason Ravnsborg came to the door of the office and Dir. Natvig exited AD Rechtenbaugh's office and I heard the door to Dir. Natvig's office close a short time after he left with AG Ravnsborg. A few minutes later AG Ravnsborg came to the open door of AD Rechtenbaugh's Office and motioned me to come with him. I followed AG Ravnsborg to Dir. Natvig's office. I partially closed the door behind me, but did not close it completely. AG Ravnsborg invited me to sit. I moved an item from the chair and sat. AG Ravnsborg was initially sitting on the sofa. He informed me that he had 2 cell phones. He said one of the phones was a personal or "campaign phone" and the other phone he referred to as an "AG" phone. He started to ask me questions about digital forensics on the phones. He explained he has an app called "On My Way". He stated this app provides benefits to users who do not use their phone while driving. He stated this app continually "pings" and it was sending notifications after the phone had been placed into "airplane mode". He asked if this app would make it look like he was using his phone. I explained that cellular telephones are constantly on the network and the towers will handshake when a device is moved from one tower to the next. He then explained that phone was powered on, but locked on the seat of his vehicle until the accident occurred. He told me during the accident the phone slid off of the seat and onto the floor board. He then informed me that he was not on either phone at the time of the accident. He stated he left Redfield and called his father and talked to his father for 23 minutes. He advised the call with his father was dropped when he lost cellular service near Miller. AG Ravnsborg stated when he regained cellular service he called his father back to inform him he had not hung up on his father. AG Ravnsborg advised this was the last time he had used his phone prior to the accident. AG Ravnsborg told me he just wanted to educate himself about any data which may be recovered from the phones. Dir. Natvig came into his office and took a seat behind his desk. Zach Merrill, DCI IT, came into Dir. Natvig's office and retrieved an iPhone from Dir. Natvig. AG Ravnsborg provided Zach with a blue and tan case for the phone. He told Zach that he would like to activate the new phone with his same number. I relayed a story about a case I had worked in a fatality accident where the phone created a screenshot of a subject's Facebook page.

I told them in that case the image was created near the time of the accident. I explained to them that the evidence in the phone was supported by the evidence on the scene of the accident related to the phone in the case I was referring. AG Ravnsborg told me he was not on either phone at the time of the accident. He told me that he called 911 within seconds of the accident. He said he then activated the flashlight on the phone and looked around the scene of the accident. I told him the 911 call would show up in the forensic analysis of the phone and indicated the activation of the flashlight may also be available in the phones data. He then asked me if an email would show up. I told him an email sent would log the date and time it was sent. He asked about other data that could be recovered. I told him that I knew the ICAC Commander from North Dakota and explained he is highly trained in Mobile Device Examinations and assured him that North Dakota would conduct a thorough investigation of the data extracted from his mobile devices. I assured him that their investigation will reveal any evidence contained in the cellular phones. I told AG Ravnsborg that I was sorry that this happened and stood and left the room. I relayed all of the activities during this meeting to AD Rechtenbaugh

and AD Brian Zeeb.

Date: September 14, 2020
Location: Pierre PD
Present: SS/A Arnie Rummel (AR)
S/A Joe Arenz (JA)
JASON RAVNSBORG (JR)
Alex Droske (AD) (on phone)

(Begin Recording)

?: Recording now so

?: (inaudible)

(unknown sounds)
(background voices)
(door open)
(background voices)

AR: I never even notice that.

JA: I didn't either.

(laughing)

AR: We're (inaudible). You can grab a chair right there.

?: (inaudible). I don't know whose that is. Alright.

JA: (zipper) Again thanks for coming down.

JR: Absolutely.

JA: Here's my card right away so won't forget...

JR: That's good. Yep.

JA: to give it to you. Um I am the case agent fo-for the bureau in North Dakota (unknown sounds) um so and Arnie's the supervisory special agent that's out here helping with it so.

JR: I assume you're similarly set up to us yes. Okay.

JA: Yeah.

AR: We are (chuckle).

JA: Yeah.

JR: (inaudible).

JA: Okay. Alright well so uh we jus-we're out here trying to help piece this altogether and so...

JR: Absolutely.

JA: we just want to get your uh take on what happened. What your recollection is.

JR: Yep.

JA: Um you know there's no criminal charges filed right now. Um you're free to go at any time. Um any questions that we ask if you don't want to answer any of em just let us know. Um like I said you are free to leave. Um at any point if you decide you want to leave just let us know you're done and you can walk out or we'll escort ya out whatever, however, you want to do that. Um you know if any point you decide that you don't want to talk anymore we'll just end the interview (unknown sound). Okay. Um (squeaking) so just let me just get some basic information. So it's Jason, right? J-a-s-o-n?

JR: Correct.

JA: How do you spell your last name and how do you say your last name?

JR: That's always the trick. R-a-v-n-s-b-o-r-g.

(writing)

JA: Okay.

JR: It's pronounced rounds, like a round circle. (unknown sound)

JA: Okay.

JR: Berg, like an iceberg. It's Danish. (unknown sound) They even said it wrong at the inauguration.

(laughing)

AR: Isn't that how it is.

JR: My father was there he holding the Bible and he goes looks like you got some work to do yet.

JA: Yeah. (unknown sound). Yeah not how would have guessed. I would've assumed ravens borg.

JR: Yeah its. I get all. I get everything.

JA: So yeah.

(laughing)
(unknown sound)

JA: Yeah. What's your date of birth?

JR: [REDACTED]

JA: Okay. And what's your address?

JR: [REDACTED] (unknown sound)

(writing)

JA: 57501?

JR: 57501. Yes.

JA: Okay. And what's the best phone number to reach you at?

JR: Uh okay I can give you multiple ones.

JA: Okay yeah I'll take em all.

JR: So so let's go with [REDACTED]

JA: And what is that?

JR: That's the office.

JA: Office okay.

JR: And then [REDACTED]

JA: Okay.

JR: Cell phone.

(writing)

JA: Is that like a work cell or is it?

JR: That's the work cell.

JA: Okay.

JR: And then I got one more.

JA: Okay.

JR: [REDACTED]

JA: Okay.

JR: That's uh private/campaign phone (chuckle).

JA: Okay. Alright. (unknown sounds). So which one is the best one to get in touch with you at? (unknown sound)

JR: Well I guess let's go with the work cell.

JA: Work cell. Alright. Um okay well like I said we just want to get...

JR: Absolutely.

JA: kind of the...

JR: Absolutely.

JA: um step by step account of what happened that night and um you know.

JR: Yep.

JA: So yo-you're the...

JR: Attorney general...

JA: attorney general.

JR: of the state yes.

JA: Okay.

JR: South Dakota.

(writing)

JA: How long have you been doing that?

JR: I got elected in 18 and I got sworn in on January 5th of 2019.

(writing)

JA: January what did you say?

JR: January 5th.

JA: 5th.

JR: Of 2019.

JA: Okay. Alright. And your office is here in Pierre?

JR: The main office is here in (sniffing sound) Pierre. We have satellite...

JA: Okay.

JR: offices but the main office is here I guess.

JA: Okay. Alright. So um...

JR: Which is up at the Mickelson Center...

JA: Okay.

JR: where DCI is on second floor and...

JA: Yep.

JR: and we are on...

JA: Okay.

JR: First floor.

JA: Okay. Yeah. He pointed out that building to me yesterday. I'd never seen it before.

AR: It's a public safety building, is that what they call it?

JR: The Mickelson, the Mickel-we'll we call it the Mickelson building.

AR: Okay.

JR: We had a governor that got killed in a plane crash and we named it after him.

AR: Oh okay.

JR: Yeah.

JA: Okay. Alright.

(squeaking sound)

(sniffle sound)

JR: M-i-c-k-e-l-s-o-n I believe (chuckle) go. It's a pretty famous South Dakota name. The grandfather and father both were governors then. (unknown sound)

JA: Okay.

AR: Hmm. Wow.

JR: And the most recent one was the speaker.

JA: Hmm.

JR: So.

(squeaking sound)

JA: Ok, so um this this happened on Saturday night, which would have been the 12th.

JR: Yes.

JA: So it happened September 12th.

JR: Correct.

JA: So kinda take me through that that evening leading up to that. Where were you at?

JR: Okay so I was at the in Redfield, South Dakota, at a place called Roosters uh and then that was at the Spink County Lincoln Day Dinner. (writing sound) These are uh usually dinners held in the spring but because of Covid have been largely moved to the fall and they are county party functions. And I guess as the republican function.

JA: Okay.

JR: Um a political function. Uh and Senator Rounds was there and he was the keynote speaker uh.

JA: At the Lincoln Day Dinner?

JR: At the Lincoln Day Dinner.

JA: Okay.

(sniffle sound)

JR: And that's US Senator Rounds.

JA: Okay.

JR: Uh and then I spoke at the event.

JA: Okay. (writing sound)

JR: And um a guy named Larry Nielson is the chair of the party there.

JA: Uh huh.

JR: Um in anticipation of a meeting I did reach out to him and ask if I could have the guest list of who was there and he has provided that and I can give you that.

JA: Oh okay.

AR: Awesome.

JR: Of everybody that was there.

AR: Sure.

JA: Okay.

JR: I also have uh I guess I would say that I also got the waitresses name so that I don't I've never met her before that night but I...

JA: Okay.

JR: got her name just to show that I did NOT drink alcohol that night. Uh I e-so how these events usually work (sniffle sound) is they have like a silent auction uh it's the party faithful come in, uh there's some speeches throughout the night. Uh there's approximately 30 people there. I didn't count.

JA: Okay.

JR: per se 20, 30 people. Um and I had pictures with people. Uh being a statewide official I had pictures taken with people and I have uh pictures of me on the stage. I took pictures of other represent legislators and Senator Rounds and other people. I you know I have those pictures...

JA: Okay.

JR: of the event. Uh we had a lot just yo-you eat a meal uh which I had a steak and uh a baked potato and I had one coca cola regular coca cola and that's all I had to drink.

AR: What time of day does it start?

JR: So it starts at approximately 5:00.

AR: Okay.

JR: I think I arrived around 4:45 (sniffle sound) to 5 right in the-right before it started officially. And then I want to say I left around 9, 9:15.

AR: Okay.

(writing sound)

JR: I don't know the exact time. I didn't

(throat clearing)

AR: Yeah yo-...

JR: care at the time you know.

(coughing sound)

AR: Yeah your not settin your watch by it or anything.

JA: So you said left around 9 though you thought?

JR: Yeah 9ish.

(writing sound)

JA: Okay. (squeaking sound) (sniffing sound)

JR: So I mean the event happened like normal. They have auctions and speeches like I said and then you mingle and talk with people, interactive throughout and uh that's what a normal evening is I guess. And then concluded that part of pro-program or that (squeaking sound) evening, part of the evening.

JA: Okay.

JR: If you have any other question...

JA: Um.

JR: about that. You know I mean.

JA: What were you by yourself? I mean did you attend...

JR: I.

JA: by yours-alone?

JR: Yes. I drove to and from the even by myself.

JA: Okay.

JR: And I guess I was driving my own personal vehicle. I was not driving a state vehicle. I thought a-this is a purely political event.

AR: Mm hmm.

JR: Republican event.

JA: Okay. What is your personal vehicle?

JR: A 2011 Ford Taurus (writing sound) and it's red in color.

JA: Okay. Alright so um so you said you were at the Spink County Lincoln Day Dinner. Is that was that at, that's in Redfield?

JR: That's in Redfield.

JA: Okay. Alright.

JR: Yep.

JA: I just wanted to make...

JR: Nope. Yep.

JA: I was understanding.

JR: Yep. Yep. Spinks the county name. Redfield's the town name.

JA: Okay.

JR: It's like the county seat of that town.

JA: Gotcha.

JR: Or that county. Sorry.

JA: Okay. How far is that from Pierre, like driving time wise?

JR: Approximately two hours.

JA: Okay. (writing sound) Is that is it basically a straight shot on that highway that...

JR: Okay so we okay this Mickelson Center (unknown sound) that we told you about...

JA: Uh huh.

JR: up on Highway 14.

JA: Uh huh.(unknown sound)

JR: How I traveled is I traveled all the way straight (unknown sound) on 14 til you got to Miller, South Dakota.

JA: Okay. (paper shuffling)

JR: Then I went north and then there's a T-intersection. I guess I don't know the name of the road off hand at the moment, but you go north and there's a T-intersection. If you go left you're gonna go to Faulkton. If you go right you to Redfield. And obviously I went right. So I mean you basically made an S curve on a-is the route.

JA: Okay. (writing sound). And then on your way home...

JR: Same route.

JA: same route just okay.

JR: In reverse. Yep. (inaudible)

JA: Okay.

JR: Yep.

JA: Alright. So you left around 9, did you make any stops?

JR: I did not make any stops. No.

JA: Okay.

JR: I mean.

JA: Alright.

JR: Until the incident obviously.

JA: Right. Okay. So um your driving and kind tell me about what happened then.

JR: I left the event (sniffle sound) and I'm heading west on that initial road. I called my father.

JA: Okay.

JR: His name is Richard Ravensborg. I mean obviously same last spelling.

JA: Right.

JR: I mean I can spell it again to make it easy. But um (writing sound) my mother passed away three years ago unexpectedly so I try to call my father every night. And so...

JA: Okay.

JR: I-I called him.

JA: Uh huh.

JR: Uh my phone shows that I called him for 23 minutes apparently.

JA: Okay.

JR: It's not you know just kinda the time but then on the (sniffle sound) wh-again (unknown sound) the the curve when you go south (unknown sound) towards Miller again.

JA: Mm hmm.

JR: Got off there you know south there's a big dead spot out there somewhere and the call dropped.

JA: Okay.

JR: And so then I called my father back.

JA: Okay.

JR: And it was a very short two minute hey I didn't hang up on you kinda call, you know.

JA: Okay.

JR: I just calling you back that I didn't you know it dropped or something and I didn't hang up on ya. Um.

JA: Right.

JR: And then I turned the corner at Miller and I drove on 14 again now and went until I got to Highmore. Uh I approached Highmore and a-going s-you know slowed down through the town and um I you know thought about getting some gas or not. I looked to the left and right and they just both looked closed (sniffle sound) so I didn't do that. Uh and I went through and I saw a sign that said 65 miles an hour uh so I believe I started to accelerate (paper tearing) and then I saw a sign that said 48 miles to Pierre and you know you (writing sound) just kinda did one of those groans like oh you still got 48 miles to go. And then quite frankly (clap of hands) wham.

JA: Okay.

JR: I-I hit you know s-you know the-the incident happened. I never saw (writing sound) (paper shuffling) anything until the impact. I immediately jump out of the car and call 911 within seconds. I believe my phone will show and the records show 10:24 is what...

JA: Okay.

JR: th-when I called.

JA: Called 911?

JR: Right. I mean if I can demonstrate a little bit. I got outta the car and I jumped out and I'm like I'm looking back towards Highmore cuz I think I'm at Highmore but now I'm shook up.

JA: Uh huh.

JR: And I-I-I call and I said I am the attorney general. I am approximately a mile west of Highmore I believe. I've hit something in the road um. I-I-I need some assistance. Who is this? (chuckle) is the response I get. And I think (sniffle sound) and that's not 100% but I think I said my name then, my...

JA: Okay.

JR: Jason Ravensborg. You know I'm not sure. Again I you know I remember thinking at the time (chuckle) which was easier (chuckle) you know it's my not an easy name.

JA: Right.

AR: Mm hmm.

JR: But I'm walking back towards Highmore as I'm talking to her cuz I'm trying to see that sign (sniffle sound) for the town to make sure that I'm at Highmore.

JA: Okay.

JR: And I-I think I said some f-yes I'm at Highmore. You know a mile west of Highmore. And she said the sheriff something to the effect the sheriff is the only one on duty and he'll be out soon and I said that'd be fine. I have my I hang up the phone and I put it on the light like its got a flashlight feature and I start to look at the highway and I look at the road ditch to see if I can see anything that I hit (papers shuffling) cuz I'm as-I'm thinking it's a deer at this point but...

JA: Mm hmm.

JR: I had I did not see anything. You know I didn't have a time to swerve or or accelerate or decelerate or anything. I didn't see anything. And I then go to the front of my vehicle and I snap one picture of the of the pic of the vehicle.

JA: Okay.

JR: And I'm willing to give you that obviously too. Then the sheriff pulled up, so I stopped taking any other pictures cuz he I mean he stopped so it just interrupted me.

JA: Yeah.

JR: And I said an-so that's sheriff Volek, V-o-l-e-k I believe is his name.

JA: Okay.

JR: And I said uh he said well what happened (unknown sound). And I said well I-I believe I got hit by a deer and it was in the middle of the road. I don't know. Uh and he commented and I an I-I shook I mean he looked at it. I mean he look he's looking at my vehicle and he s-said something to the effect of I well at least they didn't it didn't knock out your side window.

JA: Mm hmm.

JR: Uh cuz it did not break the passenger window. And I'm-I'm looking at it and I did not observe any blood or fur or anything. You know no damage uh you know any affects. And I didn't see anything on the ground of any (writing sound) uh liquids I guess uh I don't know how to say that.

JA: Mm hmm.

JR: Um and but ag-I did seem like I said my debris was on the shoulder.

JA: Okay.

JR: And I believe I was on the road the whole time. (writing sound). He's then said well get your registration (sniffle sound) and proof of insurance and come back to the car with me. So I get in my car and I do that. I-I get those things and I take those items back to the car and uh he fills out (paper shuffle) I guess I didn't bring that with me. I can show

you that too. But he gave me a red tag, which basically said it means that you have and it says on there you've reported the accident to law enforcement...

JA: Okay.

JR: immediately and complied with the law basically. I don't know if you got something similar but...

JA: Mm hmm.

JR: Uh I can obviously give you a copy of that and willing to do so.

JA: Okay.

JR: Um he said (squeaking sound) uh well are you alright. And I says yeah well I'm just shook up (chuckle). I mean uh I think I'm physically alright. I mean but I-I'm shook up and he goes um well it's gonna uh uh do want a ride into where do you live. He did as (mumbling) I think of the sequence. He-he where do you live. I says well I live in Pierre and I think I probably went too far I think I told him the exact street and even described where I lived and he said no no I just need to know what town you're in. Uh do you think you're able uh we'll have to get a tow truck out here for it. Okay. Do you think you're able to drive. I said yes uh but you just mentioned the tow truck and obviously the windshield's (chuckle) smashed in pretty good and I don't know if it's safe to drive. And he says no uh well would you like me to take you to Pierre or would you like to drive. And I says quite frankly whatever you think is best sheriff at this point (squeaking sound). You know whatever. And he says well how about we take you to the house and so from (unknown sound) the crash site he was at the I mean his house is literally the very next gravel road (unknown sound) and then up I mean I don't know quarter half mile back in is his house. So he took me to his house and (unknown sound) actually gave me one of his personal vehicles and he let me (unknown sound) take it to go back to Pierre. About two miles I approximate about two miles down the road he pulls me over again. And I said is there something wrong, is there something else? And he goes you didn't give me the keys to the car.

(laughing)

JR: You know and so I give him all of my keys. And he says no just give me the car key. You can keep the rest, so then I you know worked with it to take it off of the keychain and then it's one of those where it's a black and then it's got you know the key so it's a more of a thick key kinda thing, it's got a remote control on it and everything. So I fumbled with that a little bit I'll admit and then I you know I gave him that and he-he said (squeaking sound) you know you're free to go again I mean you know continue. I don't know if it was right there you know (sniffle sound) I did see the white pickup in the ditch at the time but I didn't put two and two together uh yet. I saw a white pickup that looked damaged in the ditch (unknown sound), but I continued home and I did call my chief of staff, who is Tim Bormann (writing sound) and I called the director of DCI, who is Dave Natvig, and just said that I was in an accident and (writing sound) you know I believed it was a deer. And I sent them a copy of the photo and then I uh they suggested I call Volek back and say could I bring the vehicle back. You know when what-what arrangements do I need and then Tim would (sniffle sound) come back with me the next day to take the vehicle back to him. (writing sound) And I got home uh safely no incidents from there uh (paper

turning) 11:45, midnight, somewhere in there. (writing sound) (unknown sound) approximately. Get up the next morning (paper shuffling). The arrangement I made with Tim was he was going to be at my house at 8:00 with his vehicle and he would follow me uh to Highmore. And I told him well I wanted to gas up the vehicle in Highmore and um you know I thought that was the only the right thing to do. The guy loaned me his vehicle, I'm going to fill it up at least. And then I said to you know I'd talked with Tim of we need to look you know. I never looked on the OTHER side of the road when I when I looked. I looked on the right north side but I never looked on the left south side. You know we should probably look there and look at the you know ho-you know I want to see the what this deer if it made it or w-what happened. So I we fill up with gas and we go back and we park on the north side of the road where my debris is still sitting there. And oh by the way I mean I probably something assume but the car is gone of course. My car is...

JA: Mm hmm.

JR: gone.

JA: Okay.

JR: The tow truck had come sometime in the middle of the night with the sheriff and that was not there anymore. Uh so this is approximately 9, 9:30 in the morning that we're at the site. I said well Tim well-you know go right from the there was a chunk of my fender or quarter panel uh there on right on the top on the shoulder.

JA: Mm hmm. On the north side.

JR: On the north side.

JA: Okay.

JR: On the shoulder not down in the grass, up on the shoulder. And then uh you go left or you go right and I'll go left and I initially thought I saw it and it looked like uh fawn or a deer in the ditch. So, I-I-I sa-I said I think I found I se-I se something but then I come up and it was the man and he is not in good-I mean he's dead.

JA: Right.

JR: And um so I well quite frankly stammered Tim, Tim, Tim you know something to that effect and just trying to get his attention to have him come up. And you know I kinda maybe run towards him a little bit and Tim you need to come see this. And I do-I didn't think I told him what I'd found, I just need to come here and see it, and then he saw it. And I said to him next well we need to go find the sheriff again. And I-I know he's right up the road here. And Tim said well I will follow you. We'll take the vehicle back and we'll go find the sheriff. So I found the body and I said that we should go find the sheriff. We went to the sheriff's house. Uh he come out to greet us and he said good morning and I said I'll say morning but uh you need to come see this. And we f-I-I found a body and he said your shitting me (chuckle) or no shit da-something to that effect. And I said I'm not I need you to come see this. And we left his vehicle that he loaned us there. I mean I gave him the key back. I jump in with Tim and we go back to the site and at the site (writing sound) I show the sheriff what I'd found and the sheriff said asked me how I was. And I

says obviously I'm even more shook up now um uh and he told Tim to look after me. You know and let you know uh you know look after me, take care of me. And then he would be contacting DCI or...

JA: Uh huh.

JR: equivalent And then go from there. And then we basically got in the vehicle and came back to Pierre and then some point in the morning the highway patrol asked if I would do a blood draw and I did do that yesterday.

JA: Hmm.

JR: Voluntarily. And uh (squeaking sound).

JA: Okay.

JR: I'll let you ask questions from there.

JA: Right.

JR: That's the...

(throat clearing)

JR: bulk of the story I guess. (squeaking sound)

JA: Mm hmm. So after you struck the bo-struck this person then you got out and you looked and didn't see anything and so you what-did you call anyone before you went and talked to the sh-before the sheriff came did you ca-anyone besides the 911?

JR: No. No.

JA: Okay. (squeaking sound) How after the sheriff gave you the car. You called Tim, right?

JR: I called Tim.

JA: And the director.

JR: I called Dave.

JA: Anybody else?

JR: And my father.

JA: Okay. Called your dad...

JR: Dad.

JA: again.

JR: Yep.

(writing sound)

JR: And the sheriff. I called the sheriff back. I think I told you that but I called the sher-on the way home I called the sheriff back and said you know I'd like to bring the vehicle back.

JA: Right.

JR: In the morning.

JA: Okay. Uh huh.

JR: Right away.

JA: Okay.

JR: You know and he said you know whenever.

JA: Yeah.

JR: You know whatever works for you. And I said well...

JA: Okay.

JR: I'll bring it back right away in the morning.

JA: Mm hmm.

JR: And.

JA: Okay. (unknown sound) (pen clicking) What cell phone did you c-make these calls on, do you remember?

JR: I (paper shuffling) believe on the 6052950802, the work cell.

(writing sound)

(squeaking sound)

JA: Okay. Do you usually carry both cells with you?

JR: Yes. Uh.

JA: Okay.

JR: I do that for multiple reasons. I mean if it is truly a political call I do try to only be on the one phone.

JA: Uh huh.

JR: You know and obviously lots of em are work related.

JA: Right.

JR: I only be on that phone if I can.

JA: Uh huh.

JR: And then just that I am attorney general availability. If they can't get me on one they do try me on the other one.

JA: Right.

JR: Obviously I am you know...

JA: Uh huh.

JR: try to do be as present as I can be for...

JA: Right.

JR: sadly situations like this.

JA: Uh huh. Okay.

JR: (inaudible)

JA: Alright. Um when you got home that night then did you call anybody else? (background voices)

JR: I only talk I mean I-I think I only talked to those three people.

JA: Okay.

(squeaking sound)

JR: I don't know if when I got home I mean.

JA: Okay.

JR: I mean I you know I don't...

JA: Mm hmm

JR: If I called em when I got home or not I mean think I might've talked to you now Tim or Dave when I made it to the house I think.

JA: Mm hmm. Mm hmm.

JR: You know just coordinating the next day. You know telling you know that I you know hit something and you know. I didn't know where my car was going. You know...

JA: Right.

JR: I did never got from the sheriff where it was being towed to.

JA: Mm hmm.

JR: And what you know where where that would be at.

JA: Uh huh.

JR: Chief Jones who you met in the hall is uh you know had told me the next day that the Pierre PD had towed it and were...

JA: Right.

JR: putting it inside basically...

JR: Mm hmm.

JR: to secure it.

JA: Okay. Yep.

JR: So and then I called my insurance company on on uh Sunday to report it I guess.
(squeaking sound)

JA: Right. Okay. Alright. Um and you had said you hadn't had anything to drink.

JR: Absolutely zero.

JA: Okay.

JR: I had one regular coca cola.

JA: Okay. (writing sound)

JR: And I'm not on any medication.

JA: Okay. (writing sound)

JR: I was set to have a teeth taken out actually this week then. And I was supposed to take antibiotics yesterday but I didn't do it (laughing).

AR: Yeah

JA: Mm hmm.

JR: Cuz of this.

AR: Yeah.

JA: Um do you normally wear glasses or anything like when you're driving?

JR: No.

JA: Okay. (writing sound) Any like cheaters or anything?

JR: No.

JA: Okay. (background voices) (sniffle sound) We found a pair of broken glasses in your vehicle but they weren't sunglasses they they almost look like cheaters of some sort. They were like a black framed glass, part of em was laying on the fffront passenger floorboard and part of em were laying in the backseat broke in half. Yo-do you know. I wish I had a picture of em.

JR: Yeah if you had a picture of em I could yea.

JA: Right. I don't have a picture with me.

AR: Yeah they're just the standard black frames.

JA: Yeah standard black plastic frame.

JR: (inaudible) Okay. I-I'm speculating without looking at them but I would I'm in the military.

JA: Uh huh.

JR: And we have sunglasses and different things that I have uh...

JA: MM hmm.

JR: through you know I don't know if that that's style or not.

JA: Yeah. It...

AR: It very well could be.

JR: Yeah. Right.

AR: Because they're...

JA: They're they're clear lenses.

JR: And or sunglasses I have.

JA: Yeah.

JR: Obviously.

JA: Yep.

JR: Just as a regular person.

JA: And I found some sunglasses in there.

JR: Right.

JA: So those glasses were kind of just...

JR: In-in the car somewhere. Yeah. I uh. (sniffle sound) um I've got multiple pairs of sunglasses I lose em.

JA: Okay.

JR: (laughing) Quite frankly.

JA: Yeah. Yeah. Yep. And like I said these weren't sunglasses (squeaking sound). They were actually kinda looked like they weren't real great quality. I mean the frames were snapped in half an-but the lenses were intact but the lenses had fallen out of the frames of em.

JR: Okay.

JA: And were laying there and they kind of were just somewhat (squeaking sound) out of I mean is out of place as...

JR: Everything was in the front.

JA: when you don't know what you're looking at.

JR: Yeah.

JA: Um (squeaking sound) so we were wondering if those were yours or somebody else's um. Yeah I wish I had a picture of em and that would clear that right up.

JR: I would be happy to look at it (sniffle sound) whenever...

JA: Okay. Right.

JR: You...

AR: Yeah.

JA: Yeah.

JR: send me a picture.

JA: Okay.

JR: Or show me a picture or show me the glasses or whatever.

JA: Right. Okay. Um so speed wise you usually try to stay around the speed limit? I mean are you...

JR: Yes. I mean I don't.

JA: Okay.

JR: Uh you know I again I-I went through town. I went through a town. I know I slowed down...

JA: Mm hmm.

JR: coming into the town and then I saw that (sniffle sound) 65 sign. So again I'm looking off to the right.

JA: Uh huh.

JR: You know I saw those two signs and then I you know I believe I started to speed up you to...

JA: Mm hmm.

JR: meet that from the town speed to the highway speed.

JA: Right.

JR: But I...

JA: Okay.

JR: I don't know exactly what (sniffle sound) I was going I mean.

JA: Right. (inaudible)

JR: I'm sure you'll tell me that.

JA: Right. Well an...

AR: We don't...

JA: Yeah. I don't know either.

JR: Okay.

AR: We-we're still in...

JR: Yeah.

AR: preliminary thing.

JR: Yeah. Yep.

AR: So we're still working on this.

JA: Uh huh.

AR: We wanted...

JR: Right.

AR: in all fairness to give you a chance...

JR: Yep.

AR: what you know...

JA: Right.

JR: Yep. Yep.

AR: about it.

JR: Right.

AR: and were gonna.

JA: Right. And the reason I was asking about the speed was more just cuz we all know people that well if the speed limit said 65 they were probably going 85.

JR: Oh no.

JA: And then there's other people that are well if it's 65...

JR: I guess I would be...

JA: I was going 70 at the most.

JR: Uh yeah.

JA: Type thing.

JR: I mean I go if at the most four over.

JA: Okay.

JR: Uh so like if you're on the interstate we have int-interstates of 80. I at most go 84. That's the most. I mean a lot of times I just go 80 or 81 or you know right there.

JA: Right.

JR: (inaudible) 75. You know depending. I always say we gotta have more highway patrol cuz we have Illinois plates going past us like...

JA: Yeah.

JR: (laughing) stand still.

JA: Mm hmm.

AR: You you must travel quite a bit because you I mean it cover the (sniffle sound) whole state.

JR: Correct.

AR: So I assume that your you put a fair amount of miles on.

JR: Yes. (squeaking sound) Obviously not as many this year with Covid as past years.

AR: Right.

JA: Mm hmm.

AR: Yeah.

JR: Um yes. (background voices)

JA: Okay. Alright.

AR: Do you always use your personal car or is there occasions?

JR: Well it depends on the event.

AR: Sure.

JR: Uh obviously if if I'm going to purely a work event I'll take a state vehicle.

AR: What what do they give you to drive?

JR: So I have two different vehicles that I drive for the state.

AR: Okay.

JR: Uh one is a Suburban, Chevy Suburban and I believe the other ones a Chevy Malibu. I haven't I've only recently used that one and not very of-you know not very much. It's kind of if somebody is using the Suburban it hauls stuff around for like my consumer protection department and stuff (sniffle sound) and I had the affairs and I had to use the car a little bit.

JA: Mm hmm.

JR: Uh those are the two state vehicles that I have access to or use I guess.

JA: Okay. But so since this was more (sipping sound) of a political event...

JR: I thought this was a purely wh-down and back all political uh event I use my personal car.

JA: Okay. (squeaking sound) Alright.

AR: Have you ever been stopped for speeding or anything like that that you can?

JR: Well yes and I see the media's already got my.

AR: Well I'm sure...

JR: (inaudible)

AR: well I'm sure they do but.

JA: Yeah.

JR: You know. So yeah I mean I've been stopped for speeding, got warnings, got tickets through the years. Yes.

AR: Oh okay.

JA: Okay.

AR: Any really excessive ones Jason?

JR: No. No I wouldn't say excessive if at most 5 or 10...

AR: Not like 25 over.

JR: at the most. No.

AR: Or something like that.

JR: No. I-I-I actually grew up in Iowa and the rule there is if you're over 15 they can take your license on the spot. So I've never gone...

AR: Yeah.

JR: that fast and I never really have a need to go that fast (chuckle) (sniffle sound) I plan out how much and everything I need to go.

AR: Sure.

JR: And you know.

JA: Mm hmm.

AR: Okay.

JA: Okay.

JR: (clears throat)

AR: So when you were at this event (unknown sound) did you have both your phones with then too so that...

JR: Yes.

AR: everybody that you're familiar I mean the workers I'm assuming it's like the agencies can get a hold of you on that phone and then would you like call your dad on the other phone or might...

JR: Might yeah.

AR: blend together.

JR: Right. I mean so one is AT&T and one is Verizon. So that's the other thing.

AR: Sure.

JR: So there's just dead spots with both in the state.

AR: Mm hmm.

JR: You know and sometimes they do blend but it's because I can't get you on the other phone or I've talking to Director Natvig and it drops and I can't get him back on that phone I will use the other phone.

AR: Sure.

JR: To..

AR: Yeah that's.

JR: You know to..

JA: Mm hmm. Right.

JR: continue the conversation.

AR: Okay. (squeaking sound) So I'm assuming you're like most you carry em with you all the time. (writing sound)

JR: Yes.

AR: Kind of thing and.

JR: Yeah.

AR: So would you consent to us looking at your phones? (squeaking sound)

JR: Absolutely.

AR: Can can we do what we'd actually do is a download on them.

JR: Okay.

AR: And what it does is it puts you know it-it would download...

JR: Yep.

AR: the the data on there.

JR: Right.

AR: And um...

JR: How how. I would ask just one question of how long does that take. You know I am still the attorney general.

AR: I right.

JR: And I still you know.

AR: Yes. Yes.

JR: I mean.

AR: And I-I knew that was...

JR: How fast we can do that.

AR: going to be a concern.

JR: Right.

JA: Mm hmm.

AR: I so...

JR: Cuz I've been answering lost of not just about this situation business still goes on.

AR: Sure.

JR: And I've been answering questions and dealing with things yet.

AR: Sure.

JA: Mm hmm.

AR: And I think...

JR: I'm very happy to comply I just wanna...

AR: I think what we'd like to do...

JR: Mm hmm.

AR: is if we could take one...

JR: Okay.

AR: and start that and do that.

JR: Okay.

AR: And then (unknown sound)...

JR: Okay.

AR: do the other one.

JA: Right.

JR: Okay. (unknown sounds)

AR: But like always...

JR: (inaudible) fine.

AR: we'd have to have you sign a consent.

JR: Yes. Absolutely.

JA: Yeah.

AR: I mean (inaudible)

JR: I'm fully complying with that.

AR: Yeah. So.

JA: The other question we had was about doing the test skids.

AR: Yeah.

JA: Um they explained that...

JR: The what?

JA: him a little bit more.

JR: Okay. I'll let you do that.

AR: Wh-wh-would you be willing to let us take the car back out there (unknown sound) and kinda go down the road at the same time (paper shuffling) or the same area and do a test skid?

JR: Okay. I don't know what the last word was test skin?

AR: Skid.

JR: SKID. Okay. Yes.

AR: So if (unknown sounds) di-did your car skid at all when you...

JR: As the best that I recollect (papers shuffling) I'm driving along in the drive lane and wham and then I react and I you know I might've hit the brake the-you know I-I did you know work myself to the shoulder then.

AR: Sure.

JR: I don't know if I slammed...

AR: (inaudible)

JR: on the brakes you know.

AR: Sure.

JR: I it was more the jolt of it you know then trying to just control the car to get it off to the get off the shoulder.

AR: Sure.

JR: But yes.

AR: And that's that's...

JR: I would consent yes. (sniffle sound)

AR: That's something that we want to just...

JR: Yep.

AR: you know we want to double.

JR: Yep.

AR: Quite honestly we're not leaving anything unturned.

JR: Ab-I understand that.

AR: And we...

JR: And I understand why (deep breath).

AR: We yeah and it's...

JR: And I want you an-an-and I guess I don't want you you know

AR: Right. Yes.

JR: I-I want you to explore this as much as you can.

AR: You you want to be as transparent as I mean.

JR: Absolutely (inaudible)

AR: You're you're in a tough spot.

JR: I'm in an extremely tough spot.

AR: And it's like we get it.

JR: Mm hmm.

AR: We're trying to...

JR: But I believe I did not do anything wrong and I've obviously replayed it in mind about a thousand times and what would I have done different but I didn't I never saw now him I've learned, or anything. I hit it.

AR: Yeah.

JR: And then reacted. Tried to react appropriately from there.

AR: Yeah I'm sure you don't sleep good at night and everything else.

JR: It's been a challenge. (loud breath)

AR: So it's like. Yeah it's it's a tough situation and we-we get it. We understand.

JR: Uh huh.

AR: And we're not...

JR: So...

AR: We're trying to be...

JR: So the bottom line answer is yes.

AR: Okay.

JR: I consent to you to take out and you can do whatever you need to do to the car.

AR: Mm hmm. Okay.

JR: I'll look at the glasses or whatever needs to be looked at.

JA: Okay. (inaudible) Right. Um so...

AR: Actually I-I might if I could take one of em.

JR: Okay.

AR: And get em started on it.

JR: Alright.

JA: Uh huh.

AR: That way...

JR: Yep.

AR: We could...

JR: Okay.

AR: We better do that first.

JA: Yep.

JR: (inaudible)

AR: (laughing)

JR: Okay so.

JA: Mm hmm. I think I'll do a separate form for each phone as we go.

JR: Okay.

AR: Yeah as we cuz we're kinda doing it...

JA: Separate.

JR: Yep. I understand. Yep

AR: (inaudible)

JA: Just a so which phone do you want to go with?

JR: This this this I'll give you this one first.

JA: Okay.

JR: This is my personal campaign phone.

JA: Okay. And what kind of phone is that?

JR: Droid is...

JA: Okay.

JR: As best as I understand it. (chuckling)

JA: Alright. You mind if I look at it.

JR: Absolutely.

JA: Um.

JR: So that one has no.

JA: Do you want to put it in airplane mode for me?

JR: Okay.

JA: And then does it got a passcode?

JR: It does not have a passcode.

JA: Okay.

JR: Uhhh okay airplane mode. Okay so (unknown sound)

JA: Alright.

JR: Yeah. So at the top here...

JA: Uh huh.

JR: you just swipe well that's all my messages though. Okay. H-you know uh you come here and then you further go down here.

JA: Okay.

JR: And then airplane mode's up here in the corner. Airplane mode turn on.

JA: Alright. That's just what our guys like it in.

JR: Yeah. No. Absolutely. Yep. (inaudible)

JA: And we actually we brought two of our computer forensic guys...

JR: Yep.

JA: out here with us so they're actually here too.

JR: Yep.

JA: And they can take this and go with it right away so.

JR: Yep. So this is the 6-0 I don't know if you need me to give you the number...

JA: Okay.

JR: again you know.

JA: Um yeah let me.

JR: That's the...

JA: Alright. I just wanna I don't know how I'm not so good with all this stuff. Alright so this...

JR: You tell me what you need.

JA: I'm just tryin to figure out the make and model of this phone.

JR: Okay well that's just where I put my business cards.

JA: That's your business cards.

JR: It's just a way to.

JA: Okay so lets see it (inaudible)

JR: A 5G uh well if you shut it off and turn it on it'll tell ya.

JA: Okay.

JR: I mean (paper ripping) learned that ah doing it myself here. So you shut it off on the right side here. You just hold it, power off, power off, and then we're going to turn it you know we'll turn it off and we'll turn it right back on. But it'll show you the name of the 5G whatever. Okay so then again, you press it to start it up again here.

AR: I don't think it's all the way done.

JR: Okay there it is.

AR: Now it's going. (unknown sound)

JR: LG Stylo 5B.

JA: Okay.

JR: 5 uh

AR: Plus.

JR: Plus yes. 5 plus (writing sound) Powered by Android.

AR: They'll they'll get the serial number off of it when they...

JA: Yeah.

AR: when they hook device

JA: Yeah I was more wondering if it was a Samsung or LG.

AR: (inaudible)

JA: Or what it was.

AR: So we'll once...

JR: So this ones AT&T.

AR: That's an AT&T

JA: Okay.

AR: So we get it powered up you said it doesn't have a passcode, is it just this swipe (inaudible)

JR: Yep. So-so I'll show you yep.

AR: Okay.

JR: Okay so it comes up, swipe to unlock (writing sound), uh I guess when you it will just take a second.

AR: It's not ready to be swiped yet.

JR: Yeah it's like slow down. Okay.

AR: So that's all we have to do?

JR: Yep

AR: Okay. I will go get em started on it right away.

JR: Okay.

AR: So we could.

JR: Yep.

JA: Alright.

AR: Exchange it out.

JA: So here's what I got is it's just the consent to search, your name, we're at the Pierre Police Department. I Jason Ravensborg I got that right didn't I?

JR: You gotta right, good job.

AR: (laughing)

JA: Knowing that I may refuse to consent to such a search hereby authorize the following officers or agents. I just put NDBCI special agents cuz I don't know which ones.

JR: Absolutely.

JA: And the special agents with BCI to um search the LG Stylo 5+. What was the phone number for that?

JR: [REDACTED] (writing sound) I came from Yankton before when...

JA: Okay.

JR: Kept the same number.

JA: That's for LG Stylo 5+ with phone number that.

JR: Yep.

JA: Um so this written permission is being given by me to the above named officers and or agents voluntarily and without threats or promises of any kind. So what I need you to do is sign it right there. And at any time (writing sound) um with either of these phones you have mine and um...

JR: Do I need to date it?

JA: I'll take care of that.

JR: Okay.

JA: You have mine and Arnie's phone numbers.

JR: Yep.

JA: If you call us and tell us stop searching we will s-terminate that search immediately.

AR: Yeah.

JR: Understood. (writing sound)

AR: I'm gonna take a copy of that with Joe.

JA: Okay.

AR: So I can so they know what number that they're dealing with and such.

JA: Arnie let's have you sign there too as a witness.

AR: Yeah I'll sign. (unknown sound) (writing sound) (unknown sounds) (paper shuffling)

JR: I know you guys aren't the techy guys but do you know (paper tearing) approximately how long that takes or?

AR: Depends on how much stuff is in it.

JR: Um god.

JA: Yeah.

(laughing)

JA: I'll give you this one for that. (paper shuffling)

JR: Right.

JA: Um. Yeah.

AR: (inaudible)

JR: A lot of photos and everything else I mean.

JA: Right. Um yeah and it can be something that I can call you when (unknown sound) we're done with it and then we can just do a swap.

JR: Yes. Uh.

JA: Cuz I'm sure you got things to do too.

JR: Oh I do.

JA: Um so if..

JR: For example like that is the photo I'm willing to give ya.

JA: Okay.

JR: That's the photo I took at night.

JA: Uh huh.

JR: That-the night it happened.

JA: Right. Okay.

JR: How do I get that. Or just when you take the phone you'll get that.

JA: They'll get that. They'll take it.

JR: Okay. But I'm just tellin ya.

JA: Um yep okay.

JR: And then you'll see I mean I guess I would show you that (unknown sound) that's me speaking that night.

JA: Okay.

JR: And then obviously various legislators, these are both legislators. He's the public utility commissioner. The that's the chairman of the party. That's Senator Rounds. You know and people that I was seen with you know at the event.

JA: Uh huh.

JR: You know.

JA: Okay.

JR: So I mean you can...

JA: Right.

JR: call them people that I was at the event with and...

JA: Okay and you said you had a list of...

JR: I have a list yeah.

JA: Okay. And then...

JR: If there's an email or can I...

JA: Yeah it's um...

JR: Oh I send it to your email.

JA: Yep just send it to my email right there. Yep.

JR: I will forward you the list of people and I also have the waitresses name like I said so.

JA: Okay. Yeah if you could send me. Um.

JR: I don't have any contact information but she's at that restaurant. (squeaking sound)

JA: Right. Yeah.

JR: You can easily find her if you need to.

JA: Yep. Should be easy to find her. Um so if if we end up deciding we want to just speak with Tim since he had went out with you.

JR: Yes.

JA: Is is he...

JR: Yes he full cooperates also.

JA: he'd make himself available to us.

JR: Yes (inaudible)

JA: Do you have his contact info?

JR: Lets give it to you here.(unknown sound) I gotta look it up.

JA: It's Tim Bormann?

JR: Yeah. B-o-r-m-a-n-n.

JA: Okay.

JR: He's my chief of staff.

JA: Okay.

JR: I'll give you his official title and everything.

JA: Okay.

JR: And his phone number is [REDACTED] (unknown sound)

JA: Okay. Alright. Um what's your dad's phone number?

JR: Okay so [REDACTED] (writing sound). Now dad is low tech.

JA: Right.

JR: That's wh-that's a landline home phone.

JA: Okay.

JR: So it'd be (sniffle sound) I call him at 10:15 every night or...

JA: Right.

JR: or this night I called him a little ahead of time.

JA: Uh huh.

JR: And that he's a he works at a manufacturing company and he's a farmer.

JA: Right.

JR: So he works until dark and then he comes in.

JA: Comes in.

JR: So I mean I can either help you arrange it.

JA: Okay.

JR: But I or you know.

JA: Where's he live at?

JR: Quimby, Iowa.

JA: Quimby. Okay.

JR: Q-u-i-m-b-y. It is approximately a hundred miles from Yankton (unknown sound)

JA: Okay.

JR: It's a into Iowa I mean a hundred total.

JA: So a hundred miles east.

JR: Of Yanktonish.

JA: Okay.

JR: And I mean I can arrange a time but I mean I would.

JA: Okay.

JR: Otherwise you I would suggest you (squeaking sound) you (sniffle sound) call you him at if you wanna talk with him at 9:00 or later.

JA: Okay.

JR: In the evening.

JA: Right. Okay.

JR: You know he...

JA: Th-that'll work. Yeah.

JR: He will...

JA: Right.

JR: be in from the ho-you know from chores.

JA: Right.

JR: And outside activities and talk to ya.

JA: Okay. (squeaking sound) Do you know his address? (unknown sound)

JR: ██████████ in Quimby Q-u-i-m-b-y again Iowa.

JA: Okay.

JR: I-A, 51049.

JA: Okay. (squeaking sound) Alright. Um so yeah I think for the reconstruction part they wanted which is not in my wheel house at all. We don't do that sor-that's trooper stuff. They want to do it, it's some sort of skid t. That's why I said well here he can explain it cuz they talk to him about it. Um they m-I don't know if they'll do that today or not. Um we processed the vehicle today. Um wi-th-they had go-obtained a search warrant to do it just uh um.

JR: Okay.

JA: Processed it just took any little bit of evidence that...

JR: Mm hmm.

JA: could've found you know. Um other than that you know um I'm guessing the car will stay in...

JR: The car will stay in.

JA: the custody of law enforcement until this is all resolved. And we know how this something like this can go and.

JR: When can I get personal possessions back? I mean.

JA: What are you looking to get out of it?

JR: Nothing. I just want to make sure.

JA: Make sure that if there is something in there you needed.

JR: Right. I-I mean there's.

JA: Okay. Let me let me talk to (inaudible)...

JR: Little stuff.

JA: and we will see what we can arrange for you.

JR: Noth- you know it was pretty clean and I mean I know there's stuff in the trunk like a you know like an emergency kit and stuff.

JA: Right.

JR: You know. I mean.

JA: Mm hmm. Yeah.

JR: Nothing nothing's pressing I guess.

JA: Right. (clears throat)

JR: I mean (squeaking sound) grabbed my uh chargers for my cell phone and...

JA: Uh huh.

JR: that's about it. I mean I didn't grab much outta there.

JA: Yeah.

JR: I think my you know the remote control to your garage door to get in the house.

JA: Right.

JR: You know.

JA: I'm gonna call Arnie and see if he can snap a photo of those eyeglasses.

JR: Yep. Yep.

JA: And then...

JR: Absolutely. Yep. (squeaking sound)

(phone ringing)

JA: If he can just text it to me and then I can show you that right away.

JR: Mm hmm.

JA: It was just kind of the one thing in there that was a little out of place.

JR: Mm hmm.

JA: Just and it wasn't even terribly out of place either.

(phone ringing)
(coughing)

JA: I had a little cold I don't have Covid.

JR: Mm good. That'd be a tha'd be a kicker (chuckle)

JA: Yeah. I wouldn't be in here with you if I did. (sniffle sound)

(phone ringing)

AD: Hey Joe.

JA: Hey um those eye that pair of broken eyeglasses (unknown sound) that we took out of the car.

AD: Yeah.

JA : C-would you be able to snap a photo of those for me.

AD: Sure.

JA: Um and then just text it to me.

AD: Will do.

JA: Okay thank you. Bye. (sniffle sound) Probably better to have that guy do it anyways (squeaking sound) he he was helping with that. So do you have any questions of us at this point?

JR: Not really.

JA: Yeah. Just kind of one of those it's...

JR: I know how it goes.

JA: Yeah. It's a process right now and um.

JR: Right. These are usually the reports that come to my desk. (unknown sound)

JA: Yeah. So Droske is going to snap a photo of those eyeglasses...

AR: Oh yeah.

JA: and text it to me.

AR: Okay. Good. Then we can figure out what those are anyway.

JA: Yeah. (unknown sound) He's also wondering about getting some personal items out of that vehicle uh.

AR: I don't see why we couldn't.

JA: I-I didn't see why couldn't either.

AR: Uh huh.

JR: Nothing's pressing as I told him. I just...

AR: Yeah. Yeah.

JA: Mm hmm. (sniffle sound) Well I know you have a tie or your tie that you were wearing I do when when I saw your photo I'm like oh there's the red tie he was wearing.

JR: Well typically I take off I get to the car and I do take off the tie (chuckle) to you know.

JA: Oh I don't blame ya.

AR: An-what kind of stuff is it? Is it...

JR: Well I mean there's some CDs and such.

AR: Oh ok.

JA: Look like you had some CD books or something in there.

JR: Yeah. Right.

JA: Yeah.

JR: I listen to those sometimes but I-I-I was not (sniffle sound) listening those when I when this happened (unknown sound). I the ones th-quite frankly were boring. I didn't like em. So I...

AR: Oh.

JA: Okay.

JR: I-I started it on the way over and it it just were not interesting to me so I didn't continue with those.

AR: Sure.

JR: And then in the back they're in the trunk as I told him (squeaking sound). There's like an emergency kit and different things that are standard stuff.

AR: Yeah.

JR: I mean. Nothing. You know there's some campaign stuff in the back seat I think. Just a...

AR: Yeah. We'll make sure you get all that stuff.

JR: Yeah. Right.

AR: They're-they're still doing some stuff with it. So once we're done with doing that kind of stuff...

JR: Mm hmm. Right. Right.

AR: We'll get you whatever you need.

JA: Mm hmm. Um do you remember what you were listening to, does that, I mean is that something you...

JR: I thought I'd turned the radio off.

JA: Okay.

JR: Actually. But I (squeaking sound) I just I don't know that 100% so I just yeah.

(unknown sound)

JR: I mean those are not like what I would think what I thought with the military but.

JA: Right. No. That's why when your saying I was like uh I don't uh I don't think that would be.

JR: I mean they're thicker you know.

JA: Right.

JR: No I don't recognize it.

JA: Okay.

JR: Yeah. I mean I'll think about it.

JA: Alright.

JR: Huh.

(unknown sound)
(squeaking sound)

JA: He said Tim Bormann would also make himself available if we do need him.

AR: Oh okay.

JR: Absolutely.

JA: So.

AR: Yeah we might as well.

JA: Right.

JR: He'll run down here right now. (chuckle) I mean if he want him to.

AR: Take care of...

JA: Right.

AR: as much stuff as we can we can.

JA: Uh huh. (sniffle sound)

AR: There-there I took it and they're hooking it up right away.

JR: Okay.

AR: They'll have kind of a better idea if we give em like five or ten minutes.

JR: Okay. Sure.

AR: It'll kinda show em...

JR: Absolutely.

AR: how much (sniffle sound) data is on there.

JR: Mm hmm.

AR: And then they can get a rough guess of how long it's gonna take. It might be something we need to...

JR: Mm hmm.

AR: bring to you and...

JR: Right and switch out.

AR: then exchange it out.

JR: Yep. Absolutely.

JA: Yeah.

(throat clearing)

JA: I've had some take em 20 minutes and I've had some that have taken em six hours.

AR: Yeah.

JA: Usually that's...

JR: Uh that's I sh-well I showed him the photo I guess on this one of the (squeaking sound) car that I took and then the um (sniffle sound) that's the photo I took that night. And then if you scroll you can see pictures from the event.

AR: Scroll.

JR: Yeah. Yep.

AR: Oh okay.

JR: Yep Speaking myself then others you know legislators and senator.

AR: Sure.

JR: Chairman of the party there so. But I I'm like a lot of people I keep a lot of em on there and I don't delete em (laughing) you know I.

AR: Sure.

JR: So it's probably gonna for them suck more data cuz the are more pictures (sniffle sound).

AR: Oh must be the washer fluid that dumped.

JA: Yep. That was empty in your car. That was the only fluid that we saw...

JR: Okay.

JA: that looked like it had probably um leaked out.

JR: Okay. Like I said I didn't see anything you know.

JA: Mm hmm.

JR: Cuz I guess I would say I did (sniffle sound) I've hit a couple different deer through the year of campaigning.

JA: Mm hmm.

AR: That and you're on the road that much (sniffle sound) I'm guessing that frequently.

JR: I mean I had one on by Wall, South Dakota. He stood right in the middle (loud breath). I mean it's truly what you'd see a deer in the headlights. You know.

JA: Mm hmm.

JR: I tried to get over and I clipped him.

JA: Right.

JR: You know still.

JA: Mm hmm.

JR: But this one I never saw anything.

JA: So when you struck something you didn't see anything even then huh?

JR: No.

AR: Okay.

JA: Can I see that again.

JR: Cuz it was more the jolt of it all.

AR: How far di-did you end up going?

(loud breath)

AR: D-do you have I mean and I get it it's I mean.

JR: Yeah cuz I mean...

AR: Wh-what's your feeling how far you went before you were able to get it to a complete stop.

JR: I-I guess I would just be approximating cuz I you know I didn't I guess I looked at...

AR: Yeah it is (inaudible)

JR: where the that one quarter panel piece that's on the shoulder...

AR: Sure.

JR: was. You know and then I mean it was a-it was a little ways from there.

AR: Okay. Okay.

JR: Yeah. I don't I mean it's hard to approximate.

AR: Yeah.

JR: And then they...

AR: It-it's not scientific. We're just trying to...

JR: I guess the you know and again the tow truck came and got it and took it you know away from before you guys could see the scene. I mean we didn't know it was a scene at the time. You know we just thought it was a deer.

AR: Yeah. An-and we're just trying to trying to piece together where the car was at th-at the end when it got towed away and stuff like that.

JR: Right. I mean I did pull off the shoulder I know that.

AR: So it looks like...

JR: And I put my hazards on. Yep.

AR: Did you do that after you were stopped?

JR: Y-yes. So again I so that's where well that's where it is when it stopped.

AR: Okay.

JR: To answer your question.

AR: Okay.

JR: I had jumped out, called 911, walked backwards towards town to confirm Highmore, looking, scanning the ditch with light and came up and took that photo of the th-car when it stopped.

AR: Okay.

JR: And then that's when the sheriff came and I then I didn't take anymore photo. I took one photo I stopped cuz he came so I thought I should pay attention to him.

AR: Sure.

JR: So that's where it is stopped. So I mean if you can figure out where it stopped...

AR: So

JR: from that photo yeah.

AR: You di-you didn't pull it further over (unknown sound) onto the shoulder (squeaking sound) after that?

JR: No. No.

AR: So you left it there until the tow truck.

JR: And hazard lights are on. Yeah.

AR: Okay. (squeaking sound)

JR: Right.

AR: Cuz it almost looks like it's (unknown sound) there's a little bit of space between the shoulder cuz see like it seems like there's a uh some space here. Wer-were you partially in the (squeaking sound) in the in the driving lane when you were stopped?

JR: Uh oh you mean are saying my uh tires.

AR: Part of you part of your car out in the driving lane.

JR: I think so yes.

AR: Oh okay.

JR: I think so.

AR: Cuz it-it appears from that picture that it probably is.

JA: Mm hmm.

JR: I know I I think I think so I mean I can't say so but I think so. And then I-I just immediately put the flashers on.

AR: Yeah I mean cuz we...

JR: That's when I go-this is where it is (squeaking sound) when I got it pulled over.

AR: Okay. Let me have one more look once.

JR: Absolutely.

AR: Yeah cuz this looks like it's dirt there, excuse me.

JR: I know I was on the road and I mean like I said those pieces were on the shoulder but not in the ditch that I that I found especially that big piece. And that's what the next morning when we came back that that was still there you know.

AR: Mm hmm.

JR: And so that's where I knew to approximately to look. I mean I wouldn't have known exactly without.

JA: Mm hmm.

AR: Do you maybe have them forward that to your phone.

JA: Yeah would you mind sending that.

JR: No. I can send that you yeah.

JA: Just send it that cell number the [REDACTED]

JR: Okay. I don't do this normally from my phone here I'm just trying how I attach a photo then here to (humming sound) from this email. Insert photo okay. Okay. It should be coming through. (long breath)

JA: There we go. (squeaking sound). Alright. Thank you.

JR: Yep. (humming sound)

AR: Yeah apparently it's (sniffing sound), qu-it's a 32 gig phone.

JA: Oh so it's going to take a little while. (unknown sound)

JR: Okay.

JA: Yeah.

AR: So I think that the thing to do is once we're done here.

JA: Mm hmm.

AR: We'll just exchange it later on in the day.

JA: We'll just reach out to you.

JR: Okay. Absolutely.

JA: And um.

JR: Do you need anything more now?

JA: I don't think so. So...

JR: (inaudible)

JA: we have the [REDACTED] we'll call

JR: You have that one you have to call

JA: Yep.

JR: Yeah obviously that one.

JA: I'll call the [REDACTED]

JR: Yep.

JA: Number. An-i-you know we can swing by your office or your residence whatever too if need be. However, we'll work it out.

JR: Jus-just let me know.

JA: Yeah. We'll work it out.

JR: We'll make it work. Absolutely. Cooperate however.

JA: Okay. Um

AR: Do we need to do a consent for the car?

JA: It for the skid it pro-it probably wouldn't hurt (paper shuffling) (squeaking sound)

AR: Yeah.

JR: I'm willing so.

JA: Yeah. Let's see.

AR: As long as I'm here we might as well.

JR: Absolutely.

JA: Yeah.

JR: Let's do as much as we can do.

AR: Up front and.

JA: I might have to borrow your...

AR: We don't mean to disrupt your...

JA: I might need to borrow your consent form. See what I got yet. (paper shuffling) Okay I need to borrow yours. (paper shuffling)

AR: Yeah I got.

JA: Alright. (paper shuffling) (writing sound)

AR: The highway patrol is the one that's gonna be doing that for us.

JR: Okay.

AR: Because.

JR: Right. They have skill set.

AR: You know we don't have that kind of stuff (chuckle).

JR: Right. Yeah. (writing sound) (humming sound)

JR: Wha that's just hate messages basically. That I should die.

AR: Oh yeah I imagine your phone has just been melting.

JR: That's why like I said I didn't get back to you right away.

JA: Mm hmm.

JR: I didn't know when you called. I shut em off yesterday actually.

JA: Well that's kinda what we figured is that your phone had blown up.

AR: Yeah after it was in the media we knew it was gonna be.

JA: Is it South Dakota State Patrol? Is that their agency name, is it state patrol or highway patrol?

JR: Highway patrol yeah.

JA: Okay. (writing sound)

AR: Yeah we fully believe between the scam calls and every other bizarre call that it's probably going to voicemail and sort it out at some point. (writing sound)

JA: So that vehicle's registered to you.

JR: Yes.(writing sound)

JA: Alright so this one same thing again.

JR: Mm hmm.

JA: Um.

JR: My name.

JA: I Jason Ravensborg knowing that I may refuse to consent to such a search hereby authorize the following officers in I did put North Dakota BCI agents and South Dakota Highway Patrol troopers.

JR: Okay.

JA: Again I don't know which ones.

JR: Yep.

JA: Um and its for the 2011 Ford Taurus registered to Jason Ravensborg to perform skid testing. (paper shuffling)

JR: Okay.

JA: Um so I need your signature again. (writing sound). Alright. (writing sound)

AR: Should we get the other one all prepped and then just have him sign it when we do the exchange?

JA: I think so.

AR: Is that what your thinking?

JA: Yeah.

AR: Okay.

JA: Yep. Do you want to this one Arnie? Again Jason on this with the skid testing too also applies the same way (writing sound). If you would decide you don't want them to do it call myself or Arnie and we will have them stop immediately (paper tearing)

JR: Understood.

AR: I'm not sure how we're going to get it there. If we're going to drive it or.

JR: I thought it was operable yet.

AR: I think it is.

JA: I think it is.

JR: It's just obviously the windshield situation.

JA: Yep. Mm hmm.

AR: Right.

JA: Yep. Um cuz I do know they had to they weren't able to the shop that's it in, they had to drive it in there.

AR: Oh okay.

JA: They.

AR: Yeah we'll n-I mean there's that one little piece of metal that might need...

JA: Yeah.

AR: to be bent out a little bit but it's...

JR: Right.

AR: We're not going to do. (sniffle sound)

JR: Make sure the tire didn't get popped right.

JA: Right. Yeah.

AR: Yeah.

JR: Do you need anything else of me?

JA: I don't think anything else right now. Um

AR: I think that's...

JR: I got your cards and.

JA: That should be it. Yep you have our cards. Like I said I'll just remind you again (papers shuffling) on either (squeaking sounds) of the searches of you change your mind call one of us immediately and we will...

JR: I understand.

JA: stop those searches.

JR: Thank you gentleman.

JA: And if we just call...

AR: Thank you sir.

JA: Tim Bormann.

JR: Call Tim he'll come comply as soon as he can.

JA: Okay. Perfect.

JR: He's dealing with the media storm.

JA: Yeah. Yep.

AR: Do do we have Tim's...

JA: I do have Tim's number.

JR: I gave phone number (inaudible)

AR: Perfect. Well thank you sir.

JA: Thank you very much. I appreciate your time. (paper shuffling)

(End recording)

Date: October 30, 2020, 1:54 p.m.
Location: Pierre Police Department
Present: SS/A Arnie Rummel (AR)
S/A Joe Arenz (JA)
JASON RAVNSBORG (JR)

EXHIBIT

44

(Begin Recording)

(equipment moving)
(background voices)
(laughing)

AR: Turn that switch on (inaudible) (background voices) It's awesome.

JR: Ahhh. Tis the season of Covid. I ah since I seen you last my chief of staff's daughter got it.

AR: Oh no.

JR: So my chief of staff..

JA: Oh okay.

JR: Tim that you talked to is at home a an uh uh Dave, my DCI director got it confirmed yesterday.

AR: Oh my.

JR: So he's home. So like today we had our DCI annual meeting actually over virtual instead of.

AR: Oh man.

JR: bringing everybody in, so..

AR: Yeah we had to cancel ours too.

JA: Mm hmm.

AR: It was kind of a crazy deal but..

JA: Right.

AR: Not much you can do. I mean it's to, it's just too sketchy to to risky really.

JA: Yeah. Hmm. So how's Dave doing? Is he is he feeling the symptoms of it or?

JR: Yes (chuckling). He says he..

JA: Oh he.

JR: Ah well they tested him and then he didn't uh, they had to cancel the test or something and then they had to test him again and then he s, ya know he said he like every symptom that they could have.

JA: Uh huh.

JR: Or 40 out of the 43 or (chuckling) something.

JA: Yuck. Cuz your that's, you're hearing about half the people don't have any symptoms.

JR: Well then I don't know when you guys in relation, they closed the schools here.

JA: Oh did they?

JR: Yeah, so..

JA: Okay.

JR: The high school.

JA: Ah huh.

JR: Ya know. Here and Fort Pierre both.

JA: Okay.

AR: Really?

JA: Yeah we're still in like a hybrid system where like A through K go Monday, Wednesday, and Friday and then the next week go Tuesday, Thursday and the other half go.

JR: Uh huh.

JA: So yeah I don't know. (pen flicking) I'm kinda waitin for it though because our numbers in at least Burleigh and Morton are you know we're I think today we had 85 in Burleigh (pen clicking) and I...

AR: That's.

JA: 45 in Morton and, you know Burleigh/Morton it's got Mandan and Bismarck, which is kind of like Fort Pierre and Pierre.

JR: Okay.

JA: The river is the only thing that separates the two.

JR: I guess I'm not as good with North Dakota geography, so wh Burleigh, where is Burleigh and Morton then?

JA: Um Burleigh is Bismarck, so that'sss kinda at central and then you have the Missouri River that comes up.

JR: Okay.

JA: An so on the east side of the Missouri is Burleigh, on the west side is Morton.

JR: Okay.

JA: And uh, so if you don't know the area you wouldn't...

JR: Yeah.

JA: know if you're in Burleigh, Morton, Bismarck, or Mandan.

JR: Right.

JA: It all just is one...

AR: Blends together.

JA: it blends together.

JR: Well I've learned a little bit. I'm in the Army reserves. I think I may....

JA: Okay.

JR: have told you last time, but I'm my mission is actually to build a unit at there in Bismarck.

JA: Okay.

JR: And got a reserve center on the right by the airport.

JA: Mm hmm.

JR: I went out, did site visits, talked to people, and then Covid hit and everything's been on hold.

JA: Mm hmm.

JR: Ya know and...

JA: Yeah.

JR: We've been doing virtual since I mean cause my units out of (paper moving, chair squeaking) Fort McCoy, Wisconsin, and....

JA: Okay.

JR: just don't want people crossing state lines (little chuckle) and such.

JA: Right.

JR: you know.

JA: Yeah, uh huh. Yeah. Well um what we want to do is we want to go over everything again with yo, you know we've, as we've gathered more information.

JR: Yeah.

JA: You know when we spoke with you that was..

JR: Early, early.

JA: Yeah. You were the really about the first person we...

JR: (Chuckle) Okay.

JA: spoke with um so you know we've just gathered some more information since then um (pen flicking) so we wanna kinda figure all that out an um again no criminal charges have been filed against you. You're free to go at any time you want to. If you want to stop talking your free to leave um you can just get up and walk out. If you don't want to answer any of our questions you just let us know that. Um this is a completely voluntary interview so.

JR: Right.

JA: Alright. You good with all the....

AR: You've been very cooperative, ss with the..

JR: I-I've tried to do everything and think of everything I can think of to...

AR: Okay. Right.

JR: You know and I've thought of a couple things I guess, you know.

JA: Okay.

JR: I mean so (unknown sound) as we go through it here.

JA: Okay.

AR: Sure.

JA: Alright. So we're just going to kinda recap some of..

JR: Okay.

JA: what happened leading up to it.

JR: Okay.

JA: Um so on the 12th you had went to the um Lincoln Day Diner, it, the Spink County Lincoln Day Diner in Redfield, correct?

JR: Correct.

JA: Okay. Um that day or like on the 11^h leading up to the 12th (inaudible) um how what kind of sleep did you get, do you remember?

JR: I actually got a lot of sleep.

JA: Okay.

JR: Because y-uh, some media reports were I went from Pierre to Rapid, that's actually was not my schedule. I was actually coming from Louisiana uh we'd been down there for an event with the attorney general of Louisiana.

JA: Mm hmm.

JR: And I flew in to Rapid..

JA: Okay.

JR: City and went to event there, th a Lincoln Day...

JA: Okay.

JR: Dinner in Pennington County. That's the Rapid City town, the county to familiarize...

JA: Sure.

JR: you.

JA: And what day was that that you flew into Rapid?

JR: 11th.

JA: Okay.

JR: So the night before Friday and I went to the event and I got home about 1,1:15 in the morning but I slept in til 9:30/10:30 in the morning. I had an event uh that I'd been invited to in Sisseton, South Dakota.

JA: Mm hmm.

JR: And I just told em you know I-I can't make it uh you know it's...

JA: Mm hmm.

JR: too much to..

JA: Right.

JR: do that and go all the way to Sisseton, which is in our northeast corner for I'm familiar you are with South Dakota geography so I'm over simplifying maybe

JA: Mm hmm.

JR: But it's in the northeast corner (unknown sound). That would've take four hours from Pierre at least. You know and the event was at noon so that means that I had to leave at 7:30-8:00 (scraping sound) and I just couldn't do that.

JA: Mm hmm.

JR: So I my day was 9:30, 10:30 I remember I got up. I slept in.

JA: Mm hmm.

JR: And then I was around my office and the house until about 3:00 when I left to go to..

JA: Okay.

JR: Redfield. So I I think I had very adequate sleep. I didn't do anything vigorous. You know I didn't uh bail hay as I used to do as a (little chuckle) kid.

JA: Mm hmm.

JR: You know or something or.

JA: Right.

JR: Strenuous so.

JA: Okay. Ah how much sleep do you normally get? On average in a day?

JR: On a normal day you know seven eight hours. I mean...

JA: Okay.

JR: Six, seven, eight hours. I don't know depending on the day. You know but.

JA: What time do you normally get up in the morning then?

JR: (unknown sound) Sevenish. You know uh I'm usually at the office by eightish. You know um you know depends on my day and schedule. Obviously my schedule changes dramatically.

JA: Mm hmm.

JR: You know and maps out and such and depending on where ya gotta go, but.

JA: Mm hmm.

JR: I would say that...

JA: Okay.

JR: it was a normal day and then I I leave you know. I try to stay til fivish you know...

JA: Mm hmm.

JR: at least. And then obviously depending on what work we've got and such you know. And obviously things are a little different now with Covid.

JA: Mm hmm.

JR: We're not always in the office everyday uh a standard eight hour day cause I don't want myself and my chief deputy and now my chief of staff as I mentioned...

JA: Mm hmm.

JR: all to be down at the same time.

JA: Right.

JR: You know. Somebody's gotta run the show (chuckle).

JA: Mm hmm.

JR: And uh so we've staggered (unknown sound). You know we've got staggered schedules...

JA: Mm hmm.

JR: a little bit. (inaudible)

JA: Cause who's your chief deputy?

JR: Chief Deputy his name is Charlie McGuigan (unknown sound) and I can spell all that if you need me to.

JA: Yeah you'll...

JR: Him yep.

JA: need.

JR: Charlie is traditional and then Mc and little c G-u-i-g-a-n.

JA: Okay.

JR: And Charlie has been the chief deputy for myself and Marty Jackley, my predecessor, and actually the end of Larry Long, his predecessor, so...

JA: Okay.

JR: he's been chief deputy 10, 12 years.

JA: Okay.

JR: And he's been in the office about 25 years.

JA: Oh okay. Alright.

JR: So he knows how the office and state government works I guess.

JA: Mm hmm. Right. Okay. So then.

JR: I can get you his contact if you'd ever...

JA: Oh he.

JR: want to talk to him...

JA: Yeah okay.

JR: or anything. You know I mean.

JA: Yeah. Um so then that day you went to the Lincoln Day Dinner for in Redfield um again you had said that you didn't have anything to drink that night.

JR: I absolutely had ZERO alcohol to drink. I had a coca cola. I had a steak (unknown sound). I don't know what kind of steak, but I had steak (unknown sound) and I had a baked potato I remember.

JA: Okay.

JR: That's the three things...

JA: Mm hmm.

JR: (unknown sound) I remember eating.

JA: Mm hmm.

JR: And uh that's why I tried to give you the waitress's name.

JA: Yep.

JR: And then I got the list of the people (unknown sound) that were there and...

JA: Mm hmm.

JR: such and and uh...

JA: Okay.

JR: try to verify that but.

JA: Mm hmm. And then what time did you leave the dinner?

JR: 9/9:15.

JA: At 9/9:15

JR: p.m. obviously.

JA: Yep. (writing sound) Okay. And um again what roads did you take to come back?

JR: Ah I didn't look em up since you were here, but I can describe it yet.

JA: Uh huh.

JR: Again I-I left outta Redfield going west until you get to what I call the Miller corner. There's a (unknown sound) T-intersection.

JA: Okay.

JR: That if you kept going straight you would go towards Faulkton is the town and uh if you go, you come to this corner and you go south (unknown sound) and you're gonna go south to Miller, South Dakota...

JA: Okay.

JR: which is in Hand County and then from Miller that's 14, which is all the way here to Pierre...

JA: Okay.

JR: and beyond but for these purposes it's from Miller to here. So, I made a...

JA: So you took...

JR: made an s basically (unknown sound) or a.

AR: Once you left the the event, did you stop anywhere else along the way?

JR: Um no not that I believe so no. I. no.

JA: Okay. Um do you remember what you were list, where you listening to the radio or what were you listening.

JR: So, when I left Redfield, you ha, you kinda had to snake through town cuz where this restaurant is.

JA: Okay.

JR: And then when I got outta town, I remember on that first leg (unknown sound) the Miller, or th-the Redfield to the corner I'd called my father.

JA: Mm hmm.

JR: So I did not ha, I had, I have Sirius radio.

JA: Okay.

JR: So I turned down the volume, but I still had it on cuz the Lakers were playing (chuckle).

JA: Okay.

JR: I remember the Lakers were playing Houston and I you can watch the score uh when that hap, you know when it's on. Um and I talked to my father and I turned the corner, the Miller corner, I turned and talked to him and then there's a dead zone there (unknown sound) and it dropped. And then I, when you got closer to Miller somewhere I called him back and all it was was a I didn't hang up on you call.

JA: Mm hmm.

JR: You know, I it dropped.

JA: Mm hmm.

JR: And uh.

JA: So you talked him...

JR: Twice.

JA: about the Miller corner is that about.

JR: Well I-I mean (unknown sound) s...

JA: So you left Red.

JR: a piece of paper or something to m I can just show you the (inaudible). I went to the corner. I turned the corner.

JA: Uh huh.

JR: And I'm I'm it drops somewhere there.

JA: Okay.

JR: (unknown sound) Dead spot and then as I got close to Miller I tried again and that's when I got him back that and I said you know I didn't hang up on you dad. I-I it it (writing sound) it dropped...

JA: Mm hmm.

JR: for some reason.

JA: Right.

JR: And like I said it was not a long call. I mean we we kinda talked about what we were going to talk about and then uh that was it.

JA: Right. So that second call was just basically to end the end the...

JR: End the first call.

JA: first call.

JR: Really yes.

JA: Right.

JR: I mean I just.

JA: Mm hmm.

JR: I just.

JA: Gotcha.

JR: Ee don't be rude to people, you just...

JA: Mm hmm.

JR: You know.

JA: Yeah. Nah it's.

JR: Call you back that I didn't hang up on ya.

JA: Right. Okay. Aright. So then after you got off the phone with your dad the second time.

JR: I didn't call anybody...

JA: Okay.

JR: until after the crash, oh I mean til the 911 call.

JA: Mm hmm.

JR: I guess.

JA: Okay.

JR: I mean.

JA: So when you were driving were listening back to the game or...

JR: No the game...

JA: were you.

JR: got over.

JA: Okay.

JR: I remember I remember the game got over and then the Twins also got over.

JA: Okay.

JR: Uh you know and I-I-I remember shutting off the radio at some point but I think that's closer to Highmore. Um.

JA: Okay. Did you listen to the end of the games or were they already done when you got?

JR: Somewhere the Twi, I don't know where, the Twins the last out. I mean...

JA: Okay.

JR: I remember hearing the last out.

JA: Okay.

JR: But I don't know exactly where that was. Um. (unknown sound) (writing sound)

JA: Okay.

JR: And the I think I think the you know the Laker game was already over (mumbling). I-I the Twins was later than the...

JA: Mm hmm.

JR: basketball.

JA: Okay. Alright. Um so once the baseball was over what'd you do with the radio?

JR: Uh I-I think it was still on but not, you know, I-I-I think I shut it off when I got closer to...

JA: Okay.

JR: when I got you know around Highmore.

JA: Okay. Why'd you shut it off?

JR: Well that's wel, wel, we have to fast forward then a little bit.

JA: Okay. Uh we can go back.

JR: Yep, so.

JA: Kinda walk me through it.

JR: So again I-I turn the Miller corner (unknown sound) the second Miller corner I guess the one going out of Highmore and I'm...

JA: Uh huh.

JR: driving along and then I-I get to Highmore and that's when I looked to the right and I looked to the left as I go through as I was going through town I was thinking about gettin gas.

JA: Uh huh.

JR: And the one station to the south or to the left there was a guy and I just I remember his car was pointing back east and he had his you know the in the gas pump and it looked closed though.

JA: Mm hmm.

JR: And I'm like ahh okay. So I looked at the looked at the north station and there was three or four high school kids there.

JA: Mm hmm.

JR: And I just looked at that side and at that side and it looked closed too, so I said well I just keep going.

JA: Mm hmm.

JR: And then...

JA: Okay. (writing sound)

JR: around there that's when I-I believe I shut the radio off and uh you know I-I believe that happened you know shortly before the accident. I my intention at the time was to think about I we've got a couple very big cases going on and I...

JA: Mm hmm.

JR: was going to shut that off and uh you know think about those cases that's...

JA: Okay.

JR: what I intended to do.

JA: (deep breath sound) Mm hmm.

JR: You know, quiet time.

JA: Okay. (writing sound) Alright. So you remember going through Highmore though?

JR: Absolutely. I remember looking to the left and the right and like I told you the first time...

JA: Mm hmm.

JR: I remember looking at the signs...

JA: Mm hmm.

JR: you know off to the right about the speed zone and the the distance to Pierre.

JA: Mm hmm.

JR: You know and then I like I said I think you know ri-right before that that's when I turned off the radio.

JA: Mm hmm.

JR: And if I you know I've been thinking about it, you know I mean what was I doing exactly but I think I was looked down at the speedometer cuz I...

JA: Mm hmm.

JR: traditionally put it on cruise.

JA: Okay.

JR: Uhh not always but a lot of the times and I know I never got going very fast cuz I never locked it into cruise.

JA: Okay. So

JR: And um (writing sound)

JA: So you used the cruise control but you know that on this day you hadn't gotten back into turning the cruise on?

JR: Right. I-I think I'd had used it prior to the accident you know on the other stretch possibly, but I had not used it uh I had not engaged it yet.

JA: Right. (writing sound) Are those roads that you take from Pierre to Redfield are those all 65 mile per hour zones?

JR: I believe so, except

JA: Okay.

JR: through the towns of course.

JA: Except thru the. Um what you usually...

JR: And sometimes I don't go that way.

JA: Uh huh.

JR: I mean I don't know if that matters. I mean you can go another way. You can go to Miller, go out of Miller and then go up to Redfield.

JA: Mm hmm. Okay.

JR: But I didn't do that this time.

JA: Right. Um do you have any idea what you would have been setting your cruise at when you were going?

JR: Yu-you know right around 65.

JA: Okay.

JR: You know 65, 67.

JA: Okay.

JR: You know. (writing sound)

JA: Okay. Um but didn't have the cru. Do you remember.

JR: I never go more than four over...

JA: Okay.

JR: EVER, anywhere in the, you know anymore. I just lock it in.

JA: Okay. (writing sound) How about your high beams. Do you usually use your high beams.?

JR: I had used the high beams, but I had not clicked em on yet when the, when I leaving Highmore.

JA: Okay.

JR: I'd used high beams from basically, basically to Highmore. I mean wh, you know, I shut em down when we went through Miller and, of course, in Redfield.

JA: Mm hmm.

JR: I would say I used my high beams appropriately. I used em on the road, but I did not have them up uh yet um coming out of Highmore.

JA: So getting to Highmore you would have had em on, turned em off when you got in to Highmore (paper turning).

JR: Into town yes.

JA: And then never turned em back on.

JR: Correct.

JA: Okay. (writing sound) So as you're going through Highmore what else do you remember besides looking at the gas stations, they looked closed, then what?

JR: Just it was a dark night.

JA: Uh huh.

JR: I mean that's what I remember. I looked I mean vividly remember I can see those people you know at the gas pump you know and such, and around the station and such.

JA: Mm hmm.

JR: But that's it.

JA: Okay.

JR: Mm hmm. Nothing else sticks out I guess.

JA: Okay. And then what do remember happening (paper shuffling) next?

JR: Well I guess when you say next (unknown sound) I mean I-I...

JA: I

JR: it was a hit.

JA: Yep.

JR: And I-I did not punch the breaks.

JA: Mm hmm.

JR: I my military training you don't pu, I've always been taught you don't punch the breaks cuz then you could spin.

JA: Okay.

JR: Uh so I tapped the breaks three or four times...

(writing)

JR: trying to control the vehicle and uh you know shake as you got to the side of the road (unknown sound) and brought it to control as best I could to safely get to the side of the road.

JA: Okay.

JR: I then obviously I you know there was some expletives and you know...

JA: Uh huh.

JR: like what the hell happened (chuckle) you know.

JA: Uh huh.

JR: And I put it in park and I do believe now, you know cuz quite frankly Arnie you maybe remember when I showed you the picture. You know I did put the flashers on. You know cuz I first at just sat there for a minute going...

JA: Mm hmm.

JR: what the hell happened (chuckle). And I hit the flashers and I got out of the car and I kinda just shook my head a little bit and looked around and you know. And I then dialed 911 and I thought I was at Highmore...

JA: Uh huh.

JR: but I didn't want to tell the 911 I was at the wrong town.

JA: Right.

JR: So I walked (writing sound) towards town talking with the 911 person who said to the best of my recollection, obviously you guys can listen to that, but it said something to the affect of hello 911 this is the attorney general. I'm about a mile west of Highmore, I believe. I've hit something I be, in the road and I believe it was a deer. And I and the only reason I believe it was a deer cuz that's what it (unknown sound) season. It I just think it I didn't see anything but I believe that that's what happens and you know this time of year.

JA: Mm hmm.

JR: And then I said, she goes who is this, and I said I need some assistance. I said that somewhere in the...

JA: Mm hmm.

JR: in the call. And she said who is this and I think I gave my name Jason Ravensborg versus...

JA: Mm hmm.

JR: title and then I said yes, yes I am near Highmore cuz I could see the sign then, you know but I was.

JA: What sign could you see?

JR: Uh the green...

JA: Okay.

JR: town sign I guess. I don't know what you call em officially.

JA: Right.

AR: Uhh town sign.

JR: (laughing)

JA: Yeah. That works.

JR: I mean I mean and I had walked back.

JA: How far from where your vehicle stopped to where you walked, do you think you walked?

JR: I walked.

JA: If you'd estimate. I know you don't...

JR: Yeah.

JA: know exactly.

JR: Yeah I mean I walked. Well there's the one piece of my car that I saw on the on the...

JA: Uh huh.

JR: sh-shoulder right off the road.

JA: Is it that w-larger...

JR: Larger piece.

JA: piece. Yep.

JR: I walked past that.

JA: Okay. Westbound past that, right?

JR. No eastbound.

JA: Or eastbound.

JR: Eastbound.

JA: I'm sorry.

JR: Yep.

JA: Yep.

JR: I'm going east at this point.

JA: Okay.

JR: And then she said something to the effect that the sheriff was the only one on duty and that he would be out soon and I said that would be fine or something, you know, okay. And then I hung up and clicked from there over to my uh camera or my phone flashlight and started looking for the deer...

JA: Mm hmm.

JR: which I thought in the ditch...

JA: Mm hmm.

JR: at that point and I walked the whole length back to my car.

JA: Mm hmm.

JR: And then I remember taking a photo. The one I gave ya of the car.

JA: Mm hmm.

JR: And then that's when the sheriff pulled up.

JA: Mm hmm. So how close do you think you got to the city sign or the town sign?

JR: A few steps past that, you know, I don't, five steps maybe past that re-that big chunk.

JA: Okay. So just

JR: Ish.

JA: You were real close to that chunk?

JR: Right.

JA: Okay.

JR: Cuz I thought, (unknown sound) I thought obviously the animal would be close to that, k-where the collision point, somewhere..

JA: Mm hmm.

JR: in there.

JA: Mm hmm.

JR: And looked around there.

JA: Okay.

JR: And then walked back.

JA: Mm hmm. But so you walked past the piece of...

JR: I walked past the...

JA: Piece.

JR: of the vehicle.

JA: East of.

JR: East.

JA: Okay.

JR: Towards Highmore. Yes. (unknown sound) (writing sound).

JA: Okay. When you were walking past it did you, you had your flash, is it your phone flashlight out you said, or was that...

JR: I di no

JA: after that.

JR: That was after the phone call co-concluded.

JA: Okay. And so when your walking were you on 911 at the time when you were walking?

JR: Yes. I was walking and talking at the same time.

JA: Okay. Great.

JR: Walking and talking towards the sign. (unknown sound). I would say I had an excited utterance yes, it is Highmore. I am near Highmore. So-words to that affect. You know I thought I was at Highmore but again I didn't want to say I was at Harrold and then, which is the next town.

JA: Right. Mm hmm.

JR: And send the officer to the wrong (little chuckle) location.

JA: Right. Yep. Okay. So, you went past, you're on the phone and then when you start coming back is that when you turn the flashli phone light on?

JR: Y-ye-yeah within s-you know, I-I hung up, or she hung up I don't...

JA: Right.

JR: remember who hung up.

JA: Mm hmm.

JR: And then uh I turned th-the light on...

JA: Okay.

JR: soon thereafter. (unknown sound)

JA: Okay.

JR: I don't know you know (unknown sound) how soon.

JA: Right. Okay. And then you walked back towards your vehicle?

JR: I walked towards the vehicle and like I said I took a picture and that's when the sheriff pulled up.

JA: Mm hmm.

JR: The sheriff pulls up and he says uh you know what ha you know what happened. And I said well I think I hit a deer and so the sheriff looked at me. So (unknown sound) I'm at the front corner taking that picture and he walks up beside me and he's looking at the car also.

JA: Okay.

JR: And he says something to the effect well at least it didn't get the side (unknown sound) window, you know, and my passenger side window.

JA: Right.

JR: I mean he saw what other damage was there.

JA: Okay.

JR: And then he kinda looked the car over I would say and then he looked at and I told him that you know that I-I tried to break and got it over as best I could. And he looked at the car and he looked back at the wreckage I would say...

JA: Mm hmm.

JR: and such. And then he said well grab your license, no not not your license. Grab your registration and your insurance and meet me back at the car. So I then walked back to the car.

JA: Uh huh.

JR: And when I get in the ca-well no I had to get in my car...

JA: Uh huh.

JR: to get those two items.

JA: And where were those items at?

JR: My registration's is always above my visor.

JA: Okay.

JR: In, it has a mirror so you...

JA: Right.

JR: drop down the mirror so you always have the registration there and then the insurance was in the glove compartment.

JA: Okay.

JR: Which at this point had been ajar.

JA: Okay.

JR: It had opened up based on the collision. Uh I guess the one thing the one thing I remember that I told you at the beginning I remembered something. My airbags did not deploy.

JA: Right.

JR: It looked like from uh photos and I-I think that's my car that KELOLAND put out there but you know we couldn't see it exactly but it looked like the airbags had deployed then. So, they did not deploy from the crash I guess, you know.

JA: Right.

JR: And so I guess I haven't seen my car since so I don't know.

JA: Right.

JR: I mean I'm just telling ya.

JA: Mm hmm. Okay.

JR: Go back to the car he says well he writes down he-he-he takes those two items and he writes me out the red ticket, which I gave you.

JA: Uh huh.

JR: A cop-a picture of.

JA: Yep. Sure did.

JR: And um and then he said well where do you live or words t-where were ya at. He talked past me where I was at. I said well I'm in Redfield. I went to a-a political event and uh a Republican event over there and he goes well you're not running this year are ya already, and I says no but your attorney general (unknown sound) your always running. You know, you're always running. You know, you're always, you know out seeing the people and I think that's what you gotta do.

JA: Hmm

AR: Your extra pen please.

JA: Sure.

AR: Mine went dead.

JR: Oh (laughing).

AR: Sorry.

JR: And you know get out and find out what their concerns are and talk with em and uh that's what you should do as a elected person. And...

JA: Mm hmm.

JR: he said something to the affect that you know he loved his job but he doesn't like the politics of it and I you know I okay. I didn't really say much to that I guess an-and he said (background voices) well where do you live? Well I started describing exactly where I lived. I think he meant from what I-he said later, you know, that he just wanted to know what town I lived in.

JA: Mm hmm.

JR: You know, but I was telling him exactly (chuckle) where I lived in town.

JA: Mm hmm.

JR: I you know I'm a little shook up.

JA: Mm hmm.

JR: And he goes uh to the effect of um well I can either take you to take you there or you can drive but it'll be an hour for a tow truck. We talked about a tow truck.

JA: Mm hmm.

JR: And I said uh so I was confused. I says well you we just talked about a tow truck but you said I can drive. I do think the car is driveable.

JA: Mm hmm.

JR: I mean it, the motor runs and you know and everything, but it is safe to dri-I you know I was just...

JA: Mm hmm.

JR: this was cloudy of my why is and he says no you can go to m-I'll take you to my house and I'll give you my car and you can drive or I can take you back. (unknown sound) Well somebody's offering me their car or he's going to take his time to take me home. I quite frankly threw it back on him and I says whatever works for you sheriff you know or words to that effect. And he said well we'll take you to the house then and we'll get you the car. We then...

JA: But you didn't think that the car wasn't driveable?

JR: I thought the car motor wise...

JA: Mm hmm.

JR: could drive but I didn't know how safe it was with the windshield...

JA: Mm hmm.

JR: action.

JA: Right. Okay.

JR: I mean I you know I-I don't kn-I didn't test it out obviously. I-I got it to the side the best I could uh (unknown sound) but I guess I was deferring to the sheriff at that point.

JA: Mm hmm. Okay.

JR: And he so he then takes me to his house.

JA: Um. Real quick before we get to that.

JR: Okay.

JA: So, the sheriff he looked at the damage to the vehicle. Did you guys, did the sheriff while you present did he look at all for anything that you would have hit?

JR: Well I know he looked at the the car itself.

JA: Uh huh.

JR: And I know he looked at the wreckage and I-I believe he looked he was looking in the ditch.

JA: Okay.

JR: As I was a-as I you know I didn't watch him exactly...

JA: Mm hmm.

JR: go back to his car but I was f-you know finding the registration, the insurance, looking around. And I looked back at him and I thought I lo-seen him once you know glance in the ditch and such.

JA: Mm hmm.

JR: But.

JA: Right by you where the cars where though?

JR: The cars were...

JA: Or like he didn't.

JR: Well.

JA: Did you see him walk down the highway at all like looking in the ditch?

JR: He well n-neither one of us ever went east of the crash s-of where the car stopped.

JA: Okay.

JR: Uh we never went east of it. I mean I took the picture and that's when I stopped and then...

JA: Mm hmm.

JR: kinda differed to him.

JA: Mm hmm.

JR: Um. (inaudible 1:42:07)

JA: So the only time you had walked east was to find out if you were by Highmore?

JR: Oh sorry I said I said it backwards now (chuckle).

JA: (inaudible 1:42:07)

JR: I didn't walk west of the car further.

JA: Okay.

JR: You know wa-I didn't walk any farther west than I'd come to the front of the car and taken that picture. I did not walk west of the car. I only walked east prior to the sheriff arriving as I early described.

JA: Okay.

JR: And then when I obviously walked back to the sheriff's car I-I did look again in the ditch as I walked back to his car with my uh you know I looked out there. I don't know if I-I don't think I used my phone.

JA: Mm hmm.

JR: When I was just looking out when I walked back to the car.

JA: Mm hmm.

JR: You know and...

JA: And so in you in relation to your car cuz your car was facing west, the sheriff pulled up, did he pull up behind you or?

JR: Yes. He pulled up behind me.

JA: Okay.

JR: Yes.

JA: Did he come from the east?

JR: No. He come...

JA: Or did he come and then like turnaround or how did that work? You know what I mean?

JR: I-I don't know.

JA: How he how he ended up behind you.

JR: I mean I can only speculate.

JA: Okay.

JR: He-he lives...

JA: Yeah no that's fine.

JR: He lives a quarter mile from the crash site.

JA: Yep. West though.

JR: Right west of it.

JA: Mm hmm.

JR: But I didn't I-I-yeah he he parked behind me.

JA: Okay.

JR: So I don't know where...

JA: Right.

JR: he came from I guess.

JA: Okay.

JR: He just appeared and I...

JA: Right.

JR: showed him the vehicle. You know showed him the front and everything.

JA: Mm hmm. Um do you remember did the sheriff have like when he was looking around did he have a flashlight or anything? Do you remember at all even?

JR: I don't remember if he...

JA: Okay.

JR: yeah I mean not, yeah I don't remember.

JA: Okay. That's fine. Um and any questions I ask if you don't...

JR: Yep no. Right.

JA: just say you don't remember that's best.

JR: Mm hmm.

JA: Um. So you guys...

JR: I don't want to speculate.

JA: Yeah.

JR: Yeah I don't wanna...

JA: So...

JR: give you the facts.

JA: um when you were looking around or walking to find out where you were at or anything did you move any of the debris?

JR: No.

JA: Okay. Didn't touch any...

JR: Didn't touch.

JA: debris?

JR: Didn't.

JA: Okay. Did you happen to see if the sheriff when he was out there moved any debris?

JR: I did not...

JA: You didn't see him.

JR: see what he did.

JA: Okay.

JR: You know and then obviously I thought of later obviously the tow truck came and got my car.

JA: Uh huh.

JR: That was after I left...

JA: Right.

JR: the scene you know so.

JA: Okay.

JR: So somebody moved the car and tow truck and the sheriff because I-as I started to say I was at the house with him. He backs his car out, I take it, I leave and he pulled me over again.

JA: Mm hmm.

JR: And he sa-and I says is there a problem sheriff? What-what else eh do I can I do for ya and he says you didn't give me the key to the car. So I give him ALL my keys and then he gave em back and says no just give me the drive key.

JA: Mm hmm.

JR: And so that was (unknown sound) he came out of his lane and I went west at that point and I gave him the key back.

JA: Okay.

JR: You know so he had to obviously I assume went back to the crash site when the...

JA: Mm hmm

JR: tow truck driver came.

JA: Mm hmm.

JR: Cuz he's the one that gave the key to.

JA: Right. Okay. And then you headed back to Pierre?

JR: I headed back to Pierre. Uh I called and as I said before I called my father, Tim and Dave and the sheriff.

JA: Mm hmm.

JR: And I just coordinating a-I-I guess I regularly tell Tim and Dave where I'm at...

JA: Okay.

JR: uh as attorney general. You know...

JA: Mm hmm.

JR: If I'm traveling especially by myself.

JA: Okay.

JR: Where I'm at. Those two know where I'm at.

JA: Right.

JR: And so I told them that I believe I you know hit a deer and had...

JA: Mm hmm.

JR: an accident and the and I asked Tim if he would help me the next day take my car ba- take that car back to the sheriff.

JA: Mm hmm.

JR: And he said yes and then I called the sheriff and said I had driven to Pierre and I didn't see a tow truck pass me anywhere you know had it come yet, no. And when can I bring your car back and he said anytime you know bring it back in the morning whenever works for you.

JA: Okay.

JR: And that's what we did.

JA: Okay. So the call to the sheriff was just to setup.

JR: To setup the return of his vehicle.

JA: Okay.

JR: I mean I again I'm boring somebody else's property and I think I should get it back to him you know (chuckle).

JA: The sheriff say anything about the accident or anything or...

JR: No.

JA: ask any questions about that.

JR: No. All you know he just he said that the tow truck driver hadn't been there yet and uh bringing it back whenever it worked for me in the morning.

JA: Okay. Alright. So then you go back the next morning. Correct?

JR: Okay. So Tim meets me at my house...

JA: Mm hmm.

JR: Approximately 8:00 and I said follow me and ah-you know ah-we did see three deer the next day going east back to Highmore. We saw three in the daylight you know. And we slowed down because of those.

JA: Mm hmm.

JR: And then we I said I wanted to go to Highmore and fill it up with gas cuz I thought it was only the right thing to do again.

JA: Mm hmm.

JR: That somebody loan me their vehicle to give it back to em full.

JA: Mm hmm.

JR: And so we filled it up and as we drove by s-the some of the wreckage was still there on the road.

JA: Mm hmm. Did it look like it was in the same place that it was.

JR: Uhh I don't...

JA: Or...

JR: know about that.

JA: Don't know. Okay.

JR: If it moved or not.

JA: Right. Okay.

JR: I mean it. You know obviously ten, twelve hours...

JA: Yeah.

JR: had passed yeah (inaudible 1:36:56) moved.

JA: get from darkness to daylight, I get it.

JR: Right. Yep.

JA: Uh. Okay.

JR: I don't know if it moved or not but it was still there and I thought it could be a problem for another traveler.

JA: Mm hmm. Mm hmm.

JR: And I had thought along the way. I didn't look on the southside of the ditch.

JA: Mm hmm.

JR: And so I told Tim lets park on the north side, look there, and then lets look on the south side cuz maybe the deer glanced off and went to the other side of the road. I did not check that the night before on the south side. Well then we pull up to the th-the site area and again I never saw you know my car is gone at that point.

JA: Mm hmm.

JR: So I don't know where my car is in relation to the body when I found it.

JA: Mm hmm.

JR: Uh so I went I went west and Tim went east and then I found the body.

JA: Mm hmm.

JR: And I just came to Tim and said Tim-Tim-Tim ya gotta come here. I found a body. So Tim came up and looked at it and then I said well now it's daylight. I can see the sheriff's house and I said we gotta go get the sheriff immediately and he agreed. And we so we did leave the site.

JA: Mm hmm.

JR: Without calling 911 but my thought process was this is the quickest way I can get the sheriff is to go to his house, he's right there. And so he walks out and says good morning and I says I don't know. I said sheriff I found a body and his response was you're shittin me. So and I (chuckle) obviously thought that was genuine you know that he was surprised that that was the case.

JA: Mm hmm.

JR: I says you need to come with us. Here's your keys back. I handed him his keys to his car and we just left it where I where I drove th-into the property at and I got in with Tim and the sheriff followed us back to the to the site. The sheriff said to the affect of wh-wh-first we got out and then we showed him where it was at. And then he said well how are you doing? Well I says well I'm pretty shook up (voice gets higher) right now. And ah and he says well Tim you take care of him and take him back and I'll call DCI and that's where we left it.

JA: Okay. So when you said that the sheriff seemed genuine (papers shuffling) when he said your shittin me um...

JR: Well that was his reaction.

JA: Mm hmm.

JR: Your shittin me.

JA: Okay.

JR: Like he was genuinely surprised...

JA: Right.

JR: that there's a body out there.

JA: Mm hmm. Okay.

JR: I mean not-not to take away from him in any fashion.

JA: Uh huh.

JR: That was just his...

JA: Right.

JR: his response.

JA: Okay. Um more of the reason I'm asking that...

JR: K, yep.

JA: your clarifying that is w-are are you now questioning or where you questioning on whether the sheriff was genuine about that?

JR: No. No. No. No.

JA: Okay. I was just wondering.

JR: No I want to make sure that's clear. I mean if I said that wrong.

JA: Okay. I just wanted to clarify.

JR: No. E-e I mean he was just (unknown sound) he was surprised.

JA: Mm hmm.

JR: I mean he-he was probably as surprised as I was minutes previously in finding the body.

JA: Right.

JR: You know just kind of a shock.

JA: Mm hmm.

JR: Your shittin me.

JA: Right.

JR: You know and...

JA: Mm hmm.

JR: I mean I thought I took that reaction as genuine like wa-clearly he didn't know there was a body either.

JA: Mm hmm.

JR: You know and that's (unknown sound) you know was all settling in to me th..

JA: Mm hmm.

JR: You know.

JA: So when you spoke to the sheriff (unknown sound) at his house do you remember what was he w-was he like dressed like he was ready to go on duty do you remember or? I-I mean at 8:30 in the morning

JR: Okay 8:30

JA: you might catch in...

JR: Well so...

JA: pajamas.

JR: this is 9:30 in the morning.

JA: Okay.

JR: ish.

JA: 9:30. Okay.

JR: ish. Yep you know cuz it's we left we left Pierre around 8 and then like I said we got gas, uh we uh went to the crash site and then we went to the sheriff. And I guess I-I don't remember if he's wearing a uniform or not but...

JA: Mm hmm.

JR: I would say he's dressed like you folks. I mean he dressed...

JA: Okay.

JR: like he was gonna you know go out you know be out for the day appropriately. He was not...

JA: Right.

JR: in pajamas.

JA: Right.

JR: per se.

JA: Mm hmm.

JR: You know or some kind of night clothing.

JA: Right. Yeah.

JR: He was in standard clothing.

JA: Mm Hmm.

JR: I mean.

JA: Yeah. Okay. Yeah (inaudible 1:32:46) 9, 8:30, 9:30 in the morning you might catch me in...

JR: (Chuckle) Right.

JA: you know...

JR: On Sunday.

JA: shorts.

JR: On Sunday morning too.

JA: On Sunday morning...

JR: Right.

JA: you might catch me in sh-not ready to go...

JR: Right. Or-or...

JA: at that point.

JR: Or you know I guess I don't remember him looking like he was gonna go to church but it don't look like he's like he's gonna go to pajamas either.

JA: Okay.

JR: I mean it's just standard.

JA: Okay.

JR: Standard clothes.

JA: Mm hmm. Alright so you showed the sheriff he said he'd take over from there and you and Tim, he released you and Tim from the scene.

JR: He released me and Tim from the scene uh and said he would contact DCI.

JA: Okay. Alright.

JR: And that's what I remember...

JA: Mm hmm.

JR: except for uh at some point you know the highway patrol asked if I would do a blood draw and I said absolutely.

JA: Mm hmm.

JR: And I did that up at the jail. That's when I asked ya...

JA: Mm hmm.

JR: Where we were meeting exactly. At the top of the hill there's actually the jai.

JA: Oh okay.

JR: You know so...

JA: (inaudible 1:31:56)

JR: I you know I met up there for that.

JA: Mm hmm.

JR: And I believe that officer ah high patrol was Schneider.

JA: Okay.

JR: Was his name.

JA: Yep.

JR: And he he coordinated that with Tim uh.

JA: Okay.

JR: Cuz I called my father on when I got home.

JA: Uh huh.

JR: Or I got back to the office and while I think while I was doing that that's when Tim talked with high patrol to line that up.

JA: So you said when you got back to the office you you went to the office not home.

JR: We wen yes went to the office.

JA: Okay.

JR: Yeah.

JA: Okay. What'd you do at the office?

JR: Wait.

JA: Just waited?

JR: Yeah.

JA: Okay.

JR: Just kinda well he had said to Tim to look after me for a little while.

JA: Mm hmm.

JR: So not to go home and leave me alone I guess was...

JA: Mm hmm.

JR: Tim's thinking. He says w-I think it was Tim's idea, lets just go to the office.

JA: Mm hmm. Okay so Tim stayed at the office then too?

JR: Yeah he was with me.

JA: Okay. Alright.

JR: And I know we went and then we came here and did the blood draw and we went back to the office for a little while I think.

JA: Mm hmm.

JR: And then he you know asked if I was okay and stuff to go home and such and cuz now I don't have a car...

JA: Mm hmm.

JR: at all. So I know he had to take me home at some point.

JA: Right. Okay. Alright. Um so I just want to go back a little bit to...

JR: Okay.

JA: when the accident happened um what is the last thing you remember upon impact when you hit something? What is the very last thing you remember about hitting or you know at impact?

JR: I think that I had just shut the radio off and looked down at the speedometer.

JA: Okay.

JR: I mean I shut the radio off you know just soon pr-you know from Highmore in you know Highmore to the site somewhere. And then I think I looked down at the speedometer for I just seen the speed sign and I did not (unknown sound) engage the cruise.

JA: Okay.

JR: And then I (inaudible 1:29:47) to get to the...

JA: Do you remember how you were feeling when you were driving home from Redfield that time? I mean...

JR: I-I

JA: were you feeling tired...

JR: I-I

JA: fatigued at all?

JR: I do not feel fatigued. I felt normal.

JA: Mm hmm.

JR: Uh normal driving.

JA: Mm hmm.

JR: Uh I did not feel fatigued. Um so...

JA: Mm hmm. Okay. Do you remember were you using your phone at all for anything besides to make a couple of phone calls um?

JR: No. The only phone calls I made were to my father...

JA: Mm hmm.

JR: which ended prior to Miller.

JA: Yep. Okay.

JR: I'd set, I have two phones, as you know.

JA: Mm hmm.

JR: One was on the passenger seat and the other one was on my console.

JA: Mm hmm.

JR: And I did not you know use them you know then.

JA: Okay. S...

JR: You know I-I did not have the phone in my hands when the crash happened. I had you know hands on the wheel and looking at the speedometer.

JA: Mm hmm. Okay. Um so...

JR: As best I can relate back.

JA: Yep. So your phones when to unlock them do you use a like mine I can use I can use a code or my-my thumb.

JR: Uh huh.

JA: Um I think my kids can actually use a facial recognition thing. They hold it in front of their face.

JR: Right.

JA: Um how-how are yours set up?

JR: One doesn't have anything and...

JA: Which one doesn't have anything?

JR: Uh the personal phone.

JA: Person.

JR: The Droid.

JA: Okay. No security on that just a...

JR: No security on that one.

JA: Okay. And how about your work phone?

JR: You have to punch a code in.

JA: Okay.

JR: That's the one.

JA: So you can't just use a thumb print or anything like that. You actually gotta enter in a...

JR: Right.

JA: How many numbers is your code?

JR: Four.

JA: Four numbers. Okay. But you don't remember using your phone for anything other than phone calls?

JR: Yeah.

JA: To your dad that night on the way home?

JR: Right. Yep.

JA: Okay.

AR: How's your vision?

JR: Good. I...

AR: Do you have night vision problems anything like that?

JR: No. I uh I-I'm in the army so I had a vision test a year ago.

AR: Sure.

JR: And I came out fine. Uh I have uh no glasses or anything.

AR: And I know some people have trouble seeing stars and stuff at night and I was just curious if you experienced any of that stuff.

JR: No.

AR: I didn't mean to interrupt.

JA: Oh no. Nope that's fine. So have you had any other contact with the sheriff at all since.

JR: No. I have not...

JA: Okay.

JR: talk w-uh I have not had any contact at all with the sheriff.

JA: Uh huh.

JR: I think uh Tim might have reached out cuz we were trying to figure out who the family was.

JA: Oh okay.

JR: You know to offer condolences, sympathy.

JA: Uh huh.

JR: Uh and you now I think Tim might have, do you now these people, do they have a relative who...

JA: Mm hmm.

JR: who is the right person.

JA: Were you guys ab-ever able to get anywhere with that?

JR: Uh no. Uh I-I no not at all.

JA: Okay.

JR: I mean we found a different way to find out. Then the funeral home they put the obituary and put the funeral home of...

JA: Uh huh.

JR: of the where that had happened and then we learned that the father passed away about six weeks prior. We were....

JA: Okay.

JR: looking to reach out to the mother.

JA: Uh huh.

JR: But we saw that and did not reach out then because...

JA: Okay.

JR: obviously she just lost her husband and then six weeks later loses a son.

JA: Uh huh. Right.

JR: So we just didn't think that was a uh the right time.

JA: Right.

JR: I guess. Cuz his the father was still on the funeral (unknown sound) home registry...

JA: Mm hmm.

JR: also.

JA: Okay. Alright. Um so on your phone then you have like an e-you have email on your work phone I assume.

JR: Correct.

JA: Okay. Um how do you open your email? Is it just like I have a mail icon basically.

JR: Right. You click on that.

JA: I hit that.

JR: Yep.

JA: Okay.

JR: Yep.

JA: Is that for a South Dakota state email or?

JR: Correct.

JA: Okay. Do you have other emails besides your work email?

JR: Yes.

JA: Okay. But your work your just click something and boom your in, right?

JR: Right.

JA: What other kind of emails do you have?

JR: Campaign mail.

JA: Okay.

JR: And personal email and then military email.

JA: Okay. So the campaign email what would that, is that like a gmail, a Yahoo mail, uh?

JR: Yahoo mail.

JA: Okay. It's Yahoo. And how about your personal?

JR: It's also Yahoo. Different one.

JA: Uh huh. Okay. Military what's that? Is that like a...

JR: It's a mil dot mil.

JA: It's dot mil...

JR: Ye.

JA: dot US...

JR: Yeah its your name.

JA: or whatever. Okay.

JR: Dot mil at mail dot mil or something. Yeah.

JA: Okay. And you had both phones with you when you went to...

JR: Correct.

JA: the dinner and then you brought em, you had em both when you came home right?

JR: Correct.

JA: Okay. Alright.

AR: What's the address for your campaign.

JR: Jasonforsouthdakota@yahoo.com.

AR: Is South Dakota written out.

JR: Yes.

(writing)

AR: southdakota@yahoo

JR: Mm hmm.

JA: So Jasonforsouthdakota@yahoo. How about your personal?

JR: Jravnbo@yahoo.com

(writing)

JA: Okay. Do you have any Google mail accounts? Any gmails?

JR: Yes. Uh.

JA: Okay.

JR: So it's more campaign related again.

JA: Okay so you have...

JR: It's it's the same Jravnbo@gmail. So the same prefix.

JA: At gmail?

JR? Yes.

JA: Okay. And that's a campaign email?

JR: Yes.

JA: Okay.

JR: Predominantly yeah.

JA: Okay. I assume they're all kinda used inter.

JR: A little bit.

JA: Intermingly

JR: I try not to.

JA: A little bit try.

JR: But uh I mean some people and you...

JA: Mm hmm.

JR: meet em and you move em over to a different email.

JA: Right.

JR: You know sometimes.

JA: Okay. So now any of these emails do you have to, to get into those how do you get into those on your phone?

JR: Well first off I don't get into the gmail one on my phone...

JA: Okay.

JR: at all.

JA: Okay.

JR: Ever.

JA: Okay.

JR: Uh I-I don't like gmail.

JA: (chuckle)

JR: It's not as easy, user friendly for me. And then the other one you have to go on to the to the internet I guess.

JA: Okay. So you actually have to go in to click on Safari or whatever, go into Yahoo...

JR: Right.

JA: and then sign in?

JR: Right

JA: Okay.

JR: And then my military email quite frankly I just ever use that on my laptop that they've given me.

JA: Okay. (unknown sound)

JR: Cuz it's complicated (chuckle). It's got long passwords and stuff you gotta enter in every time to...

AR: Do you have to vpn at all?

JR: Yeah.

AR: With your with your laptop?

JR: Yeah.

AR: Okay.

(writing)

JA: Okay. So when you were driving you don't remember going into any of these email accounts while you were driving home that night.

JR: No.

JA: Okay. Um are there any websites that you do frequently use um that you frequent on your phone?

JR: Well when I'm around my house or around you know...

JA: Uh huh.

JR: the building maybe you check out...

JA: Okay.

JR: the news and such you know. I mean I try to use my laptop an-and/or you know personal...

JA: Mm hmm.

JR: you know personal computers, laptops, desktops, stuff like that...

JA: Mm hmm.

JR: predominately.

JA: Mm hmm.

JR: You know I use em once in...

JA: Right.

JR: while.

JA: Do you have any certain sites you check the news on particularly? Any favorites or common ones?

JR: Well now with political season you know I actually look at Fox, CNN...

JA: Okay.

JR: and MSNBC. I look at the three big networks I guess I call it. Um that would be what I traditionally look at I guess.

JA: Okay. How about any of the local newspapers, do you do those online then?

JR: (Chuckle) I haven't since this un-until this happened (chuckle).

JA: Okay. I bet not.

JR: I mean I was not a normal 10:00 news or watcher of the frequent news I guess.

JA: Uh huh.

JR: We get the Argus Leader paper and the Rapid City Journal paper...

JA: Uh huh.

JR: at the office and I tend to look at those.

JA: Mm hmm.

JR: But I will look at those at the office...

JA: Mm hmm.

JR: periodically.

JA: Okay. Um so what would you think though if I told you that when they did the phone extractions...

JR: Uh huh.

JA: they found some internet activity on your phone...

JR: Okay.

JA: around that time?

JR: Well I-I guess uh I-I-that don't not use my phone, but I did...

JA: Uh huh.

JR: not use it at the time of the crash. No.

JA: Okay. But were you using it up to the time of the crash?

JR: (inaudible 1:19:48) not that I recall. (paper shuffling)

JA: Mm hmm.

AR: Are you aware of what phones will actually tell us Jason?

JR: Uh yeah uh somewhat you know.

AR: Okay. So there there pretty straight forward (chuckle).

JR: Right. Okay.

AR: And there isn't any manipulation that you can do with them.

JR: Right. Right. I didn't do anything to em or.

JA: Mm hmm.

AR: So. Right.

JR: Yeah.

JA: No.

AR: Right. And we didn't either.

JA: Yeah.

JR: Right. Right.

JA: Yeah.

JR: Right. Right.

AR: That's that's what I'm trying to say.

JR: Right. Right.

AR: And it's like...

JR: The best I can recall is that the one phone was on my uh (chair squeak) on the seat and I never touched that one.

JA: Which one was that?

JR: That's the Droid. That's the one they said they couldn't get the information off of and would have to mail to New Jersey.

JA: Uh huh.

JR: Mm hmm. (mumble) And it slammed into the wheel well is what I remember. The other one I remember you know I would say prior to or right at Highmore I set it down on you know but it you know through the journey it fell down a few times you know but on to the on to the gearshift but I was not using it at the time. I know that.

JA: Okay. So you said that you set it down about when you got to Highmore.

JR: Yeah around Highmore.

JA: Okay.

JR: The console there's a little...

JA: Mm hmm.

JR: console I set it on top and I know I had the both plugged in, you know both were charging.

JA: Mm hmm. Okay.

JR: Yep and it would slip down and I'd pick it up and...

JA: Uh huh.

JR: you know.

JA: So what were you doing with it before you got to Highmore if you set it down at Highmore (inaudible 1:18:15)

JR: I-I-I look at the time and such.

JA: Uh huh.

JR: I know I do that. I-I would open it up and I'd see the time better.

JA: Uh huh.

JR: Uh but (pause) you know I'd glance at it you know.

JA: Okay.

JR: Nothing sticks out I guess.

JA: When you say....

JR: I don't...

JA: glance at your phone what do you mean by that?

JR: Glance and see what time it was.

JA: Okay.

JR: You know just...

JA: Uh huh.

JR: You know a periodic check I-I sometimes listen to podcasts but I was not...

JA: Okay.

JR: that night uh that's another app I use.

JA: Yep.

JR: Sometimes but I will play it and it sits down.

JA: Right.

JR: Uh.

JA: Are you able to Bluetooth your phone in so, da-if you like listen to a podcast or receive...

JR: Yes.

JA: a phone call?

JR: Uh.

JA: Do you, is it hands free for you?

JR: Yes.

JA: Okay.

JR: And/or you can just hear it from the phone.

JA: Uh huh.

JR: Uh.

JA: Okay.

JR: The Suburban which I have for work, I can Bluetooth it better than my car.

JA: Okay.

JR: I just lay it on the se-I'd lay right that same place there. I guess...

JA: Mm hmm.

JR: I always lay it in the same place.

JA: Okay. So you lay it there and just let the speaker?

JR: Right.

JA: Okay.

JR: Right.

JA: Alright. Um so were you using your phone besides for the phone call to your dad, which we know...

JR: Mm hmm.

JA: I mean that's...

JR: Right.

JA: Where you using your phone at all for any other activities on that drive home that night?

JR: I you know I don't bel-I don't I didn't have any texts that I sent.

JA: Mm hmm.

JR: And typically if I would text I would do voice to text, which I know I didn't do that night.

JA: Mm hmm.

JR: And uh the work email but I didn't do any of that. You know I could you know I guess that's what I remember.

JA: Okay. (unknown sounds) You don't remember signing into a Gmail account though?

JR: No. (1:16:11) sounds like Huh uh.

JA: Okay.

JR: Guess it's always just hard to get to where you need to go.

JA: That's one a hard one to get to.

JR: Right.

JA: Okay.

JR: Yeah.

JA: Yep uh but you do have two Yahoo...

JR: Yes.

JA: accounts? Do you remember signing into either of those?

(sigh)

JA: Cuz when you go in...

JR: Mm hmm.

JA: and you want to your...

JR: Mm hmm.

JA: Yahoo account...

JR: Mm hmm.

JA: do you have to actually manually enter in your user name and password or (pounding sound) are they like do they autofill?

JR: They autofill.

JA: Okay. So you'd have to go in and then click sign in they would be there and then probably another sign in thing or whatever, is that correct?

JR: Correct. Yes.

JA: Okay. Do you remember being on either of those?

JR: I guess it's possible that I could have checked those, yeah.

JA: Okay. Alright. Um do you ever go on the Dakota Free Press?

JR: Yes.

JA: What is that?

JR: That's a blog.

JA: Okay.

JR: That's a blog here politics.

JA: Uh huh.

JR: Yes.

JA: Oh it's a political blog?

JR: Yep.

JA: Okay. Um.

JR: There's another one then Dakota War College.

JA: Okay.

JR: Also a blog.

JA: Alright.

JR: Guess you see what the headlines are more than...

JA: Mm hmm.

JR: anything yes.

JA: How about um Real Clear Politics?

JR: Okay. Yes.

JA: Okay. What's that one?

JR: Politics and it has a whole bunch of stories and...

JA: Uh huh.

JR: and stuff.

JA: Okay.

JR: Of the day but that's more national politics yeah.

JA: Oh okay. Alright. So that's more of a national site, not...

JR: Mm hmm.

JA: wh-I assume Dakota Free Press is a South Dakota political blog?

JR: Yes.

JA: Okay. Um how about what's Just the News?

JR: Just The News. No I don't recognize that one.

JA: Okay.

JR: (whispering Just the News)

JA: Alright. Have you ever read the article Riding the Dragon, it's a documentary about Joe Biden?

JR: I-I it's not familiar to me I guess.

JA: Okay. Alright. Well here I'll kinda show you what...

JR: Yeah.

JA: where I'm getting...

JR: Yeah. Absolutely.

JA: this stuff from.

JR: Yes. Absolutely.

JA: So here's kinda the information that was put together on your phone (paper shuffling) from and here's our times. So outgoing call 10:24.

JR: Mm hmm.

JA: So that's what time you made the 911 call.

JR: Mm hmm.

JA: So and that's all fine and dandy you know, but leading up to that (inaudible 1:13:33) at 10:20 you unlocked your phone, signed into your Yahoo mail account.

JR: Mm hmm.

JA: Also then and then signed out um at 10:20:49 you were on the Dakota Free Press...

JR: Okay.

JA: site. These are all on your work phone.

JR: Mm hmm.

JA: Um a minute later you were on the Real Clear Politics website.

JR: Okay.

JA: And then about a minute later um this article was pulled up through the Just the News.

JR: Okay.

JA: Which could've been something that...

JR: Mm hmm.

JA: you were on this and it had a link to click to get you to this one.

JR: Mm hmm.

JA: Regarding this, it's an article about Joe Biden and some...

JR: Mm hmm.

JA: thing with China. So you were on that up to about we're going to estimate probably a minute before the accident.

JR: Okay.

JA: You were on that. Um do you remember any of these?

JR: Well I-I remember looking at em but that's when I set my phone down...

JA: Mm hmm.

JR: prior to.

JA: Mm hmm.

JR: Yeah. (unknown sound)

JA: Okay. (paper shuffling) Cuz then like I-s-we're looking at a minute to two minutes before you call 911.

JR: Right. Right.

JA: So with I mean the concern being (unknown sound) is that...

JR: Obviously.

JA: we know that from the time of impact there was a time period that went by before you called 911.

JR: Right.

JA: You-you had to realize what was going on, come to a stop (chair creaking), get your bearings back about you, get out, look at the damage a little bit, figure out what the hell is going on.

JR: Mm hmm.

JA: You're trying to figure out where you are.

JR: Right.

JA: Call 911. So it's reasonable to say that there was a minute to two minutes that passed from impact to when you were actually on the phone with 911, right? That would be reasonable, correct? I mean...

JR: I guess. Yeah.

JA: So when we look at that our concern is everything that we're seeing here is appearing that you were on your phone reading political stuff at the time. Um.

JR: (Breath out) But I just wasn't. (cough in background) (unknown sound) I just set it down. (coughing in background). I know I did. (breath out)

JA: Did you maybe set it down after the accident?

JR: No cuz I grabbed it and went out.

JA: Mm hmm. And it was sitting in like the...

JR: (inaudible 1:11:17)

JA: center console area.

JR: Center console area absolutely.

JA: Okay. So when the impact happened that phone was sitting in the center console.

JR: Absolutely.

JA: Okay. See where this obviously is...

JR: Well yeah I yeah.

JA: I-ts an issue.

AR: Part part of this Jason is we have a job.

JR: Mm hmm.

AR: Right.

JR: Absolutely.

AR: People make mistakes.

JR: Right.

AR: And we're thinking you made one. (unknown sound)

JR: I-I don't remember being on my phone. I set it down and I shut the radio off and I looked at the I looked at the speedometer is the best I remember, but I don't that's what I was you know wor-how-how fast does that transmit that that you do that you know. That you set it down. An-and I never shut the browser I guess a lot.

JA: Mm hmm.

JR: You know.

AR: Yeah. But it shows you unlocked it and such so.

JR: Mm hmm.

AR: Um you know it's it's it's a tough position.

JR: (inaudible 1:10:19). Right.

JA: Mm hmm.

AR: We know. But it's like uh it's sure appears to be a problem here and we want to get a head of it.

JR: Right.

AR: Just like you do.

JR: Right.

AR: I-I-I get it.

JR: Mm hmm.

AR: I know what kind of position you're in, it's it's tough.

JR: Mm hmm.

AR: But (unknown sound) these don't just appear too.

JR: Right I understand.

AR: I mean you.

JR: I mean I look at stuff.

AR: You're smart enough to know...

JR: I look at stuff.

AR: technology is is instant.

JR: But I-I remember I sat it down cuz I was getting rid of distractions cuz I wanted to think about these cases. That you know shut it down there.

AR: And it could've been just at that moment. But you you know this...

JR: Right.

AR: you know the speed of technology today. You're a...

JR: Right.

AR: smart man.

JR: Right.

AR: And it's like the the speed of technology is amazing.

JR: MM hmm.

AR: And...

JR: I was not looking at it when it happened. I-I won't say that I was, no.

JA: Mm hmm.

JR: I-I set it down and I went to hit the, I know I shut the radio off and I looked at the speedometer.

JA: Mm hmm. So is it maybe when all that was going that the impact happened? I mean.

JR: Well th-th I mean that's r-that's the best message that I...

JA: Mm hmm.

JR: can remember, boom.

JA: Mm hmm.

JR: You know.

AR: Yeah and it could be instantaneous.

JA: Right.

JR: Right.

AR: We get that.

JR: Right. Right.

JA: Yeah.

AR: We get that.

JR: Yes. I mean that's...

JA: MM hmm.

AR: It could be instantaneous and and like you said the last time.

JR: Right.

AR: Wham there it is.

JR: Mm hmm.

AR: And as you're putting it down, it could be wham there it is.

JR: Mm hmm. Well I-I set it down. I remember sitting it down. It's the I-I pretty confident I shut the radio off and then and then wh-you know looked at the speedometer. I mean

cuz it's the best I remember and then wham. I was not looking at my phone. I know it the law and I-I was not looking at it at the time it happened. No.

JA: Mm hmm.

AR: You've been kinda called out on that before to haven't you?

JR: Hmm I don't know what (unknown sound) mean by that.

AR: (inaudible 1:08:11) somebody when you were texting or tweeting when you were going through the Black Hills.

JR: Well I.

AR: That was a similar type situation where...

JR: Well yeah. I-I mean.

AR: and you got kinda called out on it. That's what I mean.

JR: Right.

AR: And they (unknown sound)...

JR: Mm hmm.

AR: We heard about all that. We...

JR: Mm hmm.

AR: Joe and I have done, we want to cover every base we...

JR: Right.

AR: have.

JR: Right.

AR: That I can assure we have gone as as far as...

JR: Well obviously I'm political. I get called out on...

AR: Sure.

JR: lots of stuff.

JA: Mm hmm.

JR: That doesn't look necessarily how it looks you know.

AR: Right and it may or may not be appropriate.

JR: Right.

JA: Mm hmm.

AR: (inaudible 1:07:30)

JR: Right.

AR: An-and.

JR: Right.

AR: So I can see where in a situation like this all a sudden this is wham.

JR: Mm hmm.

AR: Now it's in your face.

JR: Mm hmm.

AR: Now what do I do. And it's like I don't know what just happened to me.

JR: Mm hmm.

AR: I just know that something is going on really serious here and I gotta figure it out, and I-I kinda think that's what you're. I've-I've done this for forty years.

JR: Mm hmm. Mm hmm.

AR: I started in 1981.

JR: Mm hmm.

AR: I'm on my 39th year.

JR: Right.

AR: So in that time I've had situations like this before.

JR: Mm hmm.

AR: Where all of a sudden you have to make a decision.

JR: Mm hmm.

AR: And it's fast, and it's it's gonna last forever.

JR: Mm hmm.

AR: And I can see where it's like oh I should not have done this. I should not have been doing this and now I'm kinda in a jam. What do I do?

JR: I-I still believe I was not on my phone when the moment happened. (papers shuffling)

AR: An-but like

JR: (whispering) I laid it down.

AR: But you you agree that it could've been at that moment that you were putting it down?

JR: I-I still believe I put the phone down and reached to the shut the radio off. You know now was that ten sec-you know five seconds, 20 seconds, I don't know. But you know wham it's close relation I guess.

AR: Yeah it's really close.

JA: Mm hmm.

JR: Right. But I WAS not doing it at the time of the impact. I set that phone down. I know I did. (writing sound)

JA: Do you remember reading that article at all?

JR: No.

AR: It's basically about Joe Biden. I-I looked at it as well.

JR: Okay.

AR: Because when we get these...

JR: Right.

AR: Jason we can go look at what you're looking at.

JR: Right, right, yeah.

AR: An-and it's about you know.

JA: About some conspiracy with Joe Biden in China an...

AR: In China.

JR: (inaudible 1:05:25)

JA: I-I didn't read. (unknown sound)

JR: I guess I would say I glance at headlines a lot you know.

AR: Sure.

JA: Mm hmm.

JR: I don't read articles when I'm driving.

JA: Right. And...

AR: Probably intriguing...

JR: Glance at the le...

AR: headline. I mean I would guess.

JA: Mm hmm.

JR: Right.

JA: Right. Cuz when enter in the address that was on your phone...

JR: Mm hmm.

JA: it actually takes you to the article. It's not just like a headline where you scroll down and see other headlines or whatever. You are on the (pounding sound) that article.

JR: Okay. So like you go from Real Clear Politics (unknown sound)...

JA: Mm hmm.

JR: to the ar-I mean you can click on, that's what Real Clear Politics is, you click on articles.

JA: Mm hmm.

AR: Sure.

JA: Yep.

JR: And then they take you to the article.

JA: S-right kinda what I was saying is I think...

JR: Right.

JA: you were probably in Real Clear Politics, clicked on this Riding the Dragon which took you to just the news and that article.

JR: Okay.

JA: Uh but I'm speculating too.

JR: Yeah I don't know, yeah.

JA: I'm I'm guessing...

JR: Right.

JA: on that. Um.

JR: Yeah I've never heard of Just the News. No

JA: Right. Which made me think then that you were on Real Clear Politics, clicked on an article and (pounding sound)...

JR: Right.

JA: they probably (pounding sound) have embedded in their site that you go to these sites an-for the article.

JR: Mm hmm. Right.

JA: Um but you don't remember reading that article at all?

JR: No. No.

JA: Okay.

JR: Like I said I glance at headlines at best.

JA: Mm hmm. Well and like I said I-I know you said you glance at headline. This one you actually went (pounding sound) into the story.

JR: Mm hmm.

JA: I mean you actually...

JR: Right but.

JA: It went and it took you to the article...

JR: Right, right, yeah.

JA: itself.

JR: But then that's the headline there.

JA: Mm hmm. So...

JR: My-my recollection...

AR: So that...

JR: is I'm getting rid of distractions cuz I'm gonna think about those two cases I know those cases. I'm setting it down, shutting it off.

AR: So that part of like we're just talking about Jason and the part that you had told us in your last interview where it was I didn't see what I hit until the impact.

JR: Mm hmm. (unknown sound). We-I-I never...

AR: That-that.

JR: saw

AR: those that's you're quote.

JR: Okay.

AR: So in-in...

JR: Okay.

AR: light of that that would make sense (unknown sound). That right there would make sense. Your putting it down, wham, and then then your heads up. It's like I just hit something.

JR: Again getting...

AR: Does that sound logical?

JR: Well I'm getting rid of distractions and I looked you know like I said I shut (unknown sound) I-I remember my hand you know for that radio and then to the speedometer is what I believe happened.

AR: So p-so you had your phone call. Let's just back up.

JR: Okay.

AR: So you had your phone call and then...

JR: With my father...

AR: (inaudible 1:02:45)

JR: are we talking about?

AR: Yeah, yeah, yep.

JR: Yep.

AR: And then even the second one with your dad. How about on your way there, were you on your phone talking to anybody then? Do you remember what you were looking at when you were driving out there? (unknown sound)

JR: No. I don't think I called anybody. (unknown sound)

AR: Okay. Do you remember what you were looking at?

JR: I might've looked at articles and stuff again, yes.

AR: Okay. And it's it's it's hard.

JR: Mm hmm. Right.

AR: Because I've driven it.

JR: Right.

AR: It is not an exciting road.

JR: Right.

AR: I can guarantee you that.

JA: Mm hmm.

AR: And...

JR: But I lis-I do remember I listened like I s-told you before. I started to listen to these uh and they're in the car yet I told you the discs.

AR: Sure.

JR: They're uh they're books on tape.

AR: Yeah.

JR: And I listened to them for a while but I just didn't like either one of them.

AR: Yeay you said they didn't...

JR: Yeah they're boring.

AR: were not intriguing at all.

JR: Right. Right.

JA: Mm hmm.

AR: So do you do both then? W-were you on your phone while you were listening to the book?

JR: Usually not.

AR: As well.

JR: No. I mean it's one or the other. Yeah. (unknown sound)

AR: How much did you spend looking for your insurance card?

JR: (Deep breath) Hmm insurance card took a little longer. I mean the other was right there and then cuz I remember I looked at it and then I, it was not the right one, it's like the year behind.

AR: Sure.

JR: You know and I looked at it and I and I that wasn't right and I looked at it a little while longer and I took it back to the sheriff.

AR: Mm hmm.

JR: And then I said I-I don't got the right one. You know I mean or I think I as he was writing it out and he says hell nobody's was got the right one usually everybody's got about five of em in the car. He said something to that effect.

AR: Sure.

JA: Mm hmm.

JR: You know.

AR: And that was the that was on the visor the other was in the glovebox?

JR: The glovebox, yes.

AR: Did you have to take things out of the...

JR: Yes.

AR: glovebox?

JR: I had to move stuff around, yes.

AR: Okay.

JR: Yes.

AR: Did you notice anything in the on the passenger side while you were doing that?

JR: Just glass. I mean I was staying away from the glass I guess.

AR: Okay.

JR: I mean I didn't spend a lot of time.

AR: So when you're when you're doing that are you leaning over the console?

JR: Yes.

AR: Are you...

JR: From the driver's door leaning over, yes.

AR: Okay. So you can kinda see in the glovebox and...

JR: Right. An...

AR: which is already...

JR: And it's already

AR: popped open.

JR: it's already popped open, yes.

AR: Okay.

JR: Yes.

AR: So did you see the glasses right next to that?

JR: I did not.

AR: Okay.

JR: Uh-yo-you showed me the glasses the first time.

AR: There...

JR: That's the first time...

AR: They're Joe's glasses.

JR: I (unknown sound) wo-won-wondered about that.

AR: So that means his face came through your windshield.

(deep breath in) (deep breath out)

AR: It's a tough thing.

JR: Oh. I was thinking his face did not come through cuz there would've (unknown sound) been blo-I thought there'd been blood everywhere then now you know after I thought about it.

AR: Yeah. An-and you've had time.

JR: Right.

AR: His glasses are right there.

(breath out).

AR: Jason. Those are Joe's. (unknown sound)

JR: I did not.

AR: Those those...

JR: I did not see the glasses until you so-you showed me...

JA: Mm hmm.

JR: the picture.

AR: So the only way for them to get there is through the windshield.

(deep breath out)

JR: Wow

AR: At the impact did you look over and see anything?

JR: I did not see anything. I mean it was (unknown sound) just it was again I-I then was looking to-to get to the side. I did not see anything. No. Absolutely not. (unknown sound) You know not yo-it-it shattered (unknown sound) I probably cringed or something but I was just trying to get it to the side. I did not see him. I did not know there was a human until the next day.

AR: Okay. So...

JR: No.

AR: when the glasses are so when the glasses are in there...

(deep breath out)

AR: it's like his lenses and we have a witness. We-we've talked to witnesses that actually had se-had seen him out there as well.

JR: I did not see...

AR: In fact...

JR: those glasses until you showed em to me.

AR: Yeah. And so we know they're Joe's.

(deep breath out)

AR: Okay. And I know that doesn't help you feel any better.

JR: Huh no.

AR: And I know you feel bad about this Jason.

JR: Oh yeah absolutely.

AR: But...

JR: No matter what happened somebody died.

AR: Yeah.

JR: Absolutely.

AR: So I mean

(sigh)

AR: Yo-you have to look at it from our...

JR: Oh absolutely.

AR: from our our our side of it.

JR: Mm hmm.

AR: We-we're just trying to find.

JR: Mm hmm.

AR: the facts. We know what we know and then explaining you know as best as we can. We know certain things. We know those are his glasses. They were on his head cuz they were seen on his head. They ended up in your car..

JR: I never saw em.

AR: Okay.

JR: Until you showed em to me.

AR: Okay.

JR: I never saw them no.

(sigh)

AR: One of the other things that we know Jason is you weren't in the middle of the road. You were on the shoulder. And I know it happens fast cuz it's happened to me. We have three people (unknown sound) putting him next to the grass. So we knew something was

happening. I mean you're a smart man. You know wh-Joe and I have done this job a long time. We know what the evidence is going to show us. What the evidence does show us.

JR: I don't rem-I remember being in the road, but you know I guess you'll show me what the evidence shows, but.

AR: Yeah. Yeah. So part of the evidence that is really convincing is there is bone scrape on the inside of the rumble bars.

(sigh)

AR: And that's where his leg was likely broke. That's where the pieces were at.

JR: So how did he get farther down the road. I mean did he ride. How did that...

AR: His face was in your windshield Jason. Think about that.

JR: OHHH (deep breath out)

JA: And you're going 65 to 70 miles per hour so from the time it takes you to slow down

JR: I.

JA: I mean you figure how far you went at 65 to 70 miles per hour just before you, it clicks that you need to stop.

JR: But doesn't it show that I braked a few times? You know I try and stop.

AR: It wasn't, we-we test tested your brakes worked fine.

JR: Uh huh.

AR: There's also ABS so they don't skid.

JR: R-okay yeah. I've heard that. Yes.

AR: Uh huh.

JR: I've heard about that.

AR: So not only do they not skid...

(deep breath out)

AR: they slow you down relatively fast.

JR: Uh huh.

AR: But they don't skid, cuz each one of the...

JR: Uh huh.

AR: brakes are working independently.

JR: Okay.

AR: Each wheel.

JR: Okay.

AR: Each wheel.

JR: I don't...

JA: Mm hmm.

JR: Yep.

AR: So...

JR: I understand all that. I guess.

AR: So so...

JR: I understand.

AR: that's kinda how that works.

JR: Okay.

AR: Okay. And so you gotta think about the momentum and as your going sooner or later the stopping power is gonna make him pop out.

JR: Okay.

AR: and he goes into the ditch.

JR: And you would think I guess I thought if that's what happened he you know (unknown sound) you know I s-you know braking multiple time, he'd a fallen off. You know, not just at the last time. (unknown sound) Cuz see I never saw him in relation to the car so I don't know where (pounding sound) he was in relation to the car finally.

AR: You mean his his body.

JR: Yeah.

AR: His body was.

JR: Right.

AR: Or what...

JR: Right yeah.

AR: where you trying to.

JR: Right. Yeah.

AR: Okay. So...

JR: Cuz the car they took away and I found the body the next day.

AR: So...

JR: I never saw the car with the body or...

AR: So...

JR: vice versa you know.

AR: We know that his face came through your windshield. We know that. We already talked about that, that's I would think substantially clear (paper moving) that that's what happened. We also have the imprint on the hood where his body at least part of his body likely was riding. At some point in time he roles off, takes out the mirror, and slides into the ditch.

JR: (sigh)

JR: I never...

AR: I want you to be.

JR: saw him.

AR: I want you to be really honest right now.

JR: I am. I never...

AR: Okay.

JR: saw him.

AR: I gotta another question for you.

JR: Okay.

AR: Okay. Did you see the flashlight he was carrying.

JR: No.

AR: Ever?

JR: Nuh uh.

AR: When you walked back to town?

JR: Nuh uh. No. No flashlight.

AR: It was pitch dark out there.

JR: Right.

AR: And with it being pitch dark, we went out and tested it.

JR: Okay.

AR: We picked up the flashlight.

JR: Right. Okay.

AR: The flashlight was still on when Joe and I got to the scene.

JR: Okay.

AR: It had not been touched.

JR: Uh huh.

AR: We picked it up and the light is still on.

JR: Okay.

AR: We talked to a witness that had just seen the light, had seen him walking with the light.

JR: Okay.

AR: After the crash, did you see that light in the dark? Cuz it's pitch dark you did. There's something glowing.

JR: Right.

AR: You would it would make sense for you to see it.

JR: Right. I did not see any light. No.

AR: Are you certain?

JR: I am absolutely certain.

JA: Just because Jason we went out there another night...

JR: Right.

JA: that flashlight um recently.

JR: Mm hmm.

JA: And put it back in the same spot it was in.

JR: Okay.

JA: With it back on.

JR: Uh huh.

JA: And it's hard to miss. I mean it truly is hard to miss when you're out there especially if you're walking back towards Highmore. (unknown sound)

JR: Right.

AR: And we walked on both sides of the highway...

JR: Okay.

AR: together.

JR: Yeah.

AR: We we wanted to give you...

JR: Yeah.

AR: the benefit of the doubt.

JR: No absolutely.

AR: We wanted to give you the benefit of the doubt. Cuz we knew you walked towards Highmore.

JR: Yes.

AR: So on your way back we walked on both the south...

JR: (deep breath)

AR: and the north side and that flashlight was like a beacon.

JR: I don't know if I turned around at the wrong spot then or what. I don't know. I did not see a flashlight. I didn't see him in the face. No. (unknown sound) I did not. I did not. I did not know it was a man until the next day. No.

AR: I think you had an idea it was something other than a deer though.

JR: I-I just believed it was a deer. I DO.

AR: Okay.

JR: I that's as ho-I know IT SOUNDS but I've never hit a MAN before. I hit a I've hit you know I hit a deer. Cuz that's the time...

AR: So...

JR: of season to do that.

AR: In your 911 call though Jason you say I hit something.

JR: Right cuz I don't know what it was, but I ASSUMED ASSUMED it was a deer. I never saw a deer. I never saw a man. I just ASSUMED it was a deer. I hit something. I just assumed it was a deer. Cuz what else would it be. I-I had no and I still don't believe you know I would not expect a man to be out on the side of the road in dark like it was. I would not think that a person would be out there at that time. I would think a deer (unknown sound) though would hit you at that time in this season with crops and everything. I did NOT know, huh uh, hmm uh. I did not know it was a man until the next day and I-I guess the best witness to that is Tim the next day who saw my reaction. You know and that I was extremely shook up, that it was a de-it was a person. (whispers No his face went through sh.)

AR: I think you'd been shocked no matter when.

JR: Well I agree with that. I mean I don't think anybody would ever...

AR: Right.

JR: disagree with that.

AR: Right.

JR: Absolutely. If anybody I mean this lady down in Hot Springs the other day hit somebody obviously (inaudible 50:26)

AR: So part of me has some has some belief that you maybe saw something the night before and what I'm gonna do is just a-a little (papers shuffling) demonstration (paper being torn sound). I'm just going to take a white piece of paper (paper moving). This room was pitch dark.

JR: Okay.

AR: And there was any light, would you see that because of the contrast of the color around it?

JR: Maybe maybe not. I don't necessarily believe you would.

AR: Okay. And that it so...

JR: Mm hmm.

AR: we did this as well.

JR: Mm hmm.

AR: So so the grass out there is obviously green.

JR: Right.

AR: He's less than two feet off of the road. Less than two feet into the grass. You know you- you found him.

JR: Right.

AR: Less than two feet. Did you see something white laying there? Because I mean as you know he didn't have clothes on that were covering the white part of his body. I mean you're a smart man you know. You would understand that cuz there's such a contrast.

JR: I did not see him the night before. I don't know where he is in relation to my car cuz I never saw him and the car together. (unknown sound) You would have to tell me where he was cuz I did not see him in relation to the car ever.

JA: He was very close to that large piece of debris though.

JR: He wa-he WAS?

AR: Yes.

JA: Uh huh. Cuz what was cuz...

JR: NO! Cuz the night the day before we stopped where the debris was. I-I guess if you would've asked me that question at the beginning I would have said he was (knocking sound) up the road from the debris. That large piece of debris.

JA: No he's just not very far from it. I'm not saying he was right even with it.

AR: Yeah he wasn't right...

JA: Yeah right even with it.

AR: He was...

JA: But he wasn't very far.

JR: Mm hmm.

JA: I mean cuz think about it you said you parked at that piece of debris on the 13th in the morning when you guys came back.

JR: Well we parked around it.

JA: Right around it.

JR: It was kind of like the starting point...

JA: Yep.

JR: of where to look.

JA: And you didn't walk very far though.

JR: I walked UP the I mean we walked west from that though. I thought quite a ways. You know I mean quite a ways is a relative term.

JA: Right it's.

JR: I mean but because I went back toward Tim I guess I'd have to maybe ask Tim where where did we park in relation to that piece of debris I guess if. Cuz we had two vehicles, one on each side and what.

AR: Sure.

JA: Mm hmm.

JR: (Sigh) I did not...

JA: I mean...

JR: see him...

JA: Yeah.

JR: the night before.

JA: And I'm not saying that he...

JR: No.

JA: was within ten feet of that debris but he was not very far from that large piece of debris laying on the...

(sigh)

JA: I mean.

JR: Okay. I guess I would've said the next da-you know that he...

JA: Mm hmm.

JR: was a ways from that yes.

JA: Mm hmm.

AR: You'd have to agree he was right next to the road though where you found...

JR: He was on a slope yes.

AR: A little bit of a slope.

JR: Yep.

AR: But...

JR: (inaudible 47:20)

AR: We measured, it's less than two feet.

JR: Oh my god.

(deep breath out)

JR: (whispering I walked back towards Highmore, I looked). And if he's not by my car.

AR: Well he's not gonna be...

JR: When stopped.

AR: He's not gonna be right by your car where you stopped. We...

JR: Okay.

AR: we determined where your car was stopped at.

JR: Good. Cuz I thought you would with the picture.

JA: Yep.

AR: And we did.

JR: You know.

AR: We did.

JR: Cuz-cuz

AR: (inaudible 46:45) Jason.

JR: I'm thinking about that now.

AR: We we're...

JR: We went ar.

AR: leaving no stones unto-unturned.

JR: I-I went around I didn't check on that side of the car that night. I checked on the I went around to take the photo when the sheriff came.

AR: Do you normally wear a Fitbit Jason?

JR: No.

AR: Do you have a tracking a tracking app on your phone?

JR: I don't know.

AR: So when as you walk GPS tracks you.

JR: Oh ok. Okay.

JA: Yeah.

AR: Apple Fit.

JR: Okay. Yeah.

JA: It's.

JR: I mean okay.

JA: It's just an app on your phone.

JR: Then it's an app that I don't know about. Yes.

JA: Yeah. It counts your steps.

JR: Okay.

AR: It counts your steps.

JR: Okay.

AR: And it's run off of GPS.

JR: Uh huh.

AR: And so we know you're on that side of the road.

JR: Right. Yeah I'm. Ye-I never left yeah I-I.

AR: You stayed on that side of the road.

(inaudible 46:03)

AR: You said that earlier even.

JR: Right. I guess (unknown sound) what I was trying to say is I think when I came back I came b-around the front and then that's where I took the photo here.

AR: Okay. So you're...

JR: I didn't I didn't go around.

AR: You're saying this would be your car.

JR: That's if that's my car, yes.

AR: You went around this way.

JR: This way on the highway.

AR: Okay. (unknown sound). It's it's not that close to your car.

JR: Okay.

AR: It's not that close to your car.

JR: Okay. Well that (inaudible 45:44)

AR: No th-th-the debris is...

JR: Cuz I'm saying I didn't look here.

AR: (inaudible)

JR: Then do what I'm saying.

AR: Yeah. Yeah and you would've found nothing.

JR: Right.

AR: Other than washer fluid. That's the only thing...

JR: That's what you said earlier, the first time.

AR: we found.

JA: Mm hmm.

AR: Go back 60 feet.

JA: At least yeah.

AR: Si-something like that and that's where he's at and that's go back probably 75 feet and that's where your debris is at.

JR: Okay.

JA: Yeah.

AR: So it it all lines up.

JR: Okay. I understand that then. Yeah I m-I thought y-you meant he was over here somewhere.

AR: Oh oh.

JA: No.

AR: Oh no no no.

JA: No. No. No.

AR: I'm saying if this is this is the road the edge of the road this is where his body's at, it's two feet so it's a little bit more. So his body is in that close to the edge of the road and he's he is white cuz he's got no blood in I mean his obviously deceased I think...

JA: Mm hmm.

AR: he was deceased the moment he hit the car.

JR: well that is something I guess.

AR: So he is he is lily white. Any light that hits that is going to glow.

JR: I did not see him the night before. I'll swear on a stack of Bibles. I did not see him the night before. (whispering I did not.)

JA: So where were you looking when you were walking back towards Highmore to establish that you were by Highmore. Where were you?

JR: Well I-I guess (unknown sound) was looking you know that direction I mean to the right.

JA: Mm hmm.

JR: I was looking to look at the green Highmore sign.

JA: Mm hmm.

JR: You know I'm walking...

JA: Right.

JR: and looking...

JA: Uh huh.

JR: to try and see that sign to make sure that's the, and then I TURN AROUND and I'm looking into the ditch so I don't know exactly where I turn around and saw him. I-I didn't see him. I did not see him.

AR: So you it was 400 and some steps from your car towards Highmore.

JR: Okay.

AR: You had to walk by him.

JR: I well I might've walked by him but I didn't see him.

AR: But you also had to walk by the light that's the really confusing part. Again the light's still on and it's...

JA: And the flashlight's lit up....

AR: it's...

JA: and glowing.

AR: yeah it's it's...

(deep breath out)

JA: It's not in the grass deep. I mean it's on the very edge of the grass. So I mean it.

AR: Yeah it's it's (unknown sound) like right on the edge of the grass.

JA: Mm hmm.

AR: It's there's a couple blades of grass here, but this is all (unknown sound)...

JR: I don't know where...

AR: wide open.

JR: I don't know where my steps were. I turned around. I did not see those things. (whispering I did not see those things.) I did not see him til the next day.

AR: Se we also walked back to hi-the Highmore sign to see how close you have to get to see it.

JR: Okay.

AR: And I have 20-15 and 20-20.

JR: Uh huh.

AR: So I have pretty good vision.

JR: Right. Right.

AR: And you have to get, you had to go by. There was no question about it in order to read that sign.

JR: Well I-I-I mean from what your telling me I'm not disputing that I went by but I didn't see him at all. I did not see him until the next day and I did not know...

AR: Let-lets...

JR: about the glasses until you told me.

AR: Let's (unknown sound) let's look at it this way. Did you see something and just didn't pay any attention?

JR: No. (unknown sound) No.

AR: I mean cuz...

JR: No.

AR: I mean I-I know your shook up (unknown sound).

JR: Yes.

AR: I-I-I kn-I know just from...

JR: Mm hmm.

AR: talking to you the next two days later or whenever we talked to you.

JR: Mm hmm.

AR: You were still shook up.

JR: Mm hmm.

AR: And I can appreciate that.

JR: Wel

AR: I can and it's like so in light of that...

JR: Mm hmm.

AR: I'm saying did you just maybe not pay attention when you walked by or I mean how I have a tough time...

JR: I was just scanning. I did not see him. I mean I'm scanning but I didn't you know and it's not it's a camera light, it's not great either but.

AR: But if your looking for a deer.

JR: Mm hmm.

JA: You'd be looking at the ground.

AR: You're looking at the ground aren't you? Wouldn't you look at the ground?

JR: I looked both you know. I kinda did I mean don't know where my hand went exactly, but I did not see...

AR: Yeah that's impossible to know.

JR: Right.

AR: We get that, we can...

JA: Mm hmm.

JR: But I did not see him (deep breath out) (whispering I did not see him. No). I did not see him. (sigh) (whispers No.)

AR: (inaudible 41:11)

JR: I don't know what else to tell you.

AR: You know what Jason. If if I-I'd have an easier time believing this if he still had clothes on because he had he had...

JR: I saw him the next...

AR: a blue shirt.

JR: Yeah a dark shirt.

AR: And...

JR: Yep.

AR: and jeans.

JR: But I didn't look. We didn't look at him real close the next morning either you know when we when I saw him. When I found him I FOUND him the next morning. I did not see him that night. No. I did not. I can see how you say I should've seen him, but I didn't see him.

AR: An-and I'm just doing it...

JR: Right.

AR: from what a...

JR: No. I get it.

AR: logical.

JR: NO.

AR: P-I mean.

JR: I did not see him.

AR: That's what I'm just saying it's from a logical...

JR: Mm hmm.

AR: perspective and that's what we're s-we're talking about all along here.

JR: Mm hmm.

AR: We we from a logical perspective if you went by that.

JR: I don't know.

AR: And I'm looking I-I-I would've seen that. An-an-an...

JR: (inaudible 40:07)

AR: we asked a number of people so when you go looking for a deer you know wh...

JR: I-I scanned into the ditch and walking back towards my car but I did not see him.

AR: They also say I mean the people we talked to said so I was in a meeting with a group of (unknown sound) investigators and I said how many of you hit a deer. Every single one in that room and there's nine.

JR: Right.

AR: I said how many of you did not know you hit a deer. Every single one of em knew they hit a deer.

JR: Mm hmm.

AR: So that's why I think the phone part came that explains that part (unknown sound). That kinda explains that part of it. The part of him laying on the side of the road and...

JR: But the next morning we found him at 9:30. People had gone by and they didn't see him either.

AR: Yeah.

JR: You know.

AR: An-an-and we saw that.

JA: Right.

AR: Joe and I saw that. But yo-but you know what I mean he was he was off the level.

JR: Mm hmm.

AR: But as long as you (unknown sound) (pounding sound) were on from the fog line over you could see his body. You could see the white. But if you were like walking down the center ro-of the road.

JR: Okay.

AR: Which I'm thinking if you just hit something you're not going to walk down the middle of the road cuz those cars come along pretty fast.

JR: Mm hmm.

AR: And you didn't want to be a statistic either.

JR: Mm hmm. I don't remember any cars coming when I was there until the sheriff came. I did not see him.

AR: So nobody stopped by to see (unknown sound) you were...

JR: No.

AR: doing okay or...

JR: Needed help or anything. No.

AR: needed anything.

JR: I called 911 and the sheriff came. That's the only...

AR: Okay. So there's are the only...

JR: Two that went by that I yeah I don't re...

AR: That you noticed.

JR: I mean WHEN THE SHERIFF came a-you know I kinda like I said I'm looking at the car he's on my side. I don't remember anybody going past then (unknown sound), but you know up to that point nobody had come. You know nobody.

AR: But you were also on your phone too as well though, right?

JR: Well (inaudible 38:02)

AR: You you you were cal-you were calling people and saying I just got in a crash.

JR: On the way home.

AR: Oh that's on the way home. Okay.

JR: Yes.

AR: Okay.

JR: After I got the sheriff. No.

JA: Mm hmm.

JR: Yes.

AR: Okay.

JR. No I wh-didn't call until I..

AR: Until the sheriff...

JA: Cuz you had sent him text messages with the photos and hey I got into an accident, I'm okay, car not so good. That was during that time, right?

JR: Well I took the photo.

JA: Mm hmm.

JR: And then the sheriff comes. I don't think I send it until I leave (unknown sound) the sheriff. I don't think I call anyone until I'm dow-going down the road again.

JA: Mm hmm. And that's (unknown sound) when you send the text messages to Natvig and Bormann then?

JR: Somewhere, yeah.

JA: Okay. (unknown sound)

AR: An-ag I mean I-I-we just want to get.

JR: Uh huh.

AR: We want to make sure...

JR: No.

AR: get everything in the right order.

JR: I did not (unknown sound) see him the night before. Absolutely not. I did not see him until I discovered him the next day and got Tim, got the sheriff. (unknown sound) I never saw the glasses until you told me.

JA: Mm hmm.

JR: When we here in this room. You know I was looking at the insurance. That's all.

AR: I mean you have to...

JR: Oh I can understand.

AR: you have to g-give us a little...

JR: No I understand.

AR: a little something here Jason. Okay. Initially you were driving down the middle of the road. We know that's not true. You were not had, you were ten and two driving and you didn't see this guy walking down the middle of the road. We know that's not true. Jason.

(deep breath)

AR: You're a good guy. You're not used to being in this pickle.

JR: I'm am a good guy yes.

AR: I AGREE. I AGREE. (unknown sound) Your not used to this. We're used to people that are used to being in that seat.

JR: Right. I understand that. I mean I understand.

AR: So that's why...

JR: The process.

AR: we-we're and I know you understand the process. I'm not second guessing that at all. What what I'm saying is if you if you look at it from our perspective.

JR: Oh I get it.

AR: Okay. Things haven't been straightforward by any means. In fact, some people would call you a liar.

JR: I am not a liar. I...

AR: Some people, I'm not I'm not calling you a liar. I'm saying (unknown sound) there's some there's some mistakes made here though. (unknown sound). You would have to agree to that.

JR: (Deep breath) I don't know what I'd done differently. I did not, I believed I was in the road and I believe I set my phone down, shut the radio off, and was looking to put the cruise

control on and I didn't find him. I did not find him until the next day. (sigh) I mean it pains me tremendously to hear that his face went through the windshield. But I didn't look over. I was trying to stay alive myself at that point and get over. And I looked at the car and I didn't see any blood. You know I've been thinking to myself if his face went through, it had to be blood everywhere. You know it would've been in the car cuz you have more skin here than...

AR: Ac-actually...

JR: hair.

AR: that's not true cuz...

JR: Okay.

AR: I believe (unknown sound) he was dead on impact.

JR: Right.

AR: The second you hit him, he was dead. His heart's not working...

(deep breath)

AR: anymore.

JA: Huh uh.

AR: He is dead. So it's not pumping anymore, it's just sittin there.

JR: Okay. Well I didn't know that. I mean so but I that's how...

JA: Mm hmm.

JR: I was envisioning it.

AR: An-and I could see...

JR: I would I would think...

JA: Mm hmm.

JR: You know I was thinking.

AR: That's why back...

JR: the back of his head an.

AR: I'm trying to clarify it for you (unknown sound) as well.

JR: Right. Well that's it...

AR: Jason. It's like...

JR: cuz I would obviously like to know what the you know how he rode the car and where he ended up and everything.

JA: Mm hmm.

JR: You now it never made sense to me. You know (unknown sound) and I figured it had to be the back of his head and hair then dons-have the capillaries and everything your face has...

?: Mm hmm.

JR: to spread blood. Cuz there's no blood that I saw in the car or even on on the outside of the car when we looked at it you know.

JA; Mm hmm.

AR: But it it as red car (chuckle).

JR: That's it.

AR: Yeah

JR: it's a red car an-and it's dark (unknown sound).

AR: Yea.

JR: You know you know the people have been like there was blood on the road. Well how do tell that it's blood on the road versus washer fluid or (unknown sound) it's just the road? I mean it's dark.

AR Yeah and we...

JR: That's super dark and I'm not expecting (unknown sound) to have a person walking down the road or the shoulder even at that time of night or day.

AR: Yeah.

JR: It only makes sense that it was a deer to me. (sigh) (whispers No.) (sigh).

AR: The other thing that question I brought up to this group...

JR: Uh huh.

AR: (unknown sound) how many of you went back the next day to look to see what the deer...

JR: Now I-I...

AR: looked like?

JR: I got that and I will (unknown sound) I didn't go back to look at him because I thought that I hit a man. I went back cuz the debris was still there.

AR: No. What yeah what I'm what I'm sayin is I asked them...

JR: Mm hmm.

AR: how many of you went back to look at the deer.

JR: Right.

AR: To find the deer.

JR: Right.

AR: And none of em did.

JR: Well they ha-most of em probably found the deer or...

AR: Well they...

JR: (unknown sound) left the scene from there. I mean I'm bringing it back an-if I wouldn't you know I thought I was doing the right thing, gettin gas to give back to the sheriff and I said well looks for you know the deer. You know I was just curious of how did it play out. Just felt like a thunderbolt hit my car you know (chuckle) and how did this where did it go. Maybe he went to the other side. I didn't know.

AR: (inaudible 32:24)

JR: And I was kinda trying to put my mind at ease of how this hap-how did this happen.

(deep breathing)

JR: But I-I guess to my credit you know I'm also like well if I didn't find em how long would've he had laid there you know. And I told the sheriff and the sheriff was sur-surprised. The sheriff's on the scene at least twice and so is the tow truck driver and none of them thought it was suspicious that it was not a deer. (breath out) (unknown sound) I guess I wasn't there when the tow truck driver was there though so. I don't know what he saw...

?: Mm hmm.

JR: or didn't see, but he didn't...

AR: Yes.

JR: jump up and down and tell the...

?: Right.

JR: sheriff hey.

AR: Yeah there was a whole lot I mean...

JR: Right.

AR: the car was gone.

JR: Right.

JA: Mm hmm.

AR: Obviously you were gone. The to-tow truck guy is (chuckle) is gone.

JR: Right.

AR: But we tracked everybody. I mean we...

JR: Mm hmm. Right.

AR: were tracking...

JR: I would hope.

AR: everybody's (inaudible 31:34) Jason.

JR: I would think so yes absolutely.

AR: We're not leaving anything uncovered.

JR: Well I well I get it that I get strict scrutiny of (chair creaking)...

AR: Yeah.

JR: cuz of who I am.

AR: Yep.

JR: You know.

AR: I think would happen (unknown sound) no matter what. Cuz I think your guys would be sitting in these chairs if somebody else.

JR: Mm hmm.

AR: And I think you know that. (unknown sounds)

JR: I did not see him right before. I did not find him til the next day.

AR: So you're you're not really sure how far you walked to see the Highmore sign?

JR: No. I walked back in that easterly direction towards the sign until I could see that enou- you now enough that I could tell it was Highmore, the sign.

AR: Okay. Do you remember walking by a marker, a road marker? Just one of the yellow x's that they put on a it's on a post?

JR: No.

AR: Like on a white a, it's just on a regular post I guess.

JA: Yeah.

JR: Yeah.

AR: You don't remember seeing that at all?

(deep breath)

JR: I'm looking off to that direction to the east, to the to the right of that's where the sign's at on that side of the road and I don't know how far I walked to see that you know.

AR: Mm hmm.

JR: You know and...

AR: You know without I m-that part of it I can I-I.

JR: Mm hmm.

AR: I get. (unknown sound).

JR: Mm hmm.

AR: That part of it I get.

JR: Cuz I'm also looking at the town you know to...

AR: Yeah and it's...

JR: You know you're just putting two and two together of where am I.

AR: Where you're at. Yeah where you're at.

JR: Right.

AR: So I mean arguably but the flashlight on the side of the road that's really...

JR: I don't know why I did not see that.

AR: going to be a hard one to stomach.

JR: I don't I didn't see anything. I didn't see a flashlight. I didn't see a man. (sigh).

AR: But you did see your debris on the road, which was one bigger chunk I think you described it.

JR: Right. Yep.

AR: Was there more than that that you saw on the road? It actually wasn't on the road, it was on the shoulder.

JR: Mm hmm. (squeak) (unknown sound) (sigh) Not really. I mean if it lo(sigh). Think about that. I remember seeing that chunk. I guess I'm not certain.

(paper shuffling)

(sigh)

AR: (unknown sound) So part of (papers turning) the Tim being on the other side of the road.

JR: No no. Tim's on the same side of the road with me (unknown sound).

AR: (paper turning) So you turn...

JR: We-we...

AR: and he's going...

JR: went to Highmore.

AR: he's going that way (paper shuffling) but you were going to go over there next.

JR: We went to Highmore first.

AR: Yep.

JR: I got gas (unknown sound). He parked and waited.

AR: Okay.

(unknown sound)

JR: We then I-he-I went first and...

AR: You turned...

JR: we both parked on the north side of the road.

AR: And that's where you guys were walking?

JR: Correct. He went east. I went west.

AR: Okay.

JR: We never made it to the south side of the road cuz I found him...

AR: You had talked...

JR: on the north side.

AR: about going there.

JR: Correct.

AR: Right.

JR: Yes.

AR: (unknown sound) But then it but then...

JR: We didn't need to go to the south side cuz I found him...

AR: Okay.

JR: on the north side.

AR: Yeah. So I mean with your car with the damage that it has I mean and your car is rounded (unknown sound) obviously this is...

JR: Right. Right.

AR: square.

JR: Right. Right.

AR: And so this is all (unknown sounds) the extreme called the extreme right of your hood as you're sittin behind the steering wheel. It wouldn't be likely that it would go that way would it? (unknown sound) Anything that you'd hit...

JR: Wh-no...

AR: hit on this side.

JR: I no no.

AR: It's not likely that it's going to go to the north side.

JR: No. I mean...

AR: it's going to stay.

JR: just thought.

AR: Or south side, it's going to stay on the north side.

JR: Right. If it if it died (unknown sound) You know that it didn't hit and then go off and keep going. I didn't think so, but I didn't check the south side of the road.

AR: Yeah you didn't you didn't get to that...

JR: I didn't...

AR: at all.

JR: get to that. I thought let's start on the north side cuz maybe he's dead and he's back farther towards the bean field or whatever that is. You know maybe he glanced and went that way farther back out there uh but maybe he you know...

AR: Did you see...

JR: got across.

AR: did you see the the mirror on the s-the door here? (unknown sound) Did you see that was broken.

JR: Yes.

AR: Okay. So everything likely (unknown sound) went this way.

JR: Okay.

AR: And then his face is in the windshield here (unknown sound).

JR: I did not understand the you know where he went you know in relation. Cuz I never saw him and the (pound sound) car together you know.

AR: Let me ask you this.

JR: Mm hmm.

AR: Did you feel bumps? I'm not talking rumble bars.

JR: Mm hmm.

AR: I'm talkin bump bump.

JR: No.

AR: Like any kind of thumping...

JR: Well I mean...

AR: underneath your car?

JR: No. I mean oh I don't I know it went (pound sound) you know I mean I like and I'm-I'm pumping the brakes and that's what I'm doing. I didn't know what the shock was.

AR: Okay. So you...

JR: I mean of...wh-wh-what the impact was. I was just literally trying to stay alive myself and get to the side...

AR: Yeah.

JR: of the road.

AR: So pumping changes how ABS works.

JR: Uh huh.

AR: Cuz ABS is designed you just you...

JR: Right.

AR: you power it.

JR: Right.

AR: You push it down. You don't pump it. Not like the old cars (chuckle) that...

JR: Okay.

AR: I would be used to.

JR: Mm hmm.

AR: Back in my day.

JR: Right.

AR: It's like if you start to skid are you trying to stop and skidding happen happening, you you pump (pounding sound) the brakes.

JR: Mm hmm.

AR: With these you slam on the brakes.

JR: I remember hitting it and letting off, hitting it, letting off, hitting it you know. I don't know if was three or four times but I know I...

AR: Okay.

JR: I did not just (unknown sound) slam it.

AR: And that might make sense for how far you went ahead of...

JR: Right. Cuz I didn't...

AR: I mean you continued on.

JR: I di-

AR: You didn't hit the, you didn't dynamite the brakes to...

JR: To stop right away.

AR: get it stopped.

JR: Because I guess I'd always heard if you if you're yo-in an accident you you slam (pound sound) it you could spin yourself or go in the ditch or roll or something yourself is what I'd always guess I knew. I that's why I hit hard but not to the floor I would guess. I and then I you know I hit a couple times.

AR: Okay. And I-I guess I'm wondering if you're feelin the bumps or even the rumble bars. Cuz you you you...

JR: I thought I hit I mean the rumble bars yes once I once I start applying the brakes.

AR: Okay.

JR: I don't remember any rumble bars prior to the brakes. You know.

AR: Okay.

JR: Yeah.

AR: So prior to stepping on the brakes you...

(deep breath)

AR: don't remember the rumble bars at all?

JR: (whispers No).

AR: Okay. (squeak sound) (unknown sound)

JR: Like I said I didn't I'm not looking over at him (unknown sound) now that I know it's a him or what it was. I was now I guess I n-would n-v I would I'd describe it as tunnel vision. I mean was now tryin to just try to get over...

(deep breath)

JR: and stop. I did not look I did not know it was a man until the next day.

AR: So the the (unknown sound).

(deep breath)

AR: So your initial statement where you said...

JR: I hit something cuz I didn't know what it was but I'm assuming it's a deer.

AR: So...

JR: ASSUMING. (unknown sound)

AR: I didn't (pounding sound) know what I hit until impact, that's a quote.

JR: Okay.

AR: What does that tell ya? Upon impact I knew what I hit.

JR: Okay. Say that again if you would.

AR: I did not know what hit until impact (unknown sound). That's your quote. To me that (unknown sound) means once you hit it you did know what you hit.

JR: I did not know until the next day. I did not. No. No. I would I'm a military guy. You do not leave people in the battlefield. You do not leave people behind. If I had any thought that he was a man, I would've tried to render aid or do whatever to get an ambulance out there or whatever you know obviously I didn't know. You've told me that he died on impact. It would've been too late but I-I would've been telling the sheriff and everything. You know if I thought it was a man obviously I would've insisted on a blood test or breathalyzer or something at that point you know immediately. But I didn't have any idea that this was you know anything more than accident.

AR: But your pretty shook up.

JR: Well absolutely.

AR: At the time. So I mean just the...

JR: Right.

AR: everything caused you to be pretty shook up at that point. So that's where that's where sometimes (unknown sound) people make errors.

JR: Mm hmm.

AR: They make mistakes.

AR: Like I said from early on people (unknown sound) make mistakes. That's why I have a job. That's why Joe has a job. We try to fix those.

JR: Mm hmm. I-I did not know it was a man until I found him the next day. No. I would not have left anybody. (unknown sound) I didn't even I had not even fathomed that a man

would be there in the dark. I would say that you know it's logical that a deer would be there, not a man.

(unknown sound)

AR: Right. Right. And it quite honestly I was I was the test dummy.

JR: Oh god.

AR: I was the guy walking down the side (unknown sound) (paper turning) that they drove by and I was wearing a blue shirt just like that guy, blue jeans. I volunteered cuz...

JA: And carrying his flashlight.

AR: And carrying the dead guy's flashlight.

JR: Mm hmm.

AR: To see what they would see. They videoed it, it's pretty apparent. It was pretty apparent that you were not looking at the road when that happened. Whether it's...

JR: I still believe I'm looking at the radio and then looking at the speedometer to lock in the cruise is the best that I can remember.

AR: Do you just hit resume or do you hit do you actually lock it in every single time?

JR: I do both. Uh you know depends on if it catches or not, the resume. Cuz sometimes it won't, it won't, like if you you take it off, you hit the brake and it comes down, it sometimes won't lock it back in (unknown sounds). You have to hit sometimes you have to put it in to hit resume. You know or I mean to...

AR: Just it....

JR: on...

AR: like doesn't catch or something like that. (unknown sound)

JR: first. Right. Yeah. Right. It'll it'll come off of and you gotta do it over again basically. (unknown sound) And that's what I'm lookin at. I know it and I know how some of this looks but I did not see a man until the next day (unknown sound) absolutely. And then when you told me the ph-the the glasses you know obviously that made me think you know are they his. You now after I left here but I didn't know you know.

AR: Yeah.

JR: But I did not see him. (deep breath). I mean I-my-my like I said I looked at the 65 sign, I looked at the 48 miles to Pierre and I didn't even really think I was gettin going yet. I mean and you know away you go and I just got hit by a thunderbolt (unknown sound).

AR: That's how that stuff happens so fast though Jason and we know it. Cuz I mean quite frankly it's not the first time that this has ever happened.

JR: Well yeah.

AR: (unknown sound) But it's like we know that (pound sound) you look down and we know you're on your phone at some point. We know you're put your-your telling us you're puttin it down.

JR: Absolutely.

AR: And turnin off the radio.

JR: Yes.

AR: (unknown sound) All those things.

JR: Yes. Cuz I'm getting rid of distractions, not adding to them or having distractions.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

AR: On the stuff (inaudible 17:34)

JR: Well you told me that you have a search warrant for my car.

JA: Mm hmm.

AR: Yeah. Yes. Yes. We...

JR: For example. I mean it's standard.

JA: Mm hmm.

AR: And so...

(deep breath)

AR: we'll show a lot of stuff. So if you were texting we'll show it.

JR: I was not (pounding sound) (unknown sound) texting. I mean I mean you should...

AR: (inaudible 17:14)

JR: be able to look at my phone and show that I wasn't...

AR: If you were...

JR: texting.

AR: if you were answering emails...

JR: Uh huh.

AR: It'll show it.

JR: Right.

AR: And so if any of that was going on let's take care of it now so we don't have to come back and re-reinvent this thing Jason.

JR: As the best I can remember I put it down, hit the radio, looked at the speedometer. I don't remember sending any texts you know and prior to the crash and the picture (unknown sound) and...

AR: Sure.

JR: You know.

AR: Sure. And a...

JR: Which I willing gave and everything I mean.

AR: And that's my fault to say text.

JR: Yep. Yep.

AR: Any kinda of...

JR: Right.

AR: e-transmission.

JR: Right.

AR: Whatever it is.

JR: Right.

AR: And it's like let's get it all taken care of now.

JR: Mm hmm.

AR: Cuz...

JR: Do I look at that stuff, yes. But I looked at it and I know I put my phone down, cuz I'm-I'm gonna think about this case and I'm getting rid of distractions, not adding to em.

JA: My question would be s-why would you go into that um Joe Biden article, just to then set your phone down. I mean if you were s...

JR: That's what I do. I guess I just see the headlines and stuff.

JA: Mm hmm.

JR: I do that all the time. You know I look at it.

JA: Mm hmm.

JR: Maybe s-you know s-like a scroll and if it's a long one I don't r-you know.

JA: Mm hmm.

JR: Ever read it. I mean I can do that when I'm sitting here. I'm I-if they're too long uh next. And you go to the next one or go to not doing that anymore.

AR: So that ones a fairly I mean as as it goes.

JR: Right.

AR: It's...

JR: I mean you look at it.

AR: if it's a couple pages.

JR: If it's not enough interest.

AR: For sure.

JR: Right. I do not, I never read the article. I might've you know sc-you know scanned it and or looked at it but..

AR: Mm hmm.

(deep breath)

(unknown sound)

JR: So where do go from here? How long til...

AR: Well we're still we're still gathering stuff.

JR: Mm hmm.

AR: I mean we wanted to get you up to speed.

JR: Mm hmm.

AR: We wanted to this was your opportunity to straighten things out.

JR: Right. Well I wanna help straighten stuff out (unknown sound). Absolutely.

AR: That is. That's we're you know we came in and you know we're we're quite honestly.

JR: Mm hmm.

AR: You know I've told you my concerns.

JR: Mm hmm.

AR: And whether you think they are bogus or not.

JR: No I think you're very genuine.

(deep breath).

AR: It-it's going to be...

JR: I...

AR: a hard thing to get past.

JR: Right.

AR: That's what so if-if there's (unknown sound)

JR: I never saw...

AR: If there...

JR: was a man.

AR: if there (pounding sound) a logical reason outside of that, I ju-I we just need to know. We need to know. Let's get this thing behind us.

JR: I thought I was in the road. I I never saw him. I never saw him until the next day when I found him. I don't know what else I can help try and straighten out for ya.

AR: Okay.

JR: Uh.

AR: Do you wanna...

JR: I'm obviously not as observant...

AR: (inaudible 14:06)

JR: as I should be uh.

AR: Should we take a couple minute break and...

JA: Yeah.

JR: Yeah can I get some water?

JA: Absolutely.

AR: We'll get you a glass of water. We'll take a couple minute break. (unknown sound). And (inaudible 13:56)

(beep) (unknown sounds)

JA: We'll be right back Jason.

(unknown sounds)
(background voices)
(door opens)
(unknown sounds)

AR: Here you go Jason.

JR: Thank you.

JA: Alright. Um so Jason um (beep) you know I'm trying to figure out what our other options are to help you out with this too.

(loud sigh)

JA: You know. Um so if you were take a polygraph on this how would you do?

JR: I would pass except for I that've asked my guys how that would work cuz I thought of can I take a polygraph.

JA: And I'm a polygraph examiner myself.

JR: Okay. An...

JA: So.

JR: Well they told me the only concern would be now you know it versus you didn't know it at the time.

JA: Mm hmm.

JR: And I believe what I believe you know that I did not see him or anything else but then they said now you know that it was a man even though...

JA: Mm hmm.

JR: at the time you didn't.

JA: Right.

JR: And it could fluctuate.

JA: Mm hmm.

JR: But I believe and I will you know if that's what I gotta do (unknown sound) you know.

JA: Mm hmm.

JR: I believed (unknown sound) with all my heart I did not know what it was. I thought and assumed it was a deer (unknown sound) and uh I never I didn't know it was him until I saw him the next day.

JA: Mm hmm. Who'd you talk to about it?

JR: Uh well uh I think I talked to Tim and then Tim asked (unknown sound) asked the DCI folks.

JA: Oh okay.

JR: Like Tyler is our guy.

JA: Uh huh.

JR: Is the agent here.

JA: Yep. Mm hmm.

JR: I think he's the one that went out and secured the scene right away and such. He's our agent here in Pierre.

JA: Yep. Mm hmm.

JR: I think he gives polyg we obviously give polygraphs just like you folks...

JA: Yeah. Sure.

JR: probably do when you...

JA: Yeah.

JR: when you hire new agents and such.

JA: Right. Mm hmm. Uh huh.

JR: You know I've never taken a polygraph...

JA: Yeah.

JR: or anything.

JA: I was just curious cuz I'm very familiar with most of your examiners.

JR: Yep.

JA: Um you know.

JR: I mean.

JA: So I was just cur....

JR: I think I think...

JA: It was more curiosity....

JR: I think Tim...

JA: than anything.

JR: talked to Tyler is who.

JA: Okay. Yep.

JR: Is who talked to.

JA: Mm hmm.

JR: You know I believe you know I believe I you know I didn't I thought I hit a deer. You know I didn't know what I hit but I thought I hit a deer cuz that's the only thing that made sense. Wh-why would you think a man is walking down the side of a road...

JA: Mm hmm.

JR: in dark.

JA: Right.

AR: Did you talk to anybody else about any aspects of the investigation?

JR: I guess.

AR: Like crime scene investigators?

JR. No.

AR: Uh you said you mentioned it to Tim about that.

JR: Right.

AR: About phone forensics any of that kind of stuff.

JR: Well I asked your guy a little bit.

JA: Mm hmm.

JR: You know. Cassidy.

JA: Yep.

JR: You know...

JA: MM hmm.

JR: how it would work and then he was explaining cuz of course uh you know how it is transmit and such and I told him about that on my way app...

JA: Mm hmm.

AR: Sure.

JR: on that phone...

JA: Yep.

JR: because it tracks if you use it then you don't get the points and such, but I didn't want it to be transmitting...

JA: Mm hmm.

JR: and then that be held against me or how it slams into the you know into the wheel well and such.

AR: Yeah.

JA: Mm hmm.

AR: So you talked to Cassidy about that?

JR: Yeah. Well I-I told him about that I guess.

AR: Oh okay.

JR: And he said he says I and it doesn't like it. We put it on airplane mode and it doesn't like that. That that...

AR: Oh suppose for traveling its...

JR: Yeah it didn't it didn't like the you know it kept beeping at them.

AR: Sure.

JR: You know.

JA: Mm hmm.

AR: Okay. Anybody else did you talk to anybody else about...

JR: I can't think of anybody (inaudible 8:02)

(unknown sound)

JA: Cuz you have your own unit, don't ya like for cybercrime or phone...

JR: Oh yeah. Yeah.

JA: crap like that.

JR: Okay. Yep. Uh.

JA: (inaudible 7:48)

JR: Yep.

JA: I didn't know if you guys did or...

JR: No.

JA: if that's something...

JR: We do.

JA: that you guys have your...

JR: Yep.

JA: own people.

JR: I guess I did ask Gromer a few questions, just how phones work and how they transmit and such.

JA: And who's Gromer?

JR: He's the head of my ICAC unit.

JA: Oh okay. (pen flicking)

JR: Out of Rapid City. He was there one day and I just asked him well how does how do things work? How how fast to they transmit? Wh-will it get held against me and I explained this on my way app again.

JA: Mm hmm.

JR: You know and such.

JA: Mm hmm.

AR: And he's out of Rapid City?

JR: Yeah he-he's headquartered out of Rapid City.

AR: Okay.

(writing sound)

JA: So he's like your coordinator for your whole ICAC...

JR: Yeah he's the boss of...

JA: DCI.

JR: He's the boss of the ICAC division of...

JA: Okay.

JR: of DCI yes.

JA: Okay.

(writing sound)
(breathing)

AR: So if we arrange for a polygraph, you'd be willing to take one?

JR: Yes.

AR: Okay.

JA: Okay.

JR: Absolutely.

AR: Okay we have I mean (inaudible 6:42) your guys obviously...

JR: Right. Yeah.

AR: we can't do that.

JR: Can't. Right.

AR: And our guys have to do theirs in North Dakota just like your guys have to do em South Dakota cuz they're licensed there.

JA: Licensing issues.

JR: I-I guess if your ask well I let you ask first. If your asking if I'll go to North Dakota hell yes I'll go. You know I mean if that's what it takes or whatever. I didn't know I didn't want to put words in your mouth.

AR: No.

JR: You know.

AR: We-we're were just actually we were just brainstorming how we could do this.

JR: Mm hmm.

AR: An-and it like well.

JR: Right.

JA: Mm hmm.

AR: We cud have him come to Bismarck and one of our guys there could do it.

JR: I'm willing.

AR: If...

JR: I'm willing to do that yes.

AR: Okay.

JR: Whatever I can do to cooperate.

AR: An-and like I said I mean from the beginning you've been cooperative.

JR: Uh well again the hardest part of this I wouldn't do anything different. I didn't know that this was going to happen to me obviously. A-again why would a man be walking down the road. I believe I'm on the road and wham and my life changes. I never I called (unknown sound) 911. I got the sheriff out there (unknown sound). You know I...

AR: Mm hmm.

JR: I thought I was doing the right things. Obviously I didn't see everything I should've seen probably or not but I did not see him until the next day. (unknown sound)

AR: Well quite frankly we're going to continue on. (unknown sound).

JR: Okay.

AR: We're going to keep doing our stuff. Like I said...

JR: I understand.

AR: we-we got...

JR: (inaudible 5:09)

AR: we-we've been spending...

JR: A lot of time.

AR: a lot of time.

JR: And I assume.

AR: An-and that's because we want to do a thorough job. We don't want anything.

JR: I understand. How about uh so do you have any you know obviously now we got to set this up and such to go up there and everything, but how do you have any kind of time estimates before you will do report? And then where does your report go?

AR: To that county.

JR: Good. (chuckle) I mean well.

AR: That's (inaudible 4:46)

JR: The first night I was dead. The governor did a press conference and said I was involved in a one car fatality and my whole family thought I was dead.

AR: Sure.

JR: You know and I would like obviously a chance to know what's happening (chuckle) before it's on all the media.

AR: An-and...

JR: You know.

AR: We don't control...

JR: I understand.

AR: the media.

JR: But I didn't know you were sending it right to the governor you know first.

AR: We didn't.

JR: No. No. The that you were gonna send the report...

AR: Oh.

JR: when it comes or what.

AR: No. (inaudible 4:16)

JR: You'll send it to the county.

AR: We're not (chuckle) sending it to the governor. We send...

JA: Ah I'm the case.

JR: Okay.

JA: So I have my reports...

JR: Yes.

JA: set up to go to the highway patrol.

JR: Uh huh.

JA: Because they're technically the lead on this.

JR: Okay.

JA: So they need a copy and the Hyde County State's Attorney that's it.

JR: Okay. Right.

JA: So actually honestly for a very high profile case I have a very short distribution list.

JR: (chuckle)

JA: On this because it's (squeaking) as many other people would like to get the reports there's...

JR: (inaudible 3:50)

JA: there's no reason.

JR: The governor says she's going to put em out all when they come.

(drinking sound)

AR: (inaudible 3:43)

JR: Right.

AR: Sorry.

JR: No. I just...

AR: It's a freight train that we're not going to stop.

JR: Right.

AR: I mean I'm not going to stop. We...

JR: Can you tell me like is my toxicology back or anything? Can you tell me any of that?

AR: I'll tell you it's zero.

JR: Right. It SHOULD be.

AR: You knew.

JR: Absolutely

AR: You knew that.

JR: But its...

AR: And we followed up like with the folks that you and I don't know...

JR: Mm hmm.

AR: if they called you or not and I don't care if they did.

JR: Mm hmm. Mm hmm.

AR: Because I talked to the waitress.

JR: Mm hmm.

AR: I talked to the bar owner.

JR: Okay.

AR: I talked to those people and knew what it was going to be but...

JR: Right.

AR: We had to do...

JR: But you still gotta do your del-diligence absolutely.

AR: And the HP that came there was because I told him.

JR: Okay. Okay.

AR: I told him. I said just go do it.

JR: Mm hmm.

AR: I you know I didn't know you from Adam. I said maybe maybe not.

JR: Right.

AR: But either way we need to do this.

JR: Right.

AR: Because it's the right thing to do.

JR: Mm hmm.

AR: And so ther-they did it on my be(chuckle)-bequest.

JR: Okay.

AR: Because at that time I already knew that I was the one coming down here and so we're just gonna I-I wanted to make sure I mean if you were or if your weren't.

JR: Absolutely.

AR: It was gonna...

JR: Right.

AR: you know. Granted it's a little late but.

JR: Yeah

(inaudible 2:39)

AR: It's better than nothing.

JA: If we didn't check do it.

JR: Right.

JA: Then public perception would've been that you were completely annihilated out there driving.

JR: Well that's...

JA: You know I mean.

JR: what they said anyway.

JA: Yeah.

JR: But I did not have any alcohol (deep breath). How about can you tell me if his toxicology's come back?

AR: We don't have any of that yet.

JR: Okay. They said that might be a while.

JA: Yeah.

AR: Yeah we don't have that yet.

JA: And that's out of our hands cuz that went to Ramsey County, Minnesota.

JR: Right. Right.

JA: So.

JR: And how about the accident reconstructionist expert out of Wyoming.

AR: Well they they have the three guys working that are construction guys here reconstruction guys here and then they're working in conjunction with him so that's that's still on that's it's all new.

JR: Mm hmm.

AR: It's this has been labor (chuckle) intensive.

JR: Oh I bet.

AR: Quite honestly.

JR: Absolutely.

AR: And we're I mean we're honestly trying to get everything covered.

JR: Oh we got calls of I-you know from N-North Dakota tax payers, why we're paying for to do a South Dakota investigation. And you know we know we've done ones for you folks. I mean last year...

AR: Yep.

JR: there was an [REDACTED] we...

JA: Mm hmm.

AR: Oh yeah.

JR: investigated.

JA: Yep.

JR: You know.

AR: It goes back and forth.

JR: Right.

AR: And the general public doesn't know it but how else do you maintain the integrity.

JA: Mm hmm.

JR: Amen. (unknown sound)

AR: So let's do it (inaudible 1:20) Generally it's not advertised as widely as this is but I think they wanted to make sure that it wasn't I mean as one of the cousins said another big coverup.

JR: Right. Uh well he's yes. I won't say anything.

AR: So that's that.

JR: Any other questions?

JA: I have nothing.

AR: I don't have anything at this point Jason.

JA: I again. I-I appreciate you coming just um thank you for all your cooperation...

AR: Yeah.

JA: in this. We do appreciate it.

AR: We hate to be the bearer of bad news but it is what it is (unknown sound) and we-we look at what we're doing and what we're seeing as evidence.

JR: I didn't...

AR: That's the best we can do.

JR: I did not know it was a man until the next day. I'll go to my grave saying that and I'll happily take a polygraph so.

AR: Okay. Alrighty. Well we'll...

JR: Alright.

AR: we'll work on that angle and um I mean w-we have the prosecutor in the loop too.

JR: Okay.

AR: So we'll just keep going forward an-and see what we find out.

JR: Okay.

AR: Thank you.

JR: Thank you.

AR: Yep.

(door open)

JA: I'll walk you out.

(unknown sound)

(End Recording)

Initial Call

On 09/13/20 at approximately 0900 hours I was contacted by Captain Randi Erickson. Captain Erickson informed me of a fatal crash on US Hwy14 near Highmore, within Hyde County. In the details provided by Captain Erickson I was informed of the following:

- South Dakota Attorney General Jason Ravnsborg, [REDACTED] was involved in a crash the previous evening (09/12/20).
- AG Ravnsborg struck an object and was unsure what the object was.
- AG Ravnsborg called 911 and reported the crash.
- Hyde County Sheriff Michael Volek responded to the scene.
- Sheriff Volek lent AG Ravnsborg a vehicle to drive to Pierre.
- AG Ravnsborg drove to Pierre and returned the next morning to return the vehicle.
- AG Ravnsborg stopped by the crash site and discovered a deceased male.
- AG Ravnsborg reported the body.
- Agents from the North Dakota Bureau of Criminal Investigation (BCI) were enroute to investigate the incident.

Upon Arrival

I responded to the scene from Aberdeen, SD and arrived at approximately 1215 hours. Upon arrival, I observed the westbound lane of US Hwy 14 to be closed. Orange cones and pylons were restricting traffic from driving on the westbound lane. The South Dakota Department of Transportation (DOT) was providing traffic control at the scene, on the eastbound lane only.



Figure 1: Westbound lane closure - facing west

I walked through the scene and observed the following:

- Multiple vehicle pieces (red, black and clear plastic) were on the north shoulder and in the north ditch.
- Tire skid marks traveling from the westbound lane toward the north shoulder.
- Various electrical pieces were on the north shoulder. These parts were later determined to be from Mr. Ravnsborg's right front park light and windshield washer pump motor.
 - The motor was broken off the lower right side of the windshield washer tank. The washer tank is located near the right front headlight.
- Multiple paint chips of varying sizes were on the north shoulder and in the north ditch.
- Shattered glass spread across an approximate 8-foot area on the north shoulder. The glass was non-reflective and was consistent with the appearance of windshield glass.
- Part of a headlight assembly (clear plastic with part number) was in the north ditch.



Figure 2: Broken piece of headlight lens

- A broken white plastic fork with reddish brown spots (suspected to be blood) was located along the north shoulder.
- A small black flashlight was located along the shoulder.
- A body was a short distance from the shoulder of the roadway, in the grass.
 - The body was naked from the chest down, due to the crash.
 - The right leg was severed below the knee.
 - The lower right leg was located approximately 40 feet northwest of the body.

I was informed Hyde County Sheriff Volek responded to the fatal crash scene on the previous evening. I was informed Sheriff Volek was the person who lent Mr. Ravensborg a vehicle. While at the scene, Sheriff Volek approached me and began to discuss some of the events. I requested Sheriff Volek to give his statement to Agents from BCI when they arrived. I requested Sheriff Volek to stay outside of the cones and away from the investigation area, he complied with my request.

Scene Documentation and Investigation

Sgt Shane Snyder had contacted the Hughes County Emergency Management Office. Sgt Snyder requested the use of a drone to fly over the crash scene. Shortly after my arrival, personnel from the Hughes County Emergency Manager's Office arrived on scene with a drone. Several passes over the scene were made with the drone, taking video and photos. The photos were later placed in evidence and given to BCI. The videos were also placed in evidence and given to BCI.

Using the Leica Total Station, I began mapping the scene with the assistance of Trooper Nathan Moore. As we were mapping the scene we photographed and documented the mapped evidence accordingly. A short time later Sgt Kevin Kinney arrived at the scene. Sgt Kinney began operating the total station as Trooper Moore and I continued to document the scene evidence. Trooper Moore continued to mark the evidence points with the prism pole.

During the mapping process we located several specific vehicle parts:

- Mapping point 100
 - This point describes a bolt that was located in the westbound lane. The bolt was approximately 2 inches south of the north fogline. The bolt was determined to be a valance bolt with nut. A piece of the valance remained in the nut.



Figure 3: Bolt along fog line

- Mapping point 107-109
 - These points describe a broken plastic fork with reddish-brown substance that appears to be blood droplets. The fork pieces were along the north shoulder of the road. The fork was later collected by BCI. The reddish-brown substance was tested and found to be human blood.



Figure 4: Broken fork with reddish-brown spots

- Mapping points 113-114
 - These points describe an area of shattered glass on the north shoulder. The glass extends for approximately 8 feet in an east/west direction. The glass is a non-reflective glass. The more concentrated portion of the shattered glass is approximately 6 ½ feet north of the fogline.
- Mapping point 115
 - This point describes the windshield washer pump motor. The pump motor is approximately 6 feet north of the fogline.



Figure 5: Washer pump motor

- Mapping point 146
 - This point describes the flashlight that was illuminated along the shoulder.



Figure 6: Flashlight

- Mapping points 203-215
 - These points describe the position of the body, with exception to the lower right leg.

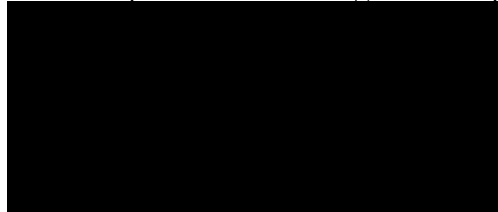


Figure 7: Joseph Boever

- Mapping points 216-221
 - These points describe the position of the lower right leg.

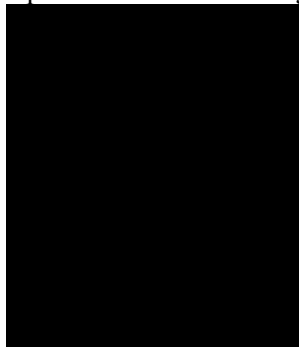


Figure 8: Joseph Boever's lower right leg

While mapping the scene, agents from BCI arrived on-scene. I explained to the agents the items we previously discovered. The agents began their investigation of the scene. At approximately 2100 hours we departed the scene.

Jason Ravnsborg vehicle

The vehicle operated by Mr. Ravnsborg is a 2011 Ford Taurus Limited bearing South Dakota license plate G00027. The VIN number displayed on the vehicle door frame is 1FAHP2FW3BG149248. The registered owner of the vehicle is Jason Ravnsborg of Pierre, SD. The vehicle is insured by Nationwide Insurance Company of America; policy number PPXM0043574648; effective date 10/11/19; expiration date 10/11/20. Sheriff Volek stayed with Mr. Ravnsborg’s vehicle until the tow truck arrived later that same night. Mr. Ravnsborg’s vehicle was towed from the scene by Black Hills Towing of Pierre, SD and stored at their facility overnight. Mr. Ravnsborg’s vehicle was towed to the Pierre Police Dept Evidence Building the next morning.

The vehicle was equipped with Hankook Kinergy GT 245/45R19 tires. The factory specifications for Mr. Ravnsborg’s tires is 235/55R18. The difference in the tire sizes will cause Mr. Ravnsborg’s speedometer to indicate a speed greater than he is actually traveling. The tire size difference would create an error in the reported speedometer speed. Further detail regarding speedometer error is discussed later in this report.

	235/55-18	245/45-19	Difference
Diameter inches (mm)	28.18 (715.7)	27.68 (703.1)	-0.5 (-12.6) -1.8%
Width inches (mm)	9.25 (235)	9.65 (245)	0.39 (10) 4.3%
Circum. inches (mm)	88.52 (2248.44)	86.96 (2208.85)	-1.56 (-39.58) -1.8%
Sidewall Height inches (mm)	5.09 (129.25)	4.34 (110.25)	-0.75 (-19) -14.7%
Revolutions per mile (km)	715.76 (444.75)	728.59 (452.72)	12.83 (7.97) 1.8%

Forum embed code ¹: [\[url=https://www.tacomaworld.com/tirecalc\]](https://www.tacomaworld.com/tirecalc)

Speedometer Difference	
Speedo Reading	Actual Speed
20 mph (32.19 km/h)	19.65 mph (31.62 km/h)
25 mph (40.23 km/h)	24.56 mph (39.53 km/h)
30 mph (48.28 km/h)	29.47 mph (47.43 km/h)
35 mph (56.33 km/h)	34.38 mph (55.34 km/h)
40 mph (64.37 km/h)	39.3 mph (63.24 km/h)
45 mph (72.42 km/h)	44.21 mph (71.15 km/h)
50 mph (80.47 km/h)	49.12 mph (79.05 km/h)
55 mph (88.51 km/h)	54.03 mph (86.96 km/h)
60 mph (96.56 km/h)	58.94 mph (94.86 km/h)
65 mph (104.61 km/h)	63.86 mph (102.77 km/h)
70 mph (112.65 km/h)	68.77 mph (110.67 km/h)
75 mph (120.7 km/h)	73.68 mph (118.58 km/h)
80 mph (128.75 km/h)	78.59 mph (126.48 km/h)
85 mph (136.79 km/h)	83.5 mph (134.39 km/h)
90 mph (144.84 km/h)	88.42 mph (142.29 km/h)
95 mph (152.89 km/h)	93.33 mph (150.2 km/h)
100 mph (160.93 km/h)	98.24 mph (158.1 km/h)

Figure 9: Tire Size Calculator (Tacomaworld.com)

Damage to Mr. Ravnsborg’s vehicle is limited to the right side of the vehicle. The following information gives a brief description of the damage but is not limited to:

- Right headlight
- Right front fender
- Right outside mirror
- Right side of hood
- Right side of windshield
- Right Wheel well
- Right side of bumper



Figure 10: Right front corner of Ford Taurus

Mr. Ravensborg's vehicle appeared to have no mechanical defects. I drove and skid tested the vehicle on 09/15/20. During the operation and skid testing of the vehicle I did not experience any drivability or braking issues. The windshield was damaged from the crash. However, the intact glass had the remains of bugs and a light layer of dust/dirt. There was a distinct line of dirt indicating the wipers had been used in the recent past. The washer fluid tank was damaged in the crash and had drained. A photo taken by Mr. Ravensborg on the night of the crash appears to have a puddle believed to be washer fluid on the ground.



Figure 11 – View Through Windshield on September 15th.

Previous Damage and Maintenance

A search of Mr. Ravensborg's VIN revealed the vehicle was involved in two separate incidents that caused damage to the same vehicle involved in the fatal crash.

The search indicated Mr. Ravensborg's vehicle was involved in two crashes. The first crash occurred on 10/13/17 and the second on 10/30/18. We were unable to locate any further information regarding those crashes.

Maintenance records for Mr. Ravensborg's vehicle indicate he regularly has it serviced and inspected at various locations. The two most recent services to Mr. Ravensborg's vehicle are listed as follows:

03/09/20; Gateway Ford Lincoln Toyota in Pierre, SD; 254,849 miles reported at the time of service.

The following items are listed on that report:

- Maintenance inspection completed
- Brakes checked
- Tires rotated
- Oil and filter changed
- Rear brake rotor(s) replaced
- Rear brakes replaced
- Front brake rotor(s) replaced
- Front brakes replaced
- Front brake pads replaced

07/20/20; Gateway Ford Lincoln Toyota in Pierre, SD; 258,093 miles reported at the time of service.

The following items are listed on that report:

- Maintenance inspection completed
- Engine/powertrain computer module checked
- Drivability/Performance checked

Sgt Snyder contacted Gateway Ford and inquired about the nature of repairs on 07/20/20. Sgt Snyder was informed the vehicle was "tuned up" for complaints of a misfire.

A search of Mr. Ravensborg's VIN -1FAHP2FW3BG149248, on the NHTSA Safety Issues and Recall website indicates there are "0 unrepai red recalls" associated with the VIN.

The stopping location of Mr. Ravensborg's vehicle was uncertain. Mr. Ravensborg took a single photo of his vehicle on the night of the crash. BCI was able to use the photo and determine the location of Mr. Ravensborg's vehicle after the crash. The vehicle position was later mapped and placed in the forensic map.

Ravnsborg Vehicle Search Warrants

Two search warrants were obtained for Mr. Ravensborg's vehicle. The affidavit, search warrant and verified inventory are attached.

September 14th Vehicle Search

On 09/13/20, Trooper Jeremy Gacke requested a warrant to search Mr. Ravensborg's vehicle. The Honorable Judge Bobbi Rank granted the search warrant on the same day. A part of the Search Warrant allowed the downloading of Mr. Ravensborg's Airbag Control Module (ACM).

On 09/14/20 we met with BCI agents at the Pierre Police Dept Evidence Building in Pierre, SD. The Agents informed me Mr. Ravensborg was giving consent to search his vehicle. As the Agents were conducting their search, they removed a section of the center console. With the rear portion of the center console removed I was able to see the ACM. I disconnected the two connectors from the ACM and connected the F00K108387 adapter and F00K108384 direct-to-module cable. I connected the Bosch CDR system to the ACM. After connecting power to the adapter, I successfully downloaded the module. After downloading the module, I removed the CDR system and reconnected the vehicle wiring to the ACM. I later reviewed the information from the ACM. I determined no events had been recorded during the fatal crash event. The CDRx file was saved to evidence. The PDF file was attached to the case also.

Within Mr. Ravensborg's vehicle BCI located a pair of broken eyeglasses. Those eyeglasses were later determined to belong to Mr. Boever. Parts of the broken eyeglasses were located on the front passenger floorboard and in the backseat area. BCI also collected samples believed to be human blood from Mr. Ravensborg's vehicle. At the time of this report some of the samples have been identified as human blood but I have not received the full information regarding the locations.

On 10/02/20 the information contained within the affidavit was sealed by the Honorable Judge Bobbi Rank. The affidavit and order to seal are attached to this case.

September 23rd Vehicle Search

On 09/22/20 the Honorable Judge Rank signed a search warrant allowing a second search of Mr. Ravensborg's vehicle. On 09/23/20, Black Hills Towing transported Mr. Ravensborg's vehicle from the Pierre Police Dept. Evidence Building to the SD Highway Patrol Shop. I escorted the tow truck as it transported Mr. Ravensborg's vehicle. I drove Mr. Ravensborg's vehicle into the shop and placed it on a hoist.

Agents from BCI collected more evidence from Mr. Ravensborg's vehicle. Once BCI was complete with their search, I connected the Bosch CDR system to the Data Link Connector (DLC) of Mr. Ravensborg's vehicle. With the system connected, I downloaded the ACM. After successfully downloading the ACM I reviewed the CDR report. I found no non-deployment events were recorded during the skid testing events. The CDRx file was saved to evidence. The PDF file was attached to the case also.

One of the items searched for by BCI was human blood on and under Mr. Ravensborg's vehicle. At the time of this report all results have indicated no human blood is present under the vehicle. Several lab reports are still pending at the time of this report.

During the skid testing, the brake was applied as hard-braking events, or panic braking. If the hard-braking applications created an event within the ACM during the skid testing we would have confirmed Mr. Ravensborg did not perform a panic brake during the fatal crash. Since no events were recorded during the skid testing, the ACM download did not assist in determining the type of brake application Mr. Ravensborg performed at the time of the fatal crash.

I removed the right headlight bulb from Mr. Ravensborg's vehicle. I observed the filament experienced hot-shock, indicating it was on at the time of the crash. The bulb is constructed with a single filament and I was unable to determine if the headlights were in the low or high-beam position. I photographed the bulb and gave it to BCI Agent Arenz for evidentiary purposes. While the bulb was removed, I determined

it was a Sylvania 9005 bulb. I removed the left headlight bulb and determined that was also a Sylvania 9005 bulb. I returned the left headlight bulb to Mr. Ravensborg's vehicle.

On 10/02/20 the information contained within the affidavit was sealed by the Honorable Judge Bobbi Rank. The affidavit and order to seal are attached to this case.

Mr. Boever's Vehicle

While at the crash scene it was discovered a 2003 Ford F150 was in the north ditch along US Hwy 14, approximately $\frac{3}{4}$ mile west of the fatal crash location. Sheriff Volek contacted State Radio Communications and requested information for the displayed license plate on the F150 (SD 38D248) at 2304 hours the night before. I traveled to the location of the F150 and found Trooper Jordan Moses and Sean Needham with the vehicle. I observed the F150 had damage to the right front corner. The Ford F150 was unable to drive due to the heavy-duty front bumper being wedged against the front passenger tire. All four doors of the F150 were locked. We were unable to locate any vehicle keys around the vehicle. While looking through the driver window of the vehicle I observed what appeared to be smoking tobacco on the driver seat. The registered owner of the vehicle was Harlan Reed. It was determined Harlan Reed had recently sold the vehicle to Mr. Boever.

The vehicle owned by Mr. Boever is a 2003 Ford F150 bearing South Dakota license plate 38D248. The VIN number displayed on the vehicle is 1FTRW08L63KA82524. The vehicle was insured at the time of the crash.

Troopers remained with the vehicle until it was towed from the scene by Johnny's Towing later that evening. Trooper Jordan Moses escorted the tow truck and vehicle to the Pierre PD evidence shed, where it was stored.

A cousin of Mr. Boever's, Victor Nemeč, previously informed law enforcement he gave Mr. Boever a ride from his vehicle back to town around 8:30 PM. Mr. Nemeč also informed law enforcement he had a brief discussion with Mr. Boever about his crash. Mr. Boever told Mr. Nemeč he dropped his tobacco, was reaching for it when he drifted off the roadway and struck the haybale.

On 09/21/20, Joseph Boever's brother (Will Boever) consented to the search of the Ford F150. Will Boever consented to the search of the F150. We also requested to download the ACM in an effort to determine if Joseph Boever may have been injured when the F150 crashed into the haybale, Will Boever consented to us downloading the ACM.

Since no keys had been found at the crash scene or near the vehicle, I used a vehicle unlocking device to open the driver's door of the F150. I was unable to download the ACM through the Data Link Connector (DLC) without the vehicle keys. I determined the ACM was mounted under the dash, near the instrument panel. I pulled the floor covering back and observed the ACM. Without removing the ACM, I was able to disconnect the wiring assembly and connect the Bosch CDR system to the module using cable 02003274. With the system connected I downloaded the ACM. After successfully downloading the module I found one non-deployment event.

I later reviewed the non-deployment event and found the following information:

- The pretensioners did not fire
- The airbag did not deploy
- The maximum cumulative DeltaV was -5.46MPH

There are no key cycles or information to relate the haybale crash to the recorded event.

The information found in the CDR report is minimal but indicates the event would likely not cause any injuries to the occupants of the vehicle at the time of the event. I visually determined the driver and passenger pretensioners were not fired and airbags were not deployed, this also corresponds with the CDR report. The CDRx file was saved to evidence. The PDF file was attached to the case also.

Upon completion of the ACM download I reconnected the ACM wiring assembly. I searched Mr. Boever's vehicle as Sgt Snyder took inventory of the items found. Mr. Boever's personal effects were placed in safekeeping and later given to his family. While searching Mr. Boever's vehicle a pill bottle was located in the center console. The pill bottle contained 12 white pills. The pill bottle prescription indicated the pills were Lorazepam 0.5MG that was prescribed on 09/11/20. The prescription indicated it was for 90 pills. The prescribed information was to "take one tablet by mouth three times daily as needed". The bottle and pills were given to Agent Arenz. Agent Arenz took custody of the bottle and pills, later placing them into evidence.

Jason Ravensborg

Jason Richard Ravensborg has a valid South Dakota class 1 driver's license. The license identifies Mr. Ravensborg's physical appearance as a 6 feet 2 inches tall and weighing 225 pounds. The address on Mr. Ravensborg's driver's license indicates he resides at [REDACTED] SD. Mr. Ravensborg has no restrictions listed on his driver's license information.

Mr. Ravensborg stated he has no vision issues and does not wear corrective lenses. Mr. Ravensborg stated his last eye examination was conducted by the military last year. It is unknown if Mr. Ravensborg has any medical issues that would contribute to the crash.

Mr. Ravensborg was traveling from a Lincoln Day Dinner at Roosters Bar and Grill in Redfield, SD. Witnesses and video surveillance indicate Mr. Ravensborg did not consume any alcoholic beverages while at the dinner (based on information obtained by BCI). Video surveillance shows Mr. Ravensborg exiting Roosters Bar and Grill at approximately 2108 hours.

Mr. Ravensborg was uninjured during the crash and did not seek medical treatment.

Sgt Snyder met with Mr. Ravensborg at the Hughes County Jail in Pierre, SD on 09/13/20. Mr. Ravensborg submitted to two samples of blood. At 1339 hours, Brenda Lounsbury, MLT, withdrew two samples of Mr. Ravensborg's blood. The blood samples were sealed and kept in Sgt Snyder's possession until he released them to the custody of BCI. Agents from BCI maintained custody of the blood samples until they were submitted for analysis (See BCI reports for further details).

The toxicology reports for Mr. Ravensborg's blood-alcohol-concentration show his blood to be negative for alcohol. The toxicology reports for Mr. Ravensborg's drug analysis show his blood to be negative for any drugs.

Mr. Ravensborg departed Redfield on US Hwy 212, turned south on SD Hwy 45 and turned west on US Hwy 14 to Highmore, SD. Mr. Ravensborg's vehicle is seen traveling west from Miller, SD on US Hwy 14 at 2204 hours. Mr. Ravensborg contacts 911 at 2224 hours and informed them of the crash.

911 Call

Mr. Ravensborg contacted 911 at 2224 hours and advised the dispatcher of his position as the Attorney General. Mr. Ravensborg stated he is by Highmore and has “hit something”. Mr. Ravensborg then shows some confusion regarding his possible location but believes it is Highmore. Mr. Ravensborg indicates several times the object he hit was in the roadway. Mr. Ravensborg states he was able to get over and his vehicle is out of the roadway. Mr. Ravensborg states “It sure hit me...smashed my windshield...”. When asked if he hit a deer Mr. Ravensborg states “I have no idea”.

The dispatcher collects Mr. Ravensborg’s vehicle information and advises him the Sheriff will be dispatched to his location. The call ends.

Mr. Ravensborg’s Cell phones, Online Accounts and Electronic Data

BCI provided me with specific documents from the phones, online accounts and electronic data information they discovered during their investigation.

Cellular and Online Accounts

Mr. Ravensborg possessed two cell phones at the time of the fatal crash, a personal phone [REDACTED] and a work-related phone (605-295-0802) – hereafter referred to as work and personal. Mr. Ravensborg provided the phones to BCI for analysis. Information regarding each individual phone is found later in this report.

Based on information discovered by BCI and their request, I submitted affidavits in request of search warrants for the following information to the Honorable Judge Bobbi Rank:

- Apple
- AT&T
- Google
- Verizon
- Yahoo

The warrants were granted by Judge Rank. The signed warrants were provided to BCI who served them accordingly.

On October 20th, BCI received electronic data from Apple Inc. On October 27, 2020 I submitted an affidavit to Judge Rank requesting to view the information. On October 27, 2020 Judge Rank signed a warrant, allowing the Apple information to be opened and viewed. I later filed information with the Court requesting the information contained in the affidavits be sealed, Judge Rank granted later granted that request by signing an Order to Seal.

On November 12th, BCI received electronic data from Google, Verizon and Yahoo. On November 18, 2020 I submitted affidavits requesting to open and view the electronic data. On November 18th, Judge Rank signed the warrants, allowing the information from Google, Verizon and Yahoo to be viewed.

At the time of this report no information was provided to me regarding these accounts. If additional information becomes available, I will complete a supplemental report regarding the information. BCI is maintaining all information received from the warrants served to these respective companies.

Ravnsborg Personal Cellphone

Mr. Ravensborg informed BCI his personal phone was on the passenger seat. Mr. Ravensborg stated his personal phone slammed into the wheel well during the fatal crash. Mr. Ravensborg stated he called his personal phone with his work phone to locate it on the passenger floor. Records indicate Mr. Ravensborg's work phone called his personal cell phone at 10:36:58 hours.

BCI is conducting further investigation regarding the use of Mr. Ravensborg's personal phone and information contained within. BCI is maintaining all information found on Mr. Ravensborg's personal phone.

At the time of this report no information was provided to me regarding the personal cell phone. If additional information becomes available, I will complete a supplemental report regarding the information. BCI is maintaining all information found on Mr. Ravensborg's personal phone.

Joseph Boever

Joseph Paul Boever's valid South Dakota class 1 driver's license identifies his physical appearance as 5 feet 10 inches tall and weighing 200 pounds. The address on Mr. Boever's driver's license indicates his address is 201 ½ E 2nd Avenue #7 in Mitchell, SD. However, Sheriff Volek identified Mr. Boever's current address as 512 Commercial Avenue SE in Highmore, SD.

At the time of the fatal crash, Mr. Boever was walking on the north shoulder of US Hwy 14, along the grass edge. Mr. Boever was dressed in blue jeans, a dark blue sweater and lace up work boots. Mr. Boever was wearing a pair of glasses. Mr. Boever was carrying a small flashlight.

Video of Mr. Boever walking prior to the crash was found at Mashek Food Center in Highmore, SD. The time of video was approximately 2131 hours. Mr. Boever appears to be wearing the same clothes as when the crash occurred.

Mr. Boever's body was lying in the north ditch approximately 2 feet from the shoulder. Mr. Boever's severed lower leg was lying approximately 40 feet northwest of the body. Mr. Boever's body was naked from the chest down with exception to blue jeans on the lower left leg, left sock and boot. A blue sweater was on Mr. Boever's upper chest and arms. Mr. Boever's lower right leg was still wearing the sock and boot.

Mr. Boever was transported from the scene by the Hyde County Coroner. Details regarding the custody of Mr. Boever's body will be provided by BCI.

Mr. Boever was later transported to the Ramsey County Coroner's office in Minnesota. An autopsy was conducted on Mr. Boever's remains. Samples of Mr. Boever's blood was tested for drugs and alcohol. Mr. Boever's blood was negative for alcohol. Mr. Boever's blood was positive for Lorazepam, 190ng/ml. Agent Rummel was later informed the level of Lorazepam in Mr. Boever's blood is not fatal but is higher than normal. See Ramsey County Coroner's report for further details.

BCI SA Rummel had conversation with the Ramsey County Coroner regarding Mr. Boever's direction of travel at the time of impact. Based on Mr. Boever's injuries, the Ramsey County Coroner was able to determine Mr. Boever was facing east when the crash occurred.

Mr. Boever was involved in a separate crash earlier in the day. The details of the crash are previously described in this report.

Sheriff Mike Volek

The Hyde County Sheriff is Mike Volek. Sheriff Volek was contacted by dispatch and informed of the crash. Sheriff Volek resides approximately ¼ mile west of the crash location. The arrival time of Sheriff Volek to the crash scene is unknown.

BCI interviewed Sheriff Volek and was given the following information.

- Sheriff Volek arrives and discusses the crash with Mr. Ravensborg.
- Sheriff Volek does not believe Mr. Ravensborg’s actions appear strange.
- Sheriff Volek lends his personal vehicle to Mr. Ravensborg.
- After Mr. Ravensborg leaves, Sheriff Volek states he saw a light glowing.
- The Sheriff states it looked like a light bulb from the car.
- The Sheriff states he did not investigate the glowing light, even though he has never seen anything like that before.
- The Sheriff states the light was “on”.
- The Sheriff states the light was in the grass “right on the shoulder area”.
- The Sheriff states the glowing light was about 5 feet from him.
- The Sheriff states he would have walked past Mr. Boever’s body to get to the flashlight.

Sheriff Volek contacts the South Dakota Division of Criminal Investigation after Mr. Ravensborg informed him of Mr. Boever’s body.

Weather Conditions

The National Weather Service provided the following information regarding the crash. There is no specific information for the Highmore area but the surrounding area reported the following information:

```
# STATION: KPIR
# STATION Pierre Regional Airport
# LATITUDE: 44.38278
# LONGITUDE: -100.28583
# ELEVATION [ft]: 1742
# STATE: SD
# STATE: SD
Station_ID Date_Time altimeter air_temp_si dew_point_tempe relative_humidity_se wind_speed wind_gust wind_direction wind_cardinal_direction :precip_acc visibility_se weather_summary_set_1d
INHG Fahrenheit Fahrenheit % Miles/hour Miles/hour Degrees code Inches Statute mil code
KPIR 09/12/2020 20:55 CDT 29.97 60.8 48.11 63.18 0 0 N 10 clear
KPIR 09/12/2020 21:05 CDT 29.97 60.8 49.92 67.57 0 0 N 10 clear
KPIR 09/12/2020 21:10 CDT 29.97 60.8 49.92 67.57 0 0 N 10 clear
KPIR 09/12/2020 21:15 CDT 29.98 55.4 48.13 76.68 0 0 N 10 clear
KPIR 09/12/2020 21:35 CDT 29.98 55.4 48.13 76.68 0 0 N 10 clear
KPIR 09/12/2020 21:45 CDT 29.99 57.2 49.94 76.85 0 0 N 10 clear
KPIR 09/12/2020 21:50 CDT 29.99 57.2 49.94 76.85 0 0 N 10 clear
KPIR 09/12/2020 21:53 CDT 29.99 55.94 49.94 80.42 0 0 N 10 clear
KPIR 09/12/2020 22:10 CDT 29.99 57.2 49.94 76.85 0 0 N 10 clear
KPIR 09/12/2020 22:15 CDT 29.99 57.2 49.94 76.85 0 0 N 10 clear
KPIR 09/12/2020 22:20 CDT 29.99 57.2 49.94 76.85 0 0 N 10 clear
KPIR 09/12/2020 22:25 CDT 29.99 55.4 49.95 82.01 0 0 N 10 clear
KPIR 09/12/2020 22:35 CDT 29.99 55.4 48.13 76.68 0 0 N 10 clear
KPIR 09/12/2020 22:40 CDT 29.99 53.6 48.14 81.88 3.45 170 S 10 clear
KPIR 09/12/2020 22:45 CDT 29.99 53.6 48.14 81.88 3.45 160 SSE 10 clear
```

Table 1: Pierre Regional Airport - approximately 42 miles west of the crash location

STATION: KHON
 # STATION: Huron Regional Airport
 # LATITUDE: 44.38806
 # LONGITUDE: -98.22833
 # ELEVATION [ft]: 1286
 # STATE: SD

Station_ID	Date_Time	altimeter_set	air_temp	dew_point	temperature	relative_humidity	wind_speed	wind_gust	wind_direction	wind_cardinal	precip	acc	visibility	set_1	weather_summary	set_1d
		INHG	Fahrenheit	Fahrenheit		%	Miles/hour	Miles/hour	Degrees	code	Inches		Statute miles		code	
KHON	09/12/2020 21:00 CDT	29.98	53.6		53.6		100	0		0 N			10		clear	
KHON	09/12/2020 21:05 CDT	29.99	53.6		53.6		100	3.45		200 SSW			10		clear	
KHON	09/12/2020 21:10 CDT	29.99	53.6		53.6		100	0		0 N			10		clear	
KHON	09/12/2020 21:15 CDT	29.99	53.6		51.78		93.6	0		0 N			8		clear	
KHON	09/12/2020 21:20 CDT	29.99	53.6		53.6		100	0		0 N			2		mist	
KHON	09/12/2020 21:21 CDT	29.99	53.96		53.96		100	0		0 N			1.5		mist	
KHON	09/12/2020 21:25 CDT	29.99	53.6		53.6		100	0		0 N			0.75		mist	
KHON	09/12/2020 21:29 CDT	29.99	53.06		53.06		100	0		0 N			0.25		fog	
KHON	09/12/2020 21:30 CDT	29.99	53.6		53.6		100	0		0 N			0.25		fog	
KHON	09/12/2020 21:35 CDT	29.99	53.6		53.6		100	0		0 N			0.25		fog	
KHON	09/12/2020 21:40 CDT	29.99	51.8		51.8		100	3.45		230 SW			1		mist	
KHON	09/12/2020 21:45 CDT	29.99	51.8		51.8		100	4.6		230 SW			2.5		mist	
KHON	09/12/2020 21:48 CDT	29.99	51.08		51.08		100	4.6		230 SW			2.5		mist	
KHON	09/12/2020 21:50 CDT	29.99	51.8		51.8		100	4.6		230 SW			2		mist	
KHON	09/12/2020 21:55 CDT	29.99	51.08		51.08		100	4.6		220 SW			5		mist	
KHON	09/12/2020 22:00 CDT	29.99	51.8		51.8		100	3.45		210 SSW			6		mist	
KHON	09/12/2020 22:05 CDT	29.99	51.8		51.8		100	4.6		210 SSW			6		mist	
KHON	09/12/2020 22:10 CDT	29.99	53.6		51.78		93.6	4.6		210 SSW			7		clear	
KHON	09/12/2020 22:15 CDT	29.99	53.6		51.78		93.6	5.75		220 SW			9		clear	
KHON	09/12/2020 22:20 CDT	29.99	53.6		51.78		93.6	5.75		230 SW			9		clear	
KHON	09/12/2020 22:25 CDT	29.99	53.6		53.6		100	5.75		220 SW			10		clear	
KHON	09/12/2020 22:30 CDT	29.99	53.6		53.6		100	4.6		220 SW			10		clear	
KHON	09/12/2020 22:35 CDT	29.99	53.6		53.6		100	4.6		210 SSW			10		clear	
KHON	09/12/2020 22:40 CDT	30	53.6		51.78		93.6	4.6		200 SSW			10		clear	
KHON	09/12/2020 22:45 CDT	30	53.6		51.78		93.6	4.6		200 SSW			10		clear	

Table 2: Huron Regional Airport - approximately 61 miles east of the crash location

I also requested information from NWS regarding weather conditions after the crash, specifically wind speed and direction. NWS provided the requested information, indicating the maximum wind gust from 22:46 hours on 09/12/20 to 11:04 hours on 09/13/20 was 17.88MPH. The cardinal direction of the wind origin varied between South and South/Southwest (SSW). See attached information from NWS.

Images from highway travel cameras were also provided by NWS from the following locations:

- Harrold, SD travel camera
Approximately 13.5 miles west of the crash location.
- Jet of SD Hwy 47 and SD Hwy 26
Approximately 17.4 miles north of the crash location.
- Mac's Corner
Approximately 18.7 miles south of the crash location.



Figure 12: Geographic locations of the cameras

The weather information along with the camera viewpoints did not indicate any visibility or weather conditions that would contribute to the crash. Videos obtained from businesses in the area also did not indicate any visibility or weather conditions that would contribute to the crash.

Roadway

In the area of the crash, US Hwy 14 is an asphalt two lane road maintained by the South Dakota Department of Transportation (DOT). The eastbound and westbound lanes are separated by a dashed yellow line. The shoulders are separated by a continuous white line. There are two white lines that overlap each through the crash location and have varying widths. Along the north side of the fogline, on the north shoulder, are rumble strips. The posted speed limit through the crash area is 65MPH. There is no overhead lighting in the immediate crash area.

The north shoulder from the fog line to grass edge 10 feet 8 inches wide.

Within the north shoulder:

From the north edge of the fog line, the roadway maintains the same surface as the westbound driving lane for 4 feet 1 inch.

From the north edge of the maintained asphalt the shoulder transitions to a 1 foot 4-inch wide section of paved asphalt with no chip seal.

From the north edge of the asphalt with no chip seal the roadway transitions to unmaintained asphalt scattered with gravel for 4 feet 3 inches.

From the unmaintained asphalt to the grass edge the roadway transitions to gravel for 1 foot.



Figure 13: North Shoulder design

The following measurements were found on the forensic map:

The westbound lane is 11 feet 9 inches wide.

The eastbound lane is 11 feet 11 inches wide.

The south shoulder is 10 feet 7 inches wide.

A Do Not Pass sign is near the area of impact on the north side of the roadway. The Do Not Pass sign indicates a vehicle traveling eastbound is not allowed to pass as it enters the city limits of Highmore, SD.

A delineator post along the north side of the roadway is located near the final rest of Mr. Boever's body. The delineator post is 8 feet north of the asphalt shoulder, 23.2 feet northwest of Mr. Boever's body and 17.8 feet southeast of Mr. Boever's leg.

The roadway is in good condition with visible lane markings during daytime and nighttime hours. The rumble strips had various areas that appeared to be paved over and slightly filled in. However, during the skid testing that was conducted with Mr. Ravensborg's vehicle they were noticeable and created a vibration and noise that was immediately noticeable within the vehicle.

There are no roadway conditions that would contribute to the fatal crash.

On 09/14/20 the SD DOT completed a request that required the movement of the speed limit sign along the west side of Highmore. On the day of the crash, the 65MPH speed limit sign posted for westbound traffic was approximately 500 feet east of its current location. Sgt Snyder requested documentation indicating the request and was provided with a brief description of the request to move the sign.

Tow Truck Operator

I was informed Black Hills Towing hauled Mr. Ravensborg's crashed vehicle from the crash location near Highmore, SD to their shop in Pierre, SD. On 09/14/20 I met with the tow truck operator employed by Black Hills Towing. I identified the tow truck operator as James Alvin Lappe, DOB [REDACTED], by his South Dakota driver's license. I met with Mr. Lappe at Black Hills Towing in Pierre, SD. I asked Mr. Lappe if he ever drove east of Mr. Ravensborg's vehicle on the night of the crash, he stated he did not. I asked Mr. Lappe if anyone was with Mr. Ravensborg's vehicle when he arrived, he stated a person he believed to be the Sheriff was with the vehicle. I asked Mr. Lappe if he had conversation with the Sheriff, he did not. I asked Mr. Lappe if there were any broken parts laying around the vehicle, he did not recall. Mr. Lappe stated vehicle parts had fallen onto the deck of his tow truck between the crash location and Pierre, as they were still laying there when he arrived back in Pierre. I asked Mr. Lappe if he remembered where the damaged vehicle was parked if I showed him a Google Earth image, he believed he could. Prior to showing Mr. Lappe the image, he recalled two field approaches - one in the north ditch and one in the south ditch, the approaches were directly across from each other. Mr. Lappe stated that is also why he did not drive east of the damaged vehicle, because he was able to easily turn around in the roadway by using the approaches. I asked Mr. Lappe how far he had to back up once he turned around. Mr. Lappe was not sure. I asked Mr. Lappe if it was less than 100 feet, he stated it was. Mr. Lappe stated he drives semi-trucks and regularly backs up a trailer length (no more than 53 feet). Mr. Lappe felt the distance he backed up was close to the length of a semi-trailer.



Figure 14: Location of approaches used by tow truck driver

Witnesses

Agents from BCI identified multiple witnesses that observed Mr. Boever walking prior to the crash.

The first witness observed Mr. Boever walking on the north shoulder, along the grass edge. The witness slowed down, stopped, turned her vehicle around and returned to Mr. Boever. The witness had a brief conversation with Mr. Boever. The witness believed Mr. Boever may have been "intoxicated". The

witness observed Mr. Boever to be wearing glasses and carrying a light. The witness stated Mr. Boever was traveling west.

The second witness observed Mr. Boever walking on the north shoulder, along the grass edge.

Several people in another vehicle saw Mr. Boever walking on the north shoulder of the road, moments prior to the crash.

Further details regarding the witnesses and their statements can be found in BCI reports and information.

Video Surveillance Systems

On 09/14/20 I traveled to Highmore, SD. I drove through the area and searched for video monitoring systems along US Hwy 14. I was informed Mr. Boever's current residence is 512 Commercial Avenue SE, Highmore, SD. I attempted to locate video surveillance along Mr. Boever's potential walking path as well.

I stopped at the following locations in Highmore and determined they did not have any surveillance systems:

- Performance AG
200 West Hwy 14
- Jan Busse Ford
525 Commercial Avenue NE
- Titan Machinery
302 US Hwy 14
- D & K Outpost
33690 US Hwy 14
- Plains Sausage
409 Commercial Avenue SE

I observed video cameras at the following locations in Highmore and had the described results:

- The Grand Lodge
36686 US Hwy 14
 - o I spoke with Mike Solberg on 09/14/20 via telephone. Mr. Solberg informed me he was unsure if the system was operational. BCI inspected the video surveillance system later that week and determined it was inoperative.
- Hall Oil and Gas
197th Street / US Hwy 14
 - o I spoke with Noah Hall on 09/14/20 in person. Mr. Hall showed me his video monitors that covered the area from various cameras. I observed one camera to show a brief section of US Hwy 14. I requested Mr. Hall for a copy of the video. Mr. Hall was unable to download a copy of the video. Mr. Hall took a screen shot of a brief section of the video. Mr. Hall consented to BCI inspecting his video surveillance system. BCI met with Mr. Hall on a different date and time to inspect the system. BCI were unable to

- download the system. Mr. Hall informed BCI they may be replacing the system at the end of the month. Mr. Hall stated he would allow BCI to take custody of the video storage device.
- On 09/24/20 I returned to Hall Oil and Gas with Sgt Kinney. Mr. Hall informed us the video system was being updated but they would not be replacing the video storage device. Mr. Hall also informed us he was unable to review certain videos regarding the time frame we were requesting.
 - On 09/29/20 the Honorable Judge Bobbi Rank granted a search warrant, allowing the search of the video surveillance system at Hall Oil and Gas. On 09/30/20, Sgts Snyder and Kinney along with BCI served the warrant to Mr. Hall. Upon serving the warrant, the officers determined the video storage device had recently been replaced. The officers were able to locate the old storage device and seized it.
 - The storage device was repaired and the video was viewed. Sgt Snyder reviewed the video but is unable to determine an exact time Mr. Ravensborg travels past the gas station. Sgt Snyder was unable to locate Mr. Boever walking past the gas station prior to the crash.
- The Kut Hut
116 Iowa Avenue
 - The video system recorded the roadway in front of the business. Sgt Austin Schmitz spoke with the owner, Dixie Volek, on 10/09/20. Sgt Schmitz was informed the video recording system did not keep videos that far back. Any videos from 09/12/20 had been overwritten.
 - Highmore High School
415 Iowa Avenue
 - I spoke with Quentin Cermak on 09/21/20. Mr. Cermak informed me the school does record the area surrounding the High School, specifically SD Hwy 47 in front of the High School. Mr. Cermak agreed to provide a copy of the video footage from the night of 09/12/20.
 - On 09/24/20 I met with Mr. Cermak and provided him with several USB thumb drives to download the video footage.
 - On 09/30/20, Sgt Snyder met with Mr. Cermak and was given the video footage.
 - Sgt Snyder reviewed the video footage and did not observe Mr. Boever walking.
 - Hoffman Trenching Services
82 Iowa Avenue
 - I spoke with Kenny Hoffman on 09/24/20 regarding the video cameras on the perimeter of his business. Mr. Hoffman's wife reviewed the footage and observed a pedestrian near their business on the evening of 09/12/20.
 - On 09/23/20 Agent Arenz viewed the video and downloaded a copy from the video storage device.
 - Hyde Out Bed and Breakfast
315 Commercial Avenue SE
 - On 09/24/20 I spoke with the owner of the Hyde Out Bed and Breakfast, John Simonson. I asked Mr. Simonson about the Ring doorbell camera on the front of his residence/business. Mr. Simonson informed me it is motion activated. Mr. Simonson reviewed any possible video captures from the night of 09/12/20. Mr. Simonson provided me with one video clip but based on the video time it did not capture Mr. Boever walking.

- Mashek Food Center
100 2nd Street SE
 - o On 09/24/20 I spoke with the manager, Jackie Mashek, and discussed the video surveillance system. Mrs. Mashek allowed me to view the video from September 12th. There were several camera angles that could have captured Mr. Boever as he walked from his residence to the crash location.
 - o On 09/25/20 Sgts Kinney and Snyder met with Mrs. Mashek at Mashek Food Center. The Sgt's were able to find video footage of Mr. Boever walking north along SD Hwy 47 / Iowa Street at approximately 2130 hours. The Sgt's checked the time stamp of the live video and found it was accurate. The Sgt's downloaded the video.



Figure 15: Map of locations with and without video in Highmore

The following video information was found in and near Miller, SD.

On 09/18/20 I observed video surveillance cameras on the exterior of FarmTech in Miller, SD. I met with the business owner, Jeff Gnat and asked about the cameras. Mr. Gnat allowed me to view the camera displays. I observed one of the displays showed US Hwy 14 a short distance west of SD Hwy 45. I reviewed the video from the night of 09/12/20. At 2204 hours, I observed Mr. Ravensborg's vehicle travel westbound, past the camera. Mr. Gnat allowed me to download footage of the video system. I determined the displayed time (hours : minutes) of the live video was current.

Sgt Snyder also located video footage of SD Hwy 45 north of Miller at a grain terminal. Sgt Snyder was provided a copy of the video from the night of the crash but was unable to positively identify any vehicles that may have been Mr. Ravensborg's in the darkness. Sgt Snyder was able to identify Mr. Ravensborg's vehicle traveling to Redfield, SD earlier in the day.

Redfield, SD video and information

Through their investigation, BCI determined Mr. Ravensborg attended a dinner in Redfield, SD the night of the crash. The Agents determined the dinner was held at Roosters Bar and Grill. On 09/16/20, I traveled to Redfield, SD with BCI Agent Arnie Rummel. Agent Rummel met with the management at

Roosters Bar and Grill, 424 N. Main Street. The management allowed Agent Rummel to access the video surveillance system within the premises. Mr. Ravensborg was observed leaving the premises at approximately 2108 hours. There was a noted time difference between the live video and current time.

Agent Rummel and I met with the management at Appel's Quick Stop. Agent Rummel and I determined the video was motion activated with gaps in the coverage. One of the security cameras captured vehicles traveling south at the intersection of West 1st Street and US Hwy 212. We requested the management to download any videos from that camera on the night of 09/12/20. The video was later reviewed and no vehicles matching Mr. Ravensborg's were observed.

While in Redfield on 09/16/20, I observed a camera on the front of Dakotaland Federal Credit Union. I contacted the management at the Credit Union. I was informed they would need permission for us to view the video. Later that same day, I was informed I could view the video. On 09/17/20, Sgt Snyder met with the management at the Credit Union. Sgt Snyder reviewed the footage near the time Mr. Ravensborg would have left Roosters Bar and Grill. Sgt Snyder did not observe any vehicle's resembling Mr. Ravensborg's.

On 09/17/20, Trooper Joelle Schuknecht observed a camera on the property of 38423 US Hwy 212. It was later determined the camera did capture a portion of US Hwy 212. Sgt Snyder later reviewed the video to determine if he was able to view Mr. Ravensborg's vehicle. Sgt Snyder was unable to positively identify Mr. Ravensborg's vehicle.

Roadway Evidence Documentation – Nighttime

On 09/17/20 I returned to the crash scene. Agents from BCI attempted to locate evidence on the roadway during nighttime hours. Prior to doing this, the Agents marked the roadway in quadrants. With the assistance of Sgt Snyder, we mapped the quadrants and some of the evidence found in the area. Based on the information provided by Mr. Lappe (tow truck operator) we mapped the area we believed Mr. Ravensborg's vehicle was located prior to being loaded onto the tow truck. We also mapped the roadway markings and edges near the field approaches Mr. Lappe described.

Skid Testing Mr. Ravensborg's Vehicle

During the interview with Mr. Ravensborg, BCI Agents requested permission to skid test Mr. Ravensborg's vehicle. Mr. Ravensborg consented to the testing. I requested Black Hills Towing to transport Mr. Ravensborg's vehicle to the SD DOT shop in Highmore, SD. On 09/15/20 I escorted Black Hills Towing as it transported Mr. Ravensborg's vehicle back to Highmore, SD.

Once Mr. Ravensborg's vehicle was unloaded in the shop I installed the Vericom VC4000, with the assistance of Sgt Kinney. It was noted the right front wheel well was damaged and contacting the inside of the tire. The damaged wheel well was left in place for the first 2 recorded tests. After the first two tests the damaged parts were removed so the tire would not be damaged during testing. The GPS device was not used in the first two recorded runs. Sgt Kinney and Trooper Moore alternated between verifying speeds with their patrol vehicle RADAR systems. There was no difference between the Vericom speed determination and the RADAR units. However, Mr. Ravensborg's speedometer generally ranged between 2-5MPHs in excess of the other measured speeds. Example being – Mr. Ravensborg's speedometer indicated 30MPH but the measured speeds were 25-28MPH.

The brake point was positioned at the location where the first visible evidence was found on 09/13/20 (a paint chip). An orange cone was placed near that point. The shoulder of the roadway was painted with white paint around the base of the cone.

The testing was performed on the westbound roadway surface and on the north shoulder area. SD DOT provided traffic control on the roadway during the testing. The skid testing was video recorded by BCI using a drone. During the testing, the drone batteries became discharged and no recordings exist after that. After each test, photos were taken and the roadway was inspected for any indication of braking. There was never an indication of skidding but some shadowing was observed at higher speeds. All four tires continuously showed signs of spackling after braking. The anti-lock brake system (ABS) functioned during each test. The brake pedal was noted to have no sponge feeling nor did the vehicle experience lack of braking. The brake always functioned as a vehicle equipped with ABS would be expected to. On various occasions I attempted to steer while braking, I was able to move laterally while controlling the vehicle and braking. There was no loss of braking or maneuverability at any time.

During the skid testing that was conducted on the north shoulder, I crossed the fog line and rumble strip just prior to the point of braking. As I crossed the rumble strip there was a noticeable vibration and noise indicating I was crossing them. I did not experience any drift that would cause the vehicle to pull towards the shoulder. Every test conducted on the shoulder was done by steering the vehicle onto the shoulder from the westbound driving lane.

During the third attempt (Run016_Brake) at skid testing the VC4000 battery discharged and did not record the skid test event. The recordings start at Run0014_Brake and run concurrently to Run0035_Brake with exception to the gap at Run0016_Brake. There is also no event at Run0017_Brake as we checked the instrument files to ensure they were recording properly. There was no event recorded for Run0017_Brake. The following description identifies the braking events. The full Vericom report for each braking event is attached to this case. The GPS coordinates of mapping locations for tests 4-21 are included with that information.

Based on the information found during the testing I determined the braking difference between the asphalt shoulder and westbound driving lane was minimal (see chart below). The overall average for all of the skid tests is 0.882. We also determined there was no braking difference between runs 1-2 with the damaged parts contacting the tire and any test afterwards after the damaged parts were removed. The deceleration factor between the skid tests remained consistent throughout. The only item of concern during the testing was the variance between the speedometer and the other indicated speeds. As previously stated, the speed consistently reported 2-5MPH faster on the speedometer, it is unlikely this was caused by crash damage but undetermined at this time.

Also based on this information, we were able to determine the skid marks were not related to the crash involving Mr. Ravensborg's vehicle. We were also able to determine the skid marks did not relate to the crash as the track width of the skid marks is approximately 7.25 feet wide. The track width of Mr. Ravensborg's vehicle is 5.41 feet wide.

Westbound Lane - 30MPH							
Date/Time	Run #	Time Secs	Accel G Avg	Speed MPH	Distance ft.	GPS Speed MPH	GPS Dist ft
9/15/2020 12:38	1	1.3	-0.87	24.82	24.4	0	0
9/15/2020 12:48	2	1.28	-0.898	25.21	24.4	0	0
	3	Not recorded					
9/15/2020 13:08	4	1.63	-0.895	32	39.25	32.54	47.99
North Shoulder - 30MPH							
Date/Time	Run #	Time Secs	Accel G Avg	Speed MPH	Distance ft.	GPS Speed MPH	GPS Dist ft
9/15/2020 13:19	5	1.56	-0.865	29.59	34.97	29.87	42.68
9/15/2020 13:25	6	1.7	-0.837	31.23	39.56	31.51	48.18
9/15/2020 13:33	7	1.57	-0.862	29.7	35.16	29.82	43.95
9/15/2020 13:41	8	1.64	-0.881	31.68	38.99	31.74	48.22

Table 3: 30 MPH Skid Testing

Westbound Lane - 45MPH							
Date/Time	Run #	Time Secs	Accel G Avg	Speed MPH	Distance ft.	GPS Speed MPH	GPS Dist ft
9/15/2020 13:54	9	2.37	-0.901	46.85	83.83	46.9	96.78
9/15/2020 13:59	10	2.27	-0.887	44.18	75.89	44.35	89.04
9/15/2020 14:04	11	2.33	-0.867	44.31	78.09	44.38	90.62
North Shoulder - 45 MPH							
Date/Time	Run #	Time Secs	Accel G Avg	Speed MPH	Distance ft.	GPS Speed MPH	GPS Dist ft
9/15/2020 14:09	12	2.3	-0.878	44.32	76.86	44.34	89.76
9/15/2020 14:13	13	2.36	-0.886	45.87	81.28	45.59	93.63
9/15/2020 14:17	14	2.34	-0.88	45.16	79.91	45.2	92.86

Table 4: 45 MPH Skid Testing

Westbound Lane - 65MPH							
Date/Time	Run #	Time Secs	Accel G Avg	Speed MPH	Distance ft.	GPS Speed MPH	GPS Dist ft
9/15/2020 14:24	15	3.17	-0.888	61.76	147.14	62.29	166.89
9/15/2020 14:30	16	3.33	-0.882	64.43	160.45	64.09	177.17
9/15/2020 14:36	17	3.16	-0.902	62.49	149.02	62.56	167.68
North Shoulder - 65MPH							
Date/Time	Run #	Time Secs	Accel G Avg	Speed MPH	Distance ft.	GPS Speed MPH	GPS Dist ft
9/15/2020 14:43	18	3.19	-0.906	63.37	152.14	63.98	173.46
9/15/2020 14:48	19	3.42	-0.861	64.63	161.72	64.07	178.7
9/15/2020 14:56	20	3.31	-0.888	64.49	157.27	64.36	174.48

Table 5: 65 MPH Skid Testing

Westbound Lane - 80MPH							
Date/Time	Run #	Time Secs	Accel G Avg	Speed MPH	Distance ft	GPS Speed	GPS Dist
9/15/2020 15:04	21	4.14	-0.906	82.3	254.33	81.89	275.36

Table 6: 80 MPH Skid Testing

Upon completion of the skid testing, Mr. Ravensborg's vehicle was loaded on the tow truck. The tow truck returned Mr. Ravensborg's vehicle to the Pierre Police Dept. Evidence Building. The tow truck and vehicle were escorted by Trooper Moore back to the evidence shed.

Exemplar Vehicle Testing

On 09/21/20, I located a vehicle that is exemplar to Mr. Ravensborg's vehicle at Vern Eide Auto Center in Sioux Falls, SD. I spoke with Sales Manager Bob Reisch via phone. Mr. Reisch agreed to rent the vehicle to the SD Highway Patrol for exemplar testing. On 09/24/20, the exemplar vehicle was delivered to the SD Highway Patrol shop in Pierre, SD. I drove the vehicle to the crash location near Highmore, SD. Earlier in the day, I determined Walmart sold the same headlight bulb (Sylvania 9005) that was used in Mr. Ravensborg's vehicle on the night of the fatal crash. I purchased two bulbs and later installed them in the exemplar vehicle.

The following information for Sylvania 9005 headlight bulbs is found on www.bulbamerica.com:

- ANSI Code: 9005
- Alternate Part Number: HB3
- Sylvania Part Number: 9005.BP Basic
- Primary Application: DRL, Headlight
- Bulb Technology: Halogen Bulbs
- Filament: C-8
- Base: P20d
- Bulb Shape: T-4
- High Beam Wattage: 65W
- Lumens: 1700LM
- Color Temperature: 3100K
- Amperage Draw: 5.08Amp
- Voltage: 12V
- Rated Life: 320Hours
- Bulb Diameter (in): 0.48
- Overall Length (in): 3.02

BCI Agent Arenz provided the light used by Mr. Boever on the night of the crash. Prior to the testing, new batteries were installed in the flashlight. Agent Rummel dressed in clothing similar to Mr. Boever's on the night of the fatal crash. Agent Rummel walked along the north ditch of the road, holding the light in various positions as we drove past in the exemplar vehicle. Agent Arenz rode in the passenger seat of the exemplar vehicle as I drove past Agent Rummel at 65MPH. The first series of tests were performed with the headlights in low-beam. As we approached Agent Rummel, Agent Arenz and I were able to clearly see him with no question it would be a person walking along the roadway. The next series of tests were conducted with the headlights on high beam. It became very easy to see Agent Rummel walking in the darkness, along the north ditch.

While beginning one of the attempts to drive past Agent Rummel, we observed a westbound vehicle pull to the side of the road and turn around. The vehicle returned to Agent Rummel to check on him. Sgt Kinney pulled up to the motorist seconds later. Agent Arenz and I drove toward the vehicles as they were pulling away. Sgt Kinney informed us it appeared a passerby saw Agent Rummel walking and was concerned for his safety. Agent Rummel later informed me that several of the westbound vehicles applied their brakes as they passed him. Agent Rummel believed the brakes were being applied by several of the vehicles prior to traveling past him.

On 09/25/20, Sgt's Kinney and Snyder and I drove the exemplar vehicle to Redfield, SD. Since we did not know the path Mr. Ravensborg traveled from Roosters Bar and Grill, we timed several routes from Roosters Bar and Grill to the west edge of Redfield. As we traveled the routes, we followed the posted

speed limits. We experienced no delays during the testing. Sgt Snyder drove the exemplar vehicle as Sgt Kinney and I timed the routes traveled.



Figure 16: Route #1



Figure 17: Route #2



Figure 18: Route #3

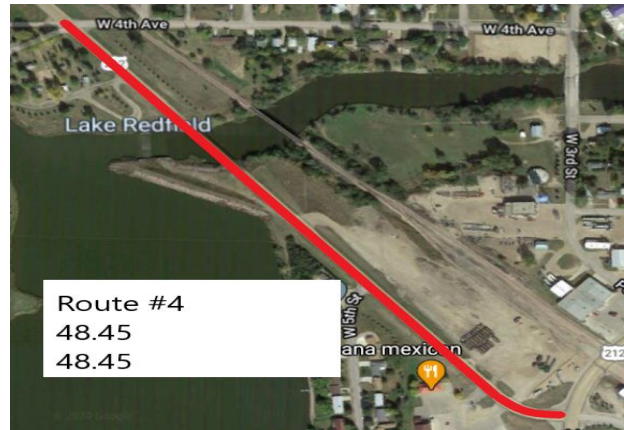


Figure 19: Route #4

During the exemplar testing in Redfield, traffic varied and occasionally caused minor delays. The slowest recorded time to drive from Roosters to the intersection of US 212 and W 4th Avenue was 1 minute 37 seconds. The longest time recorded was the combination of route #1 (Figure 16) and route #4 (Figure 19) for a total time of 2 minutes 34 seconds.

The video collected from Roosters Bar and Grill indicated Mr. Ravensborg walked out the door at 2108 hours. Mr. Ravensborg's cellphone indicated he departed Roosters Bar and Grill at 2121 hours. We parked the exemplar vehicle along W 5th Avenue. We departed Roosters Bar and Grill at approximately 2109 hours. We began timing the trip as we left Roosters Bar and Grill. We noted the accumulated times at the following points along the path:

- Travel time in Redfield to W 4th Avenue = 1 minute 24 seconds
- Farm at 38423 US Hwy 212, near Redfield = 2 minutes 37 seconds;
- Grain elevator north of Miller = 34 minutes 00 seconds;
- Farm Tech = 47 minutes 31 seconds
- Hall Oil and Gas (G3) = 1 hour 8 minutes 33 seconds
- Crash site = 1 hour 8 minutes 59 seconds

Exemplar Vehicle Testing - Calculations

As previously discussed, exemplar nighttime testing was conducted at the crash site, with a pedestrian carrying a flashlight. During the testing, Agent Arenz and I both knew Agent Rummel would be walking on the shoulder of the road and we were looking for him as we conducted the tests. The fact other passing motorists would not know a pedestrian is walking on the shoulder of the road would likely cause them to react differently. During the testing, Agent Arenz and I used high beam and low beam headlights on separate runs as we approached Agent Rummel. One consistency noted during the testing was the fact, Agent Arenz and I could both see Agent Rummel a greater distance away when the flashlight was pointed toward us. The flashlight was noticeable but the outline of Agent Rummel was still indistinguishable. I did not use the observations of the light in my calculations, only the observations of Agent Rummel when we could clearly identify his outline.

The perception and reaction time used in these calculations is 1.6 seconds.¹

We observed the following results during the exemplar testing:

Low Beam Headlights at 65MPH

We were able to see Agent Rummel approximately 2 seconds prior to traveling past him when the flashlight was not pointed at us. Based on the speed of 65MPH we would have been approximately 190.58 feet from Agent Rummel upon seeing him.

Speed (S) = 65MPH
 Velocity (V) $65 \cdot 1.466 = 95.29\text{FPS}$
 Time (t) = 2.0 seconds
 Distance (D) = 190.58 feet

$$D = V \cdot t$$

$$D = 95.29 \cdot 2$$

$$D = 190.58 \text{ feet}$$

Equation 1

At 65MPH (95.29FPS) a vehicle would travel the average perception and reaction time of 1.6 seconds in 152.64 feet.

Velocity (V) = 95.29FPS
 P/R time (t) = 1.6 seconds
 Distance (D) = 152.64 feet

$$D = V \cdot t$$

$$D = 95.29 \cdot 1.6$$

$$D = 152.64 \text{ feet}$$

Equation 2

A passing motorist would apply their brakes 37.94 feet ($190.58 - 152.64 = 37.94$) prior to striking a pedestrian. The vehicle would be traveling 56MPH as it struck the pedestrian.

Original speed at braking (S_o) = 65MPH
 Braking distance (D) = 37.94 feet
 Deceleration factor (f) = 0.882
 Speed at impact (S_f) = 56MPH

$$S_f = \sqrt{S_o^2 \pm 30 \cdot D \cdot f}$$

$$S_f = \sqrt{65^2 - 30 \cdot 37.94 \cdot 0.882}$$

$$S_f = \sqrt{4225 - 1003.89}$$

$$S_f = \sqrt{3221.11}$$

$$S_f = 56.75$$

$$S_f = 56\text{MPH}$$

Equation 3

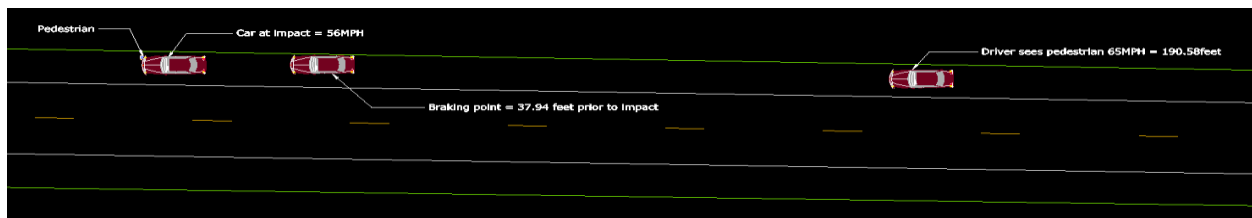


Figure 20: Exemplar Testing - Low Beam

High Beam Headlights at 65MPH

We were able to see Agent Rummel approximately 3 seconds prior to traveling past him when the flashlight was not pointed at us. Based on the speed of 65MPH we would have been approximately 285.87 feet from Agent Rummel upon seeing him.

Speed (S) = 65MPH
 Velocity (V) $65 \cdot 1.466 = 95.29\text{FPS}$
 Time (t) = 3.0 seconds
 Distance (D) = 285.87 feet

$$D = V \cdot t$$

$$D = 95.29 \cdot 3$$

$$D = 285.87 \text{ feet}$$

Equation 4

As previously determined, a vehicle traveling 65MPH (95.29FPS) would travel 152.64 feet during the average perception and reaction time of 1.6 seconds.

A passing motorist would apply their brakes 133.23 feet ($285.87 - 152.64 = 133.23$) prior to striking a pedestrian. The vehicle would be traveling 26MPH as it struck the pedestrian.

Original speed at braking (S_0) = 65MPH
 Braking Distance (D) = 133.23feet
 Deceleration factor (f) = 0.882
 Speed at impact (S_f) = 26MPH

$$S_f = \sqrt{S_0^2 \pm (30 \cdot D \cdot f)}$$

$$S_f = \sqrt{65^2 - (30 \cdot 133.23 \cdot 0.882)}$$

$$S_f = \sqrt{4225 - 3525.26}$$

$$S_f = \sqrt{699.74}$$

$$S_f = 26.45\text{MPH}$$

$$S_f = 26\text{MPH}$$

Equation 5

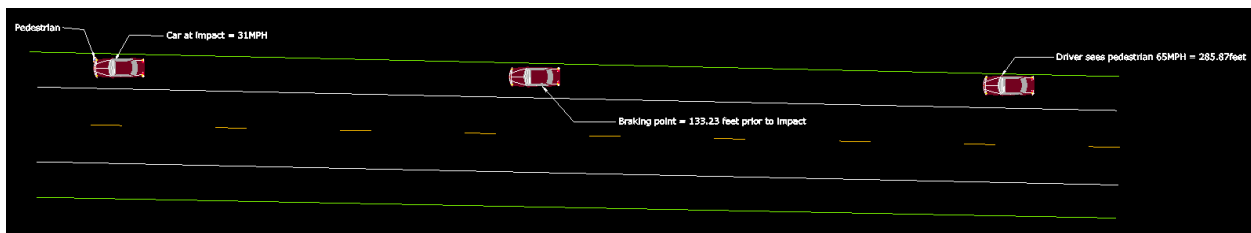


Figure 21: Exemplar Testing - High Beam

Interactive Driver Response Research (I.DRR) analysis

On 10/21/20 I met with Gene Barthel in Watertown, SD. Mr. Barthel allowed the use of his software (I.DRR) to analyze the distance of Mr. Ravensborg headlights (Sylvania 9005). The full information used for the analysis is attached to this case. Based on the information analyzed by Mr. Barthel’s software, Mr. Ravensborg should have seen Mr. Boever at the following distances:

- Low beam headlights 90 feet ± 35 feet
- High beam headlights 164 feet ± 57 feet

Mr. Ravensborg stated his speed was approximately 65MPH (95.29FPS). Mr. Ravensborg’s speedometer differs from the actual speed by 2-5 MPH more than the actual vehicle speed. If Mr. Ravensborg believes his vehicle is traveling 65MPH he is traveling 60-63MPH. The following table indicates Mr. Ravensborg’s perception and reaction distance along with braking distances at 60MPH and 65MPH.

Drag Factor		0.882											
Reaction Time		1.6 [sec]											
Distances													
Speed [mph]	Velocity [fps]	Reaction [ft]	Stopping [ft]	Total [ft]	Headlight [ft]		Add'l Distance Prior to Impact From PR Point [ft]	Stopping Distance After Impact [ft]	Time Prior to Impact [sec]	Impact Speed [mph]			
60	87.96	140.74	136.05	276.79	Low	55	0.00	221.79	0.63	60.00			
					Low	90	0.00	186.79	1.02	60.00			
					Low	125	0.00	151.79	1.42	60.00			
					High	107	0.00	169.79	1.22	60.00			
					High	164	23.26	112.79	1.88	54.63			
					High	221	80.26	55.79	2.71	38.42			
65	95.29	152.46	159.67	312.14	Low	55	0.00	257.14	0.58	65.00			
					Low	90	0.00	222.14	0.94	65.00			
					Low	125	0.00	187.14	1.31	65.00			
					High	107	0.00	205.14	1.12	65.00			
					High	164	11.54	148.14	1.72	62.61			
					High	221	68.54	91.14	2.42	49.11			

Table 7: I.DRR Analysis information

Based on the information provided by Mr. Barthel’s software and Table 7:

If a motorist is traveling 60MPH with their low beam headlights on, they would see a pedestrian between 55 feet and 125 feet but would not be able to react prior to striking the pedestrian.

If a motorist is traveling 60MPH with their high beam headlights on, they would see the pedestrian between 107 and 221 feet. The median percentage of drivers would have applied the brakes prior to striking the pedestrian and been traveling approximately 54MPH.

If a motorist is traveling 65MPH with their low beam headlights on, they would still see a pedestrian between 55 feet and 125 feet but would not be able to react prior to striking the pedestrian.

If a motorist is traveling 65MPH with their high beam headlights on, they would still see the pedestrian between 107 and 221 feet. The median percentage of drivers would have applied the brakes prior to striking the pedestrian and been traveling approximately 62MPH.

If a motorist is traveling 65MPH with their headlights on low beam they would see a pedestrian in dark clothing for 0.63 seconds to 2.71 seconds prior to impact. As previously stated, this is not enough time to react but they would see the pedestrian. This does not take into account a flashlight used by the pedestrian.

If a motorist is traveling 65MPH with their headlights on high beam they would see a pedestrian in dark clothing for 0.58 seconds to 2.42 seconds prior to impact. This is enough time for an undistracted person to react. The does not take into account a flashlight used by the pedestrian.

Area of Impact

The evidence found at the scene indicated the area of impact was within the north shoulder. There was no indication of an impact within the westbound lane. The north shoulder is 10.76 feet wide.

While mapping the crash scene on 09/13/20, numerous points indicating red paint chips, vehicle parts and reddish-brown substance were mapped. Using the information from the forensic map Sgt Kinney created trend lines based on the mapped evidence. Sgt Kinney provided the X and Y coordinates for paint chips, vehicle parts, reddish-brown substance and a separate all points he calculated in the trend lines. See Sgt Kinney's report for further information regarding the trend lines.

Based on previous studies at the 2009 IPTM Special Problems Conference the first evidence is generally located at the location of impact. This indicates the exact area of impact will be near the beginning of the trend lines where the concentrated evidence begins.

Based on the mapping coordinates, I placed the trend lines in the forensic map. All of the trend lines began on the north shoulder. The all points trend line places the area of impact 1.03 feet from the grass ditch, on the north shoulder.

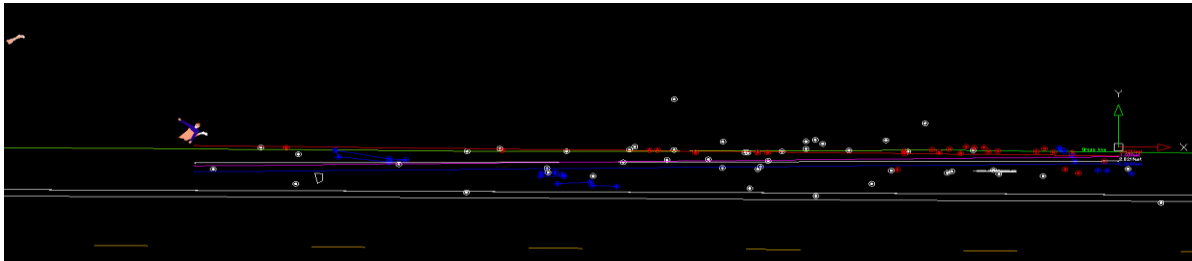


Figure 22: Trend Lines with Evidence

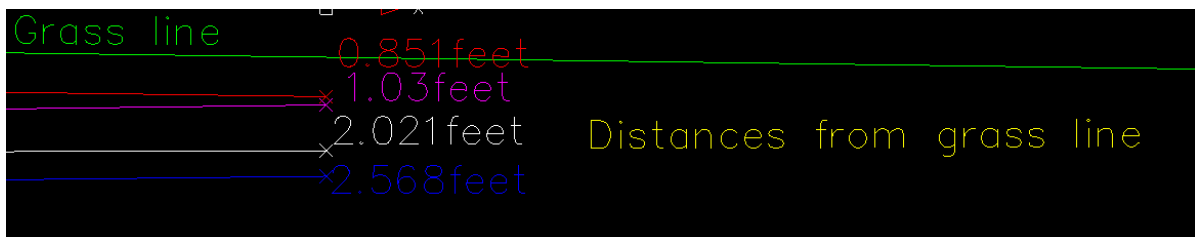


Figure 23: Trend Line Origins from Grass

During an interview between BCI and Mr. Ravensborg on 09/14/20, Mr. Ravensborg makes a statement regarding the pieces of his vehicle that fell during and after the crash. Mr. Ravensborg states the pieces were on the shoulder of the roadway and were still there the next morning. During the interview, Mr. Ravensborg was asked if he moved any of the pieces from the roadway, he stated he did not.

During an interview between BCI and Mr. Ravensborg on 09/13/20, Mr. Ravensborg makes several comments questioning why a person would be walking on the shoulder at night.

BCI identified two witnesses that observed Mr. Boever walking on the shoulder prior to the crash. The witnesses described Mr. Boever walking along the grass on the north shoulder.

Based on the previous calculations and witness statements it can be determined Mr. Boever was approximately one foot from the grass edge along the north side of the shoulder. Vehicle specifications indicate Mr. Ravensborg's 2011 Ford Taurus track width is 65 inches (5 feet 5 inches). When a vehicle scaled to the size of Mr. Ravensborg's is placed on the north shoulder on the trend lines, it indicates the right and left tires of Mr. Ravensborg's vehicle crossed the rumble strip.

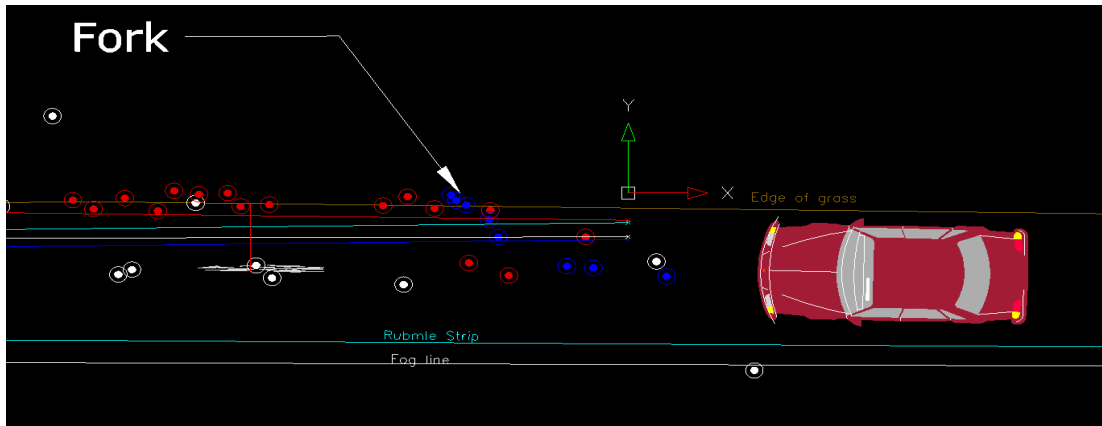


Figure 24: Position of Ravensborg's Vehicle at Impact

Braking Calculations

The average deceleration factor found for Mr. Ravensborg's vehicle was 0.882. During an interview with BCI, Mr. Ravensborg indicated he was looking at the speedometer as the crash occurred and attempting to set his cruise at approximately 65MPH. Mr. Ravensborg was westbound on US Hwy 14 from Highmore, SD. The posted speed limit in Highmore, SD is 45MPH. The 45MPH ends and transitions into a 65MPH speed zone 1,101 feet prior to the area of impact. During the skid testing I was starting from 0 MPH near the beginning of the 65MPH speed zone, I was able to achieve 65MPH prior to the previously marked location (first paint chip). It should be noted the actual area of impact is approximately 80 feet west of the "first paint chip" location. Mr. Ravensborg's vehicle would be able to accelerate from 45MPH to 65MPH in the 1,101 feet. Based on this information, it can be determined Mr. Ravensborg's vehicle could achieve a speed of 65MPH or greater, if he was traveling 45MPH through Highmore and began to accelerate at the 65MPH sign.

If Mr. Ravensborg makes a panic brake application from 65MPH he would stop in 159.67 feet.

Speed (S) = 65MPH
 Deceleration factor (f) = 0.882
 Distance (D) = 159.67 feet

$$D = \frac{S^2}{30 \cdot f}$$

$$D = \frac{65^2}{30 \cdot 0.882}$$

$$D = \frac{4225}{26.46}$$

$$D = 159.67 \text{ feet}$$

Equation 6

If Mr. Ravensborg makes a panic brake application from 60MPH he would stop in 136.05 feet.

Speed (S) = 60MPH
Deceleration factor (f) = 0.882
Distance (D) = 136.05feet

$$D = \frac{S^2}{30 \cdot f}$$
$$D = \frac{60^2}{30 \cdot 0.882}$$
$$D = \frac{3600}{26.46}$$
$$D = 136.05\text{feet}$$

Equation 7

During an interview with BCI, Mr. Ravensborg indicated he did not immediately apply the brakes until after he struck the unknown object that was later found to be Mr. Boever. Mr. Ravensborg stated that when he did apply the vehicle brakes, he “tapped” them.

The distance from the AOI to Mr. Ravensborg’s vehicle stopping point is approximately 614 feet. The impact speed of Mr. Ravensborg’s vehicle is approximately 65MPH. The calculated deceleration factor of Mr. Ravensborg’s vehicle is 0.229.

Speed (S) = 65MPH
Distance (D) = 614feet
Deceleration factor (f) = 0.229

$$f = \frac{S^2}{30 \cdot D}$$
$$f = \frac{65^2}{30 \cdot 614}$$
$$f = \frac{4225}{18420}$$
$$f = 0.229$$

Equation 8

The calculated deceleration factor indicates Mr. Ravensborg is using less than 1/3 of the available braking force of 0.882.

BCI Interviews with Mr. Ravensborg

BCI Agents Rummel and Arenz conducted two separate interviews with Mr. Ravensborg, one on 09/14/20 and the other on 09/30/20. The information provided in this report is limited to events prior to and during the crash events, see Agents Rummel and Arenz reports for full information.

09/14/20 Interview

Mr. Ravensborg provided the following information during the interview –

- Traveling from Redfield, SD to Pierre, SD when the crash occurred.
- There were no stops after leaving Redfield, SD.

- His route was US 212 from Redfield; SD 45 to Miller; US 14 from Miller.
- Has two cell phones. A personal phone and a work phone.
- Slowed down as he drove through Highmore.
- Thought about stopping for gas in Highmore but the stations looked closed.
- Started to accelerate when he sees the 65MPH sign.
- Sees the 48 miles to Pierre sign.
- Stated “WHAM” and slaps his hands indicating the crash occurs.
- Never saw anything until impact.
- Did not have time to swerve, decelerate or accelerate.
- Debris was on the shoulder.
- Stated “I believe I was on the road the whole time”.
- Went through town. Slowed down. Saw 65MPH sign looking off to right. Started to speed up.
- Consented to skid testing his vehicle.
- No exactly sure about how fast he was going, 4MPH over the speed limit at the most.
- Stated “As the best that I recollect, I am driving along in the drive lane and WHAM and then I react and I might have hit the brake then. I did work myself to the shoulder then. I don’t know if I slammed on the brakes at all. It was more the jolt of it then trying to just control the car to get it off to the shoulder”.
- Indicates he was not distracted and thought the radio was off but not 100% sure.
- Stated “I know I was on the road”.
- The pieces were on the shoulder and were still there the next morning.

09/30/20 Interview

Mr. Ravensborg provided the following information during the interview -

- Lot of sleep the night before.
- Flew into Rapid City from Louisiana the night before.
- Attended a Lincoln Day Dinner in Rapid City on September 11th.
- Slept in until 9:30-10:30AM on the day of the crash.
- Was asked to speak at an event in Sisseton also on the 12th but declined due to the distance.
- Approximately 3PM left Pierre traveling to Redfield.
- Approximately 9PM -915PM left Roosters Bar and Grill in Redfield.
- Did not stop after leaving Redfield.
- Describes leaving Redfield as “snake” through town.
- Had a phone conversation with his father after leaving Redfield, no other calls.
- Listening to Twins game and Lakers playing Houston.
- Shut off radio close to Highmore.
- Looked to right and left in Highmore.
- Car pointing east in south gas station.
- North gas station had 3 to 4 High School kids.
- Going to shut radio off and think about big cases that are coming up.
- Traditionally put it in cruise but had not locked it in yet.
- Had not “engaged” cruise.
- Generally set cruise around 65-67MPH.
- Never travel more than 4 over anymore.
- Had not turned high beams back on after Highmore.
- Stated “I did not punch the brakes. My military training, you don’t punch. I’ve always been taught you don’t punch the brakes because then you could spin. So, I tapped the brakes 3 or 4

times, trying to control the vehicle and you know shake as you get to the side of the road and brought it to control as best I could. To safely get to the side of the road.”

- Did not move any debris from the roadway.
- Wreckage was still there the next day.
- No vision problems.
- Does not wear glasses.
- Was using his phone up to the time of the crash.
- One phone on the seat slammed into the the wheel well.
- Set phone down around Highmore on console.
- Pumping the brakes.
- Does not recall crossing the rumble strips.
- Uses the resume sometimes

Speed Determinations

Mr. Ravensborg departs Roosters Bar and Grill at approximately 2121 hours. At 2224 hours Mr. Ravensborg calls 911. I determined the distance from the crash site to the intersection of US Hwy 14 and SD Hwy 45 was 22.49 miles. Google maps measures the distance as 22.55 miles. Mr. Ravensborg’s vehicle drives past the FarmTech camera in Miller at 22:04:22 hours. The 911 call is received at 22:24:08 hours. These times show Mr. Ravensborg traveled from the west edge of Miller, SD on US Hwy 14 to the crash location, struck Mr. Boever and called 911 in 19 minutes and 46 seconds.

Work Phone times vs Exemplar testing

During the exemplar test of driving from Redfield, SD to Highmore, SD we determined the total driving time to be 1 hour, 8 minutes and 59 seconds. The driving time for Mr. Ravensborg, based on his work cellphone, was 1 hour, 3 minutes and 3 seconds. The total distance to drive from Redfield, SD to the crash location is approximately 71.7miles.

The average speed of Mr. Ravensborg’s trip was 68MPH.

Distance (D) = 378,576feet
 Time (t) = 3,783seconds
 Velocity (V) =100.07FPS
 Speed (S) = 68MPH

$$V = \frac{D}{t}$$

$$V = \frac{378,576}{3,783}$$

$$V = 100.07FPS$$

$$S = \frac{V}{1.466}$$

$$S = \frac{100.07}{1.466}$$

$$S = 68.26MPH$$

Equation 9

The average speed of the exemplar trip was 62MPH.

Distance (D) = 378,576feet
Time (t) = 4,139 seconds
Velocity (V) = 91.46FPS
Speed (S) = 62MPH

$$V = \frac{D}{t}$$

$$V = \frac{378,576}{4,139}$$

$$V = 91.46FPS$$

$$S = \frac{V}{1.466}$$

$$S = \frac{91.46}{1.466}$$

$$S = 62.38MPH$$

Equation 10

Mr. Ravensborg averages 6MPH faster than a vehicle traveling the posted speed limits.

Highmore to Miller

Based on the specified times and locations it can be determined Mr. Ravensborg was traveling an average speed of 68.32 MPH. The calculated speed is an average speed and does taken the slower speed limit on the west side of Miller, SD and through Highmore, SD into account. This speed also does not take any delays for Mr. Ravensborg to call 911 after stopping his vehicle.

Time (t) = 19 minutes 46 seconds (1,186seconds)
Distance (D) = 22.5 miles (118,800feet)
Average Velocity (V) = 100.16FPS
Average speed (S) = 68.32MPH

$$V = \frac{D}{t}$$

$$V = \frac{118,800}{1,186}$$

$$V = 100.16FPS$$

$$S = \frac{100.16}{1.466}$$

$$S = 68.32MPH$$

Equation 11

During the skid testing of Mr. Ravensborg's vehicle I determined his speedometer varied by 2-5MPH over the actual speed. Based on this information Mr. Ravensborg would have believed his vehicle was traveling 70-73MPH.

Mr. Ravensborg's work cellphone

BCI downloaded Mr. Ravensborg's work phone. On October 26th, I received an Excel document from BCI titled AG Timeline. I found various times and activity within the document. Some of the information can be found below. The full AG Timeline report is attached to this case.

2119-2121 Approximate departure time from Lincoln Day Dinner.

21:23:01 Calls his father and speaks to him for over 23 minutes. – Mr. Ravensborg later states the call to his father was dropped while traveling on SD Hwy 45 between US Hwy 212 and Miller, SD.

21:48:01 Attempts to call his father at 2148 hours but the call is unanswered.

21:58:57 Calls his father and speaks to him for 2 minutes and 18 seconds.

22:17:25 Accesses Yahoo Mail

22:20:49 Accesses Dakota Free Press

22:21:13 Accesses Real Clear Politics

22:21:45 Accesses Riding the Dragon (Article regarding Joe Biden)

22:22:48 Phone locks and screen off

22:23:56 Phone screen turns back on

22:24:06 Phone is unlocked

22:24:22 911 call is made

On November 3, 2020 I received additional information from BCI regarding Mr. Ravensborg's work phone. The information was contained within an Excel document titled "Apple iOS Full File system_2020-11-02_Report". I also received a Google Earth mapping file titled "locations". The "locations" file is a .kml file. When the "locations" file is opened it automatically populated various locations into Google Earth. These locations are identified in the Google Earth map as yellow pins. The coordinates can be referenced to the "Apple iOS Full File system_2020-11-02_Report" spreadsheet page titled "Timeline". I determined the original document "AG Timeline" could be referenced to other tabs throughout the Excel workbook. I found the information regarding the access of Yahoo, DakotaFreePress and RealClearPolitics was not reported with GPS Coordinates. However, I did find Yahoo, DakotaFreePress and RealClearPolitics were immediately preceded and followed by location updates which did indicate GPS coordinates. I mapped the following coordinates associated with Yahoo, DakotaFreePress and RealClearPolitics as follows:

Yahoo – prior (44.528048, -99.382250)

Yahoo – after (44.528044, -99.382657)

The calculated distance is 0.020 miles or 105.6 feet

Dakota Free Press – prior (44.528031, -99.385086)

Dakota Free Press – after (44.528031, -99.385494)

The calculated distance is 0.020 miles or 105.6 feet

RealClearPolitics – prior (44.527989, -99.394887)

RealClearPolitics – after (44.527987, -99.395302)

The calculated distance is 0.020 miles or 105.6 feet

RealClearPolitics *Riding the Dragon* – prior (44.527909, -99.408143)

RealClearPolitics *Riding the Dragon* – after (44.527906, -99.408538)

The calculated distance is 0.019 miles or 100.32 feet

When the previous coordinates were mapped within Google Earth they were approximately 105 feet apart. These distances were determined by calculating the coordinate distances at <https://www.fcc.gov/media/radio/distance-and-azimuths>. All other coordinate calculations were conducted in the same manner. The distances found at the FCC website are displayed in miles. The distances in feet are calculated by multiplying the miles by 5,280 feet.

Information found in the Excel document “Apple iOS Full File system_2020-11-02_Report” indicates the website RealClearPolitics is accessed at 10:21:13 an article found on RealClearPolitics titled “Riding the Dragon” is accessed at 10:21:45. The coordinates that precede these times are:

RealClearPolitics – prior (44.527989, -99.394887)
 RealClearPolitics *Riding the Dragon* – prior (44.527909, -99.408143)
 The distances between the two locations is 0.653 miles or 3,447.84 feet.
 The time between the two points is 32 seconds.

The speed Mr. Ravensborg would travel between the two points is 73.4MPH.

Distance = 3,447.84 feet
 Time (t) = 32 seconds
 Velocity (V) = 107.7
 Speed (S) = 73.4MPH

$$V = \frac{D}{t}$$

$$V = \frac{3,447.84}{32}$$

$$V = 107.7$$

$$S = \frac{107.74}{1.466}$$

$$S = 73.4MPH$$

Equation 12

The time of location updates is recorded in hours and minutes. I determined the last location Mr. Ravensborg’s phone indicated the time to be 22:20 hours was (44.528025, -99.389115). I determined the last location Mr. Ravensborg’s phone indicated the time to be 22:21 hours was (44.527857, -99.413801). I determined the distance between the two locations to be 1.216 miles or 6,420.48 feet. The speed Mr. Ravensborg would travel between the two points is 72.9MPH.

Distance = 6,420.48 feet
 Time (t) = 60 seconds
 Velocity (V) = 107
 Speed (S) = 72.9MPH

$$V = \frac{D}{t}$$

$$V = \frac{6,420.48}{60}$$

$$V = 107$$

$$S = \frac{107}{1.466}$$

$$S = 72.9MPH$$

Equation 13

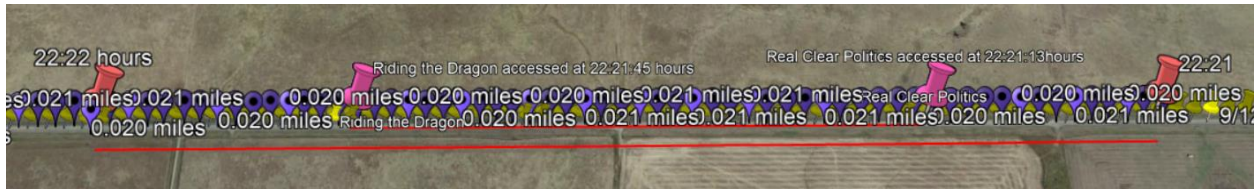


Figure 25

The locations, times, speeds and phone information indicate Mr. Ravensborg is traveling 72-73MPH while reading an article on his work phone. As previously determined the error range of Mr. Ravensborg is 2-5MPH. Mr. Ravensborg's speedometer indicates he is traveling 74-78MPH while reading the article.

I calculated the distances between each location update from the work phone on the Google Earth map. I labeled each distance with a purple icon with black center. After calculating the distances, I compared the location updates to the distances and found the location updates related to approximately 1 second at each interval. I calculated the speeds between each location update by using the calculated distances and one second intervals. I labeled each speed with a white push pin between the calculated distance intervals. I completed this process for every location updated prior to the crash that appears to be a one second interval.

Based on the phone GPS coordinate information I determined the following:

Mr. Ravensborg begins slowing down from 68MPH approximately 330 feet prior to the 45MPH sign.

Mr. Ravensborg slows to approximately 46MPH as he crosses the intersection of SD Hwy 47.

Mr. Ravensborg begins to accelerate approximately 255 feet prior to the 65MPH sign.

Mr. Ravensborg is traveling approximately 68MPH as the crash occurs.

As these speeds are calculated it does not take into consideration the error found in Mr. Ravensborg's speedometer when skid testing. Mr. Ravensborg would think he is traveling 2-5MPH faster than the calculated speed.

I previously determined Mr. Ravensborg would travel an average speed of 68.32MPH to travel from Miller, SD to Highmore, SD. The calculated speed of 68.32MPH does not take any deceleration Mr. Ravensborg may have done as he left Miller or entered Highmore. It also does not take into any consideration of slower traffic or roadway hazards that may have been encountered between the two towns. The speeds calculated from Mr. Ravensborg's phone are realistic and relate to the varying speed limits. Since these speeds can be correlated the fact Mr. Ravensborg is using his cellphone to research his email and political blogs at speeds in excess of the posted speed limits can also be concluded to. Mr. Ravensborg is traveling 7-8MPH over the posted 65MPH speed zone but his speedometer indicates he is traveling 9-13MPH over the posted speed limit while using his cellphone for various tasks.

However, based on the information downloaded from the work cellphone, it indicates that Mr. Ravensborg stops using his cellphone and begins to slow down as he enters Highmore city limits. Mr. Ravensborg continues to exceed the posted speed by several miles per hour as he travels through town, but he is not using his work cellphone.

Based on the phone information, Mr. Ravensborg departed Rooster's Bar and Grill at 21:21:19 hours and calls 911 at 22:24:22 hours. From the departure time to the 911 call time the total trip time is 1 hour 3 minutes and 3 seconds. During this time Mr. Ravensborg's phone is unlocked for 44 minutes and 7 seconds. Mr. Ravensborg unlocks his work phone 10 times during his trip. During the time Mr. Ravensborg's work phone is unlocked he is searching political blogs (Real Clear Politics, Dakota Free

Press), Steve Barnett’s webpage, weather app and making phone calls. Mr. Ravensborg is using his work cellphone for over 69% of his trip.

Swerve Calculations

The damage to Mr. Ravensborg’s vehicle indicates Mr. Boever was struck on the right front corner of the vehicle. The damage is within 1½ to 2 feet of the right front corner of the vehicle. Based on the previously determined information that Mr. Ravensborg is traveling approximately 68MPH on the shoulder of the roadway, his headlights are limited to a distance of 90 ± 35 feet on low beam and 164 ± 57 feet on high beam. The speed is based on GPS coordinates which can have variation, a conservative speed of 65MPH was used in the calculations³. It has previously been determined Mr. Ravensborg could not react in time to brake and avoid the crash with Mr. Boever on the shoulder of the roadway (Table 7).

Based on swerve calculations, if Mr. Ravensborg’s headlights are on high beam while traveling 65MPH, there is a possibility he can see Mr. Boever walking and react 69 feet before impact (Table 7). The average lateral acceleration values used to calculate lateral movement are 0.2 to 0.3², these values were used in the calculations. Using the perception and reaction time of 1.6seconds, lateral distances of 1.5 to 2.0 feet and lateral acceleration values of 0.2 to 0.3 I calculated the turn-away distances and angles.

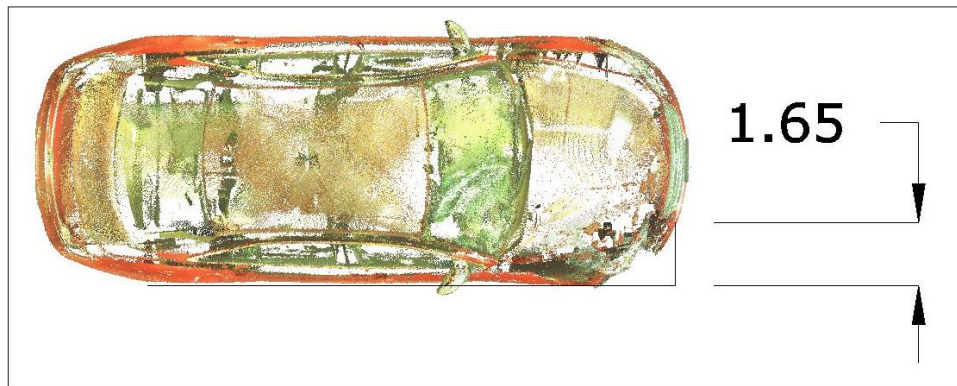


Figure 26: Impact distance from right side of car

$f_l = 0.2$ (lateral coefficient) $D_l = 2.0$ ft (lateral) $S = 65.0$ mph $D = 75.23$ ft $r = 1418.74$ ft $\theta = 3.04^\circ$	$f_l = 0.3$ (lateral coefficient) $D_l = 2.0$ ft (lateral) $S = 65.0$ mph $D = 61.43$ ft $r = 945.82$ ft $\theta = 3.72^\circ$	<p>Equations:</p> $D = 0.366 \cdot S \sqrt{\frac{D_l}{f_l}}$ $r = \frac{S^2}{14.89 \cdot f_l}$ $\theta = \sin^{-1}\left(\frac{D_l}{r}\right)$
$f_l = 0.2$ (lateral coefficient) $D_l = 1.5$ ft (lateral) $S = 65.0$ mph $D = 65.15$ ft $r = 1418.74$ ft $\theta = 2.63^\circ$	$f_l = 0.3$ (lateral coefficient) $D_l = 1.5$ ft (lateral) $S = 65.0$ mph $D = 53.20$ ft $r = 945.82$ ft $\theta = 3.22^\circ$	

Table 8: Turn-Away Distances and Angles

What the combination of Table 7 and Table 8 prove:

- The longest distance where an avoidance maneuver begins (Table 7) is 68.54feet, with the high-beams on. Based on the conservative values of lateral friction 0.2, speed of 65MPH and lateral

distance of 2 feet – Mr. Ravensborg is unable to avoid striking Mr. Boever. The impact would likely be less severe, but it would still occur.

- If the lateral distance required for Mr. Ravensborg to avoid the crash is in fact less (1.5feet) and lateral friction value is higher (0.3) than it is possible for Mr. Ravensborg to avoid the crash, if he has his high-beam headlights on and not distracted.

There are several other factors to consider with the previous swerve calculations:

- They are based on an undistracted driver
- They do not take into consideration any distance a person would see a flashlight. These calculations are based solely on the analysis of a person walking at night while wearing dark clothing. There is no data available for the visible distance of the specific flashlight Mr. Boever was carrying on the night of the crash.
- If the brightness of Mr. Boever’s flashlight is tested we would still not know the position in which he was carrying it.

Events After the Crash

During the interviews, Mr. Ravensborg stated he walked east from his vehicle towards Highmore. Mr. Ravensborg cellphone indicates he takes 848 steps after the crash.

After the 911 call is made the phone activity continues and shows information regarding the number of steps taken, flashlight usage, pictures taken, phone calls and text messages.

22:24:24 - 22:34:23	Apple Health Steps = 848 Steps
22:26:59 – 22:33:15	Phone flashlight is on
22:33:22	Picture taken
22:34:23 – 22:44:23	Apple Health Steps = 74 Steps
22:44:23 – 22:51:38	Apple Health Steps = 80 Steps

The night of the exemplar testing, BCI placed Mr. Boever’s flashlight along the edge of the roadway near the location of where it was discovered. With the flashlight on it was easy to see along the roadway. As previously stated, Mr. Boever’s mostly naked body was approximately 2 feet from the shoulder of the roadway.

Mr. Ravensborg clearly states, he walked along the north edge of the roadway with his phone flashlight on. Mr. Ravensborg states he is unsure of what town he is near, so he begins walking back to the edge of city limits. As Mr. Ravensborg walks back to Highmore, he walks next to Mr. Boever’s body and the illuminated flashlight. Mr. Ravensborg states he walks to the “Highmore” sign. On the night of the exemplar testing, Agent Rummel used his phone flashlight and attempted to locate the “Highmore” sign. Agent Rummel was able to see the “Highmore” sign when he was on the north shoulder, adjacent to the southwest corner of the DOT fence.

The Highmore sign is not in the forensic map. Based on hand measurements, the green reference line painted on the highway is approximately 45 feet west of the Highmore sign. The southwest corner of the DOT fence is approximately 65 feet west of the green reference line. Based on these measurements, the southwest corner of the DOT fence is approximately 110 feet west of the Highmore sign.



Figure 27: Reference to Highmore Sign Location

Based on measurements from the forensic map, Mr. Ravensborg car is stopped 912 feet west of the green reference line. Mr. Ravensborg’s vehicle would be approximately 847 feet west of the southwest corner of the DOT fence. It is approximately 1,694 feet for Mr. Ravensborg to walk from his vehicle to the first location the Highmore sign is visible and return to his vehicle. The download of Mr. Ravensborg phone indicates the phone light turns on at 10:26:59PM and turns off at 10:33:15PM, for a total of 6 minutes and 16 seconds (376 seconds). Studies have determined the slowest 40+ male walking rate to be 4.11FPS, the fastest walking rate to be 6.88FPS, indicating the average walking rate of a 40+ year old male is 5.56FPS⁴.

Distance (D) = 1,694 feet
 Velocity (V) = 5.56FPS
 Time (t) = 5 minutes and 4 seconds

$$t = \frac{D}{V}$$

$$t = \frac{1,694}{5.56}$$

$$t = 304.67 \text{ seconds or } 5 \text{ minutes and } 4 \text{ seconds}$$

Equation 14

In comparison, it took Mr. Ravensborg 1 minute and 16 seconds longer to walk to the sign and return to his car than the average 40+ year old male.

However, the slowest pace of a 40+ year old male is 4.11FPS. If Mr. Ravensborg walks at a slower pace than the average person, it is plausible to take more time during his walk along the north ditch.

Distance (D) = 1,694 feet
Velocity (V) = 4.11FPS
Time (t) = 6 minutes and 51 seconds

$$t = \frac{D}{V}$$

$$t = \frac{1,694}{4.11}$$

t = 412.16 seconds or 6 minutes and 51 seconds

Equation 15

Discovery of the Mr. Boever

Mr. Ravensborg informed BCI he returned early the next morning, with Tim Bormann, to return Sheriff Volek's vehicle. Prior to returning the vehicle, Mr. Ravensborg returned to the area of the crash. Mr. Ravensborg states he is going to search the south ditch for the deer he struck but pulls onto the north shoulder. Mr. Ravensborg describes a piece of bumper that was lying on the north shoulder of the road and decides to stop there and check the north ditch first. Mr. Ravensborg describes the thought of searching to the west first. The day after the crash there was only one large piece of bumper on the north shoulder. Mr. Ravensborg told BCI he did not move any pieces of debris after the crash. That piece of bumper was mapped with an outline in the forensic map. The piece of bumper is within 25 feet of Mr. Boever's body. Mr. Ravensborg's statement to BCI was he exited the vehicle and began walking west, he would not have needed to walk west from his vehicle as he was parked almost directly beside it.

Summary

On September 12, 2020, prior to the fatal crash, Mr. Boever is driving his 2003 Ford F150 westbound on US Hwy 14, approximately 1 mile west of Highmore, SD. Mr. Boever drifts off the north edge of the roadway, travels for a short distance in the north ditch and strikes a haybale. The impact bends the front bumper, causing it to contact the right front tire. Mr. Boever receives a ride from the crash location from a relative. Mr. Boever tells the relative he dropped his tobacco and was reaching for it. What appears to be cigarette tobacco is found on the driver's seat.

A prescription of Lorazepam 0.5mg is later found in the center console of Mr. Boever's vehicle. The prescription was issued on September 11, 2020 for 90 pills. Only 12 pills are found in the bottle. An autopsy is conducted and Mr. Boever's blood is tested for drugs, the blood test is positive for Lorazepam. BCI is informed the level of Lorazepam in Mr. Boever's system is not fatal but does indicate he was likely taking more than the prescribed amount.

On September 12th, Mr. Boever is seen walking north on the sidewalk along SD Hwy 47 near Mashek Foods at 2131 hours. The video shows Mr. Boever is not stumbling or staggering as he walks on the sidewalk. Mr. Boever is later seen walking on the north shoulder, along the north ditch of US Hwy 14 prior to the crash. One witness observes Mr. Boever wearing glasses and carrying a light that is on. One of the witnesses talks to Mr. Boever. The witness stated Mr. Boever appeared to be intoxicated. Mr. Boever is believed to be walking to his vehicle when the witness talks to him. Mr. Boever is wearing a dark blue shirt, blue jeans and work boots.

On September 11, 2020, Mr. Ravensborg attends a Lincoln Day Dinner in Rapid City, SD. Mr. Ravensborg travels from Rapid City, SD to Pierre, SD that evening. Mr. Ravensborg informed BCI he slept in until 9:30-10:30AM on September 12th. Mr. Ravensborg departs Pierre, SD at approximately 1500 hours and travels to a Lincoln Day Dinner at Rooster's Bar and Grill in Redfield, SD. Mr. Ravensborg arrives at the dinner at approximately 1642 hours. Based on video, receipts and witness statements Mr. Ravensborg does not drink any alcoholic beverages that evening. Toxicology reports later indicate Mr. Ravensborg's blood is negative for drugs and alcohol. Mr. Ravensborg's work phone indicates he walks to his vehicle and departs at approximately 2121 hours. A video shows Mr. Ravensborg depart at 2108 hours. When the video was downloaded it was noted the time from the video differed from actual time.

Mr. Ravensborg travels west from Redfield, SD on US Hwy 212. As Mr. Ravensborg departs Redfield, he calls his father from his work phone. The call lasts for over 23 minutes and is dropped north of Miller, SD, on SD Hwy 45. Mr. Ravensborg calls his father back just prior to arriving in Miller, the call lasts for over 2 minutes. Video surveillance in Miller, SD captured Mr. Ravensborg traveling westbound on US Hwy 14 at 2204 hours. Mr. Ravensborg continues to use his work phone throughout the trip. The total work phone usage time accounts for over 69% of his trip. Based on the work phone information, the time from Mr. Ravensborg departing Rooster's Bar and Grill to the 911 call is 1 hour, 3 minutes and 3 seconds. Exemplar testing conducted at all speed limits with no delays indicates the trip time to be 1 hours 8 minutes and 59 seconds. Mr. Ravensborg average speed is 6MPH faster than a vehicle traveling the posted speed limit.

As Mr. Ravensborg approaches Highmore he is traveling 7-8MPH over the posted 65MPH speed zone but his speedometer indicates he is traveling 9-13MPH over the posted speed limit, while using his work cellphone for various tasks. As Mr. Ravensborg enters Highmore his work cellphone locks and does not turn back on until the 911 call. Based on the work cell phone information, Mr. Ravensborg slows to approximately 47MPH as he travels across SD Hwy 47 and begins to accelerate a short distance before the 65MPH sign. For an unknown reason, Mr. Ravensborg's vehicle exits the westbound driving lane, crosses the rumble strip with the right and left-side tires then begins traveling on the north shoulder of the roadway. Mr. Ravensborg states his headlights are on low beam at the time of the crash. Mr. Ravensborg's work cellphone indicates he is traveling 68MPH at the time of impact. Mr. Boever is walking east on the north shoulder, approximately 1 foot from the grass ditch. Mr. Boever is carrying a flashlight that is illuminated. Mr. Ravensborg impacts Mr. Boever on the right front corner of his 2011 Ford Taurus. Mr. Boever's head impacts the windshield and creates a hole. As Mr. Boever's head impacts the windshield his glasses are broken and fall into Mr. Ravensborg's vehicle. During the impact, Mr. Boever's right leg is severed below the knee. Mr. Ravensborg states he does not see Mr. Boever at any time prior to or during the crash.

All debris from the crash was located on the north shoulder, with exception to one bolt from underneath Mr. Ravensborg's vehicle, that bolt was approximately 2 inches from the fog line in the westbound driving lane. The calculated trend lines place the area of impact on the shoulder, approximately 1 foot from the ditch. Witnesses who saw Mr. Boever moments prior to the crash saw him walking on the north shoulder along the ditch. With this information, the location of the crash is proven to be on the north shoulder of the roadway. Mr. Ravensborg used his work phone for at least 69% of his trip. Mr. Ravensborg's work phone indicates he recently used it moments prior to the crash. At the time of this report it is unknown what distraction took Mr. Ravensborg's attention from driving but something distracted Mr. Ravensborg enough to cross the rumble strips twice (right and left side tires). After driving on the shoulder for an unknown distance Mr. Ravensborg admits to never seeing Mr. Boever on the shoulder. While traveling 65MPH, Mr. Ravensborg would have seen Mr. Boever for at least 0.58 to 1.31 seconds if his headlights were on low beam and Mr. Ravensborg was undistracted. Mr. Ravensborg would have seen Mr. Boever for even longer if his headlights were on high beam. After the crash Mr. Ravensborg's uses less than half of

the normal braking his vehicle has available and stops 614 feet past the area of impact. Mr. Ravensborg contacts 911 and informed them he hit something but is unsure of what it was.

If Mr. Ravensborg is undistracted and using his high-beam headlights he is unable to brake to avoid this crash, however he may be able to avoid Mr. Boever by swerving. If Mr. Ravensborg has his low-beams on, as he stated he did, he is unable to avoid the fatal crash by either braking or swerving.

After the crash Mr. Ravensborg walks east on the north shoulder using the flashlight on his work phone. Mr. Boever's mostly naked body is approximately 2 feet from the shoulder. Mr. Boever's skin color is pale white. Mr. Boever's flashlight is illuminated along the north shoulder. Mr. Ravensborg states he does not see the body or flashlight as he walks past.

Sheriff Volek arrives at the crash scene. Sheriff Volek lends Mr. Ravensborg a vehicle. After Mr. Ravensborg leaves, Sheriff Volek walks through the crash scene and sees a glowing light. Sheriff Volek believes the light is from the car, even though it is no longer attached. Sheriff Volek states he is within 5 feet of the light. Sheriff Volek states he does not see Mr. Boever's body but agrees he had to walk directly past it.

Mr. Ravensborg's vehicle has no mechanical defects.

There were no roadway or environmental concerns.

Other motorists were able to see Mr. Boever on the night of the crash. Other motorists were able to see Agent Rummel as we conducted exemplar testing.

If Mr. Ravensborg is not driving on the north shoulder of the road it makes no difference if Mr. Ravensborg sees Mr. Boever or not, this crash does not occur.

Trooper John Berndt
South Dakota Highway Patrol

1. Olson, Paul L., and Michael Sivak. "Perception-Response Time to Unexpected Roadway Hazards." *Human Factors: The Journal of the Human Factors and Ergonomics Society*, vol. 28, no. 1, 1986, pp. 91–96., doi:10.1177/001872088602800110.
2. "14. Lane Change and Turn-Away Equations." *Fundamentals of Traffic Crash Reconstruction*, by John Daily et al., Institute of Police Technology and Management, University of North Florida, 2007, p. 476.
3. Bortolin, Roger, et al. Society of Automotive Engineers, 2012, *GPS Device Comparison for Accident Reconstruction*.
4. Becker, Tony L., and Tony L. Becker. *Vehicle-Pedestrian-Bicycle Collision Investigation Manual*. Institute of Police Technology and Management, 2003.



SOUTH DAKOTA
DEPARTMENT
OF PUBLIC SAFETY

prevention — protection — enforcement

EXHIBIT
67

September 1, 2021

HAND DELIVERED

The Honorable Spencer Gosch
Speaker of the House
500 E. Capitol Avenue
Pierre, SD 57501

RE: HR 7001

Dear Speaker Gosch:

Pursuant to instructions by Governor Noem, as Cabinet Secretary for the South Dakota Department of Public Safety, I am providing you with an external hard drive containing the investigative materials relating to the crash that occurred in Hyde County on September 12, 2020. During this crash, Attorney General Jason Ravensborg struck and killed Joseph Boever.

The investigators' conclusions as to the events of that evening, which were based on the evidence contained in the materials I am providing to you, were challenged publicly by Mr. Ravensborg prior to entering into his plea agreement. In doing so, Mr. Ravensborg, while still serving as the attorney general, made a number of assertions that disparaged the work and reputation of the law enforcement agencies involved in this investigation. On behalf of all the law enforcement personnel involved in this investigation, I categorically reject Mr. Ravensborg's characterizations.

In my opinion as a 24-year law enforcement officer, and in the opinion of the highly trained highway patrol officers involved in this investigation, Mr. Ravensborg should have been charged with 2nd Degree Manslaughter. The prosecution team was well aware of that position. The South Dakota Highway Patrol stood ready and willing to provide expert testimony regarding the crash and the facts of this investigation at trial, a position that was also made clear to the prosecutor.

Politics never entered into this investigation. The law enforcement officers and professionals involved in this investigation, which also included experienced personnel from North Dakota, Minnesota, and a crash reconstruction expert from Wyoming, did so with the highest levels of professionalism. As you will see from the investigation materials, which are summarized below, our team investigated all leads, thoroughly collected evidence, spoke to dozens of possible witnesses, and examined all possibilities. This investigation was done correctly by all involved.

Immediately below is an annotated table of contents for the investigatory file. The full file is being provided with the understanding that you will limit any further distribution to only those individuals directly involved in your impeachment process. As you will see, the information I am providing contains only minimal redactions, which in each case encompass either other open investigations or security matters unrelated to the Ravensborg crash investigation.

The external hard drive contains the following:

1. ND Report 1:
 - a. Initial BCI Report by Joe Arenz – 09/15/20 (4 Pages)
 - i. No attachment
2. ND Report 2:
 - a. Scene Assist report by Pat Helfrich – 09/15/20 (3 Pages)
 - i. No attachment
3. ND Report 3:
 - a. Scene Processing/Interview with Sheriff Mike Volek Report by Joe Arenz – 09/28/20 (8 pages)
 - i. Attachment: Evidence Inventory and Receipt (1 page)
4. ND Report 4:
 - a. Drone Photos and Pix4d Animations Report by Alex Droske – 10/05/20 (3 pages)
 - i. Attachment: Photos and Drone footage folders (333 Photos & 2 Videos)
5. ND Report 5:
 - a. Initial Scene Processing Report by Michael Mees – 10/05/20 (5 pages)
 - i. Attachment: Initial Scene Photos Folder (373 photos)
6. ND Report 6:
 - a. Cell Phone Processing Report by Cassidy Halseth – 10/06/20 (9 pages)
 - i. Attachment: 3 Consent to Search Forms for cell phones (1 page each)
7. ND Report 7:
 - a. Scene Processing Report by Arnie Rummel – 10/13/20 (5 pages)
 - i. Attachment: Highway Patrol Appointment (2 pages)
8. ND Report 8:
 - a. Autopsy Report by Scott Voeltz – 10/14/20 (4 pages)
 - i. Attachments:
 1. Provisionary Autopsy Report by Ramsey County (2 pages)
 2. Evidence Inventory and Receipt (3 pages)
 3. Autopsy Photos (122 photos)
9. ND Report 9:
 - a. Vehicle Processing Report by Michael Mees – 10/14/20 (5 pages)
 - i. Attachments:
 1. Evidence Inventory and Receipt (2 pages)
 2. Hughes County Search warrant (2 pages)
 3. Digital Photos of vehicle (268 photos)

10. ND Report 10:

- a. Jason Ravensborg First Interview Report by Joe Arenz – 10/14/20 (10 pages)
 - i. Attachments:
 1. Video Recording of Interview with Jason Ravensborg
 2. Audio Recording of Interview with Jason Ravensborg (1:07:02 in length)
 3. Email Containing Guest List (2 pages)
 4. Email Containing Name of Rooster's Waitress (1 page)
 5. Email Containing Photographs of Red Tags (1 page)
 6. Photograph of Jason Ravensborg's Vehicle
 7. Consent to Search for Skid Test (1 page)
 8. Consent to Search for LG Stylo 5+ (1 page)
 9. Photograph of Broken Eyeglasses

11. ND Report 11:

- a. Anna Johnson Interview Report by Joe Arenz – 10/14/20 (4 pages)
 - i. Attachment: Audio Recording of Anna Johnson Interview (21:19 in length)

12. ND Report 12:

- a. Tim Bormann Interview Report by Joe Arenz – 10/15/20 (5 pages)
 - i. Attachments:
 1. Audio Recording of Tim Bormann Interview (26:11 in length)
 2. Video Recording of Tim Bormann Interview (29:56 in length)
 3. Screenshots of Text Messages (3 photos)

13. ND Report 13:

- a. Jennifer Boever Interview Report by Joe Arenz – 10/16/20 (3 pages)
 - i. Attachment: Audio Recording of Jennifer Boever Interview (9:28 in length)

14. ND Report 14:

- a. 2011 Ford Taurus Search Warrant Report by Joe Arenz – 10/16/20 (4 pages)
 - i. No attachment

15. ND Report 15:

- a. 2011 Ford Taurus iVe Extraction Report by Pat Helfrich – 10/19/20 (3 pages)
 - i. Attachment: iVe Report for 2011 Ford Taurus (24 pages)

16. ND Report 16:

- a. Secondary Scene Processing Report by Michael Mees – 10/19/20 (4 pages)
 - i. Attachments:
 1. Evidence Inventory and Receipt (1 page)
 2. Scene Photos (22 photos)
 3. Scene Drone Footage (22 videos)

17. ND Report 17:

- a. David Natvig Interview Report by Pat Helfrich – 10/20/20 (4 pages)
 - i. No attachment

18. ND Report 18:

- a. Hyde County Sheriff's Department Reports by Joe Arenz – 10/20/20 (4 pages)
 - i. Attachment: Hyde County Sheriff's Department Reports (9 pages)

19. ND Report 19

- a. Victor Nemecek Interview Report by Joe Arenz – 10/20/20 (5 pages)
 - i. Attachment: Audio Recording of Victor Nemecek Interview (30:18 in length)

20. ND Report 20:

- a. Jason Jones Interview Report by Pat Helfrich – 10/20/20 (4 pages)
 - i. No attachment

21. ND Report 21:

- a. Dispatch Recordings and Logs Report by Joe Arenz – 10/20/20 (4 pages)
 - i. Attachments:
 - 1. Audio Recording of the 911 Call (2:22 in length)
 - 2. Audio Recording of Call from Dispatch to Sheriff Volek (1:14 in length)
 - 3. Audio Recording of Call from Sheriff Volek to Dispatch (1:01 in length)
 - 4. Central South Dakota Communications Center Dispatch Log (11 pages)

22. ND Report 22:

- a. Cell Phone Exam Report by Cassidy Halseth – 10/20/20 (10 pages)
- b. Report 22-Cell Phone Extraction Cell Phone Exams
 - i. 2000536-429CH-Attachment #1-Cellebrite HTML Report
 - ii. 2000536-429CH-Attachment #2-Cellebrite HTML Report
 - iii. 2000536-429CH-Attachment #3-Magnet Forensics Axiom HTML Report
 - iv. 2000536-429CH-Attachment #4-Cellebrite HTML Report
 - v. 2000536-429CH-Attachment #5-Magnet Forensics Axiom HTML Report
 - vi. 2000536-429CH-Attachment #6-Cellebrite HTML Report
 - vii. 2000536-429CH-Attachment #7-Magnet Forensics Axiom HTML Report
 - viii. 2000536-429CH-Attachment #8-Cellebrite HTML Report
 - ix. 2000536-429CH-Attachment #9-Magnet Forensics Axiom HTML Report
 - 1. Report.html contains dead links for iOS iMessage_SMS_MMS-9_13_2020 12_14_23 AM. The redacted message is contained in the file named "Chat preview report"
 - x. 2000536-429CH-Attachment #10-Cellebrite HTML Report
 - xi. 2000536-429CH-Attachment #11-Magnet Forensics Axiom HTML Report
 - 1. Report.html contains a dead link for iOS iMessage_SMS_MMS-9_13_2020 12_14_23 AM. The redacted message is contained in the file named "Chat preview report"
 - xii. 2000536-429CH-Attachment #12-Cellebrite HTML Report (empty)
 - xiii. 2000536-429CH-Attachment #13-Magnet Forensics Axiom HTML Report
 - 1. Report.html contains dead links for iOS iMessage_SMS_MMS-9_13_2020 12_14_23 AM and iOS iMessage_SMS_MMS-9_14_2020 4_53_59 PM.html. The redacted messages are contained in the file named "Chat preview report"
 - xiv. 2000536-429CH-Attachment #14-Cellebrite HTML Report

xv. 2000536-429CH-Attachment #15-Magnet Forensics Axiom HTML Report

23. ND Report 23:

- a. Latent Blood Collection on Highway 14 Report by Joe Arenz – 10/21/20 (4 pages)
 - i. Attachments:
 - 1. Evidence Inventory and Receipt (1 Page)
 - 2. Jeramie Quam's Photographs Folder (9 photos)
 - 3. S/A Troy Kelly's Photographs Folder (17 photos)
 - 4. Drone Photographs of Designated Areas (15 photos)
 - 5. Troy Kelly's Photographic Log (1 page)

24. ND Report 24:

- a. Toxicology Report by Joe Arenz - 10/21/20 (4 pages)
 - i. Attachments:
 - 1. NDBCI Evidence Inventory and Receipt (1 Page)
 - 2. Crime Laboratory Evidence Inventory (1 Page)
 - 3. Crime Laboratory Evidence Receipt (1 Page)
 - 4. Copy of Toxicology Submission Form (1 Page)
 - 5. Toxicology Alcohol/Volatiles Analytical Report (7 Pages)
 - 6. Toxicology Carboxyhemoglobin Analytical Report (7 Pages)
 - 7. Toxicology Drug Analytical Report (7 Pages)

25. ND Report 25:

- a. Latent Blood Collection on Ford Taurus Report by Joe Arenz – 10/22/20 (5 pages)
 - i. Attachments:
 - 1. Evidence Inventory and Receipt – Pills (1 page)
 - 2. Evidence Inventory and Receipt – Vehicle Samples (1 page)
 - 3. Photographs of Headlight Bulb (8 photos)
 - 4. SA Troy Kelly's Photographs (32 photos)
 - 5. SA Jeramie Quam's Photographs (14 photos)
 - 6. Affidavit and Search Warrant (11 pages)
 - 7. SA Troy Kelly's Photographic Log (2 pages)
 - 8. Order to Seal Affidavit (1 page)

26. ND Report 26:

- a. Georgette Cermak Interview Report by Arnie Rummel – 10/23/20 (3 pages)
 - i. Attachment: Georgette Cermak Interview audio (9:49 in length)

27. ND Report 27:

- a. Joseph Boever's Personal Property Report by Joe Arenz – 10/23/20 (2 Pages)
 - i. Attachments:
 - 1. Evidence Inventory and Receipt (1 Page)
 - 2. Photographs of Personal Effects (50 photos)
 - 3. Ramsey County Receipt (1 page)

- 28. ND Report 28:
 - a. Janet Kopecky Interview Report by Joe Arenz – 10/23/20 (4 pages)
 - i. Attachment: Audio Recording of Janet Kopecky Interview (13:37 in length)
- 29. ND Report 29:
 - a. Brent Gromer Statement Report by Arnie Rummel – 10/26/20 (3 pages)
 - i. Attachment: Statement by Brent Gromer (2 pages)
- 30. ND Report 30:
 - a. Lincoln Day Dinner Witness Interview Report by Arnie Rummel – 10/26/20 (6 pages)
 - i. Attachments:
 - 1. Arrival and Departure Video (2 videos)
 - 2. JASON RAVNSORG's Receipt (1 page)
 - 3. Chessa Quenzer Interview (18:17 in length)
 - 4. Chessa Quenzer Diagram (1 page)
 - 5. Brock Greenfield Interview (21:24 in length)
- 31. ND Report 31:
 - a. Nicole Baloun Interview Report by Joe Arenz – 10/26/20 (2 pages)
 - i. Attachment: Audio Recording of Nicole Baloun Interview (4:19 in length)
- 32. ND Report 32:
 - a. Peggy Taylor/Dean Taylor Interview Report by Joe Arenz – 10/28/20 (4 pages)
 - i. Attachments:
 - 1. Audio Recording of the Interview with Peggy Taylor (12:17 in length)
 - 2. Audio Recording of Dean Taylor Interview (8:06 in length)
 - 3. Photograph of Text Message (1 photo)
- 33. ND Report 33:
 - a. Shalon Arenholz Interview Report by Joe Arenz – 10/28/20 (3 pages)
 - i. Attachment: Audio Recording of Shalon Arenholz Interview (6:47 in length)
- 34. ND Report 34:
 - a. Matison Taylor Interview Report by Joe Arenz – 10/28/20 (3 pages)
 - i. No attachment
- 35. ND Report 35:
 - a. Larry Nielson Interview Report by Arnie Rummel – 10/28/20 (3 pages)
 - i. Attachment: Audio Recording of Larry Nielson Interview (7:35 in length)
- 36. ND Report 36:
 - a. LG Stylo 5+ Cellebrite Advanced Services Report by Cassidy Halseth – 10/28/20 (5 pages)
 - b. Report 36-Ravnsborg LG Stylo 5+cellbrite advanced services
 - i. Magnet Forensics Axiom HTML Report
 - 1. Report.html contains dead links for Facebook Messenger Messages-9_14_2020 9_04_43 AM.html. The redacted messages are contained in the file named “Chat preview report”

37. ND Report 37:

- a. Richard Ravnsborg Interview Report by Joe Arenz – 10/28/20 (4 pages)
 - i. Attachment: Audio Recording of Richard Ravnsborg Interview (8:44 in length)

38. ND Report 38:

- a. Sheriff Mike Volek 2nd Interview Report by Joe Arenz – 10/29/20 (4 pages)
 - i. Attachment: Audio Recording of Sheriff Mike Volek Interview (20:59 in length)

39. ND Report 39:

- a. JASON RAVNSBORG 2nd Interview Report by Joe Arenz – 10/29/20 (16 pages)
 - i. Attachments:
 - 1. Spreadsheet of Phone Activity
 - 2. Redacted Interview Video (02:10:16 in length)
-

40. ND Report 40:

- a. Flashlight Lab Analysis Report by Joe Arenz – 10/29/20 (4 pages)
 - i. Attachments:
 - 1. NDBCI Evidence Inventory and Receipt (3 Pages)
 - 2. Crime Laboratory Evidence Inventory (1 Page)
 - 3. DNA Evidence Information Sheet (1 Page)
 - 4. Biological Screening Laboratory Report (5 Pages)
 - 5. DNA Laboratory Report (6 pages)
 - 6. Crime Laboratory Evidence Receipt (1 Page)
 - 7. Crime Laboratory Submission Report (1 Page)
 - 8. Crime Laboratory Evidence Return Sheet (1 Page)

41. ND Report 41:

- a. South Dakota Highway Patrol In-Car Videos Report by Joe Arenz – 11/03/20 (2 pages)
 - i. Attachments: 3 SDHP In Car video of the scene.

42. ND Report 42:

- a. Photo Enhance Report by Derek Madsen – 11/03/20 (3 Pages)
 - i. Attachments:
 - 1. Bookmarked images of the Enhancement (5 photos)
 - 2. AMPED Five Report (10 pages)

43. ND Report 43:

- a. Photo Comparison Report by Derek Madsen – 11/03/20 (3 pages)
 - i. Attachments:
 - 1. Bookmarked images of the Comparison (5 photos)
 - 2. AMPED Five Report (10 pages)

44. ND Report 44:

- a. Interview Verbatims Report by Joe Arenz – 11/04/20 (3 pages)
 - i. Attachments:
 - 1. JASON RAVNSBORG Interview September 14, 2020 (54 pages)

2. JASON RAVNSBORG Interview September 30, 2020 Redacted (117 pages)

45. ND Report 45:

- a. Photo Recreate Report by Derek Madsen – 11/04/20 (4 pages)
 - i. Attachments:
 1. Bookmarked images of the Comparison (5 photos)
 2. Apple iPhone XR Report (533 pages)
 3. AMPED Five Report (17 pages)

46. ND Report 46:

- a. Final Autopsy Report by Joe Arenz – 11/05/20 (2 pages)
 - i. Attachment: Ramsey County Medical Examiner Autopsy Report (8 pages)

47. ND Report 47:

- a. James Lappe Interview Report by Arnie Rummel – 11/16/20 (4 pages)
 - i. Attachment: Diagram of Stop Area After Crash (1 page)

48. ND Report 48:

- a. SD Highway Patrol Crime Scene Mapping Report by Joe Arenz – 11/20/20 (3 pages)
 - i. Attachment:
 1. AG Crash Map (1 page)
 2. Crash Area Zoomed (1 page)
 3. Crash Area (1 page)
 4. AG Crash Final (CAD Program required to read)

49. ND Report 49:

- a. Doctor Kelly Mills Information Report by Arnie Rummel – 11/25/20 (3 pages)
 - i. Attachment: Prescription Drug Monitoring Program Report (2 pages)

50. ND Report 50:

- a. Surveillance Video Report by Derek Madsen – 11/30/20 (2 pages)
 - i. Attachment:
 1. AMPED Five Report (8 pages)
 2. Bookmarked Images of Enhancement (4 photos)

51. ND Report 51:

- a. Letter to Pennington County State's Attorney Report by Joe Arenz – 12/02/20 (3 pages)
 - i. Attachment:
 1. Copy of Envelope (1 page)
 2. Copy of Letter (8 pages)
 3. Evidence Inventory and Receipt (1 page)

52. ND Report 52:

- a. Miscellaneous Interview Report by Joe Arenz – 12/09/20 (8 pages)
 - i. Attachments:
 1. Audio Recording of Matthew Samp Interview Part 1 (00:00:50 in length)

2. Audio Recording of Matthew Samp Interview Part 2 (00:00:16 in length)
3. Audio Recording of Kristie Fiegen Interview (00:12:28 in length)
4. Audio Recording of Scott Odenbach Interview (00:11:50 in length)
5. Audio Recording of Stephanie Kozol Interview (00:15:12 in length)
6. Audio Recording of Thomas Wollman Interview (00:20:07 in length)

53. ND Report 53:

- a. DVR Video Recovery Report by Jesse Smith – 12/09/20 (3 pages)
 - i. No attachment

54. ND Report 54:

- a. Lab Analysis Report by Joe Arenz – 10/10/20 (6 pages)
 - i. Attachments:
 1. Crime Laboratory Evidence Receipt (2 pages)
 2. DNA Evidence Submission Forms (2 pages)
 3. Supplemental Biological Screening Laboratory Report (20 pages)
 4. Supplemental DNA Laboratory Report (20 pages)
 5. Crime Laboratory Evidence Return (2 pages)
 6. Crime Laboratory Inventory and DNA Information Sheets (15 pages)
 7. NDBCI Evidence Inventory and Receipt Form (9 pages)

55. ND Report 55:

- a. Miscellaneous Surveillance Videos Report by Joe Arenz – 12/11/20 (5 pages)
 - i. Attachments:
 1. Video Footage from Appel's Quick Stop from September 12, 2020
 2. Video Footage from Hoffman Trenching Inc. from September 12, 2020
 3. Video Footage from Mashek's Food Center from September 12, 2020

56. ND Report 56:

- a. Secondary Laboratory Analysis Report by Joe Arenz – 01/06/21 (3 pages)
 - i. Attachments:
 1. Email Chain from Prosecutor (2 pages)
 2. Supplemental DNA Laboratory Report (19 pages)

57. ND Report 57

- a. Digital Media Search Warrants and Follow-Up Report by Cassidy Halseth – 01/20/21 (7 pages)
 - i. No attachment

58. ND Report 58

- a. SD Highway Patrol Report by Joe Arenz – 03/10/21 (2 pages)
 - i. Attachment:
 1. SD Highway Patrol Report (404 pages)

59. ND Report 59:

- a. Barnabas Nemecek Interview by Joe Arenz – 03/11/21 – (6 pages)
 - i. Attachments:

1. Email from Barnabas Nemecek to Emily Sovell (3 pages)
2. Audio Recording of Interview with Barnabas Nemecek (1:07:55 in length)

60. ND Report 60

- a. Evidence Return Report by Joe Arenz – 03/11/21 (4 pages)
 - i. Attachments:
 1. Crime Laboratory Evidence Return Sheet (2 Pages)
 2. Updated NDBCI Evidence Inventory and Receipt Forms (13 Pages)

61. Cell Phone Data (From ND Reports 22 and 36)

62. Law Enforcement Videos and Case Reports

63. Property – Evidence

64. SD Highway Patrol In-Car Videos

65. SDHP Reports

In the Department's view, while this letter is a public record, the investigatory file is not subject to disclosure as a public record during the pendency of the House's investigation under SDCL 1-27-1.5(5). However, in the event you conclude the investigation file is in fact subject to release as a public record while in your custody, either in whole or in part, I would urge you, pursuant to SDCL 1-27-1.5(22), to redact those portions that may result in the unreasonable release of personal information relative to unrelated third-parties or medical information concerning Mr. Boever.

Sincerely,



Craig Price, Secretary
South Dakota Department of Public Safety

Enclosures

cc: Attorney General Jason Ravnsborg (via email)

**OFFICE OF ATTORNEY GENERAL**

1302 East Highway 14, Suite 1
Pierre, South Dakota 57501-8501
Phone (605) 773-3215
Fax (605) 773-4106
TTY (605) 773-6585
<http://atg.sd.gov/>

JASON R. RAVNSBORG
ATTORNEY GENERAL

CHARLES D. McGUIGAN
CHIEF DEPUTY ATTORNEY GENERAL

As reported by many news outlets, I was involved in an accident on Saturday, September 12, 2020, that tragically involved a pedestrian who was walking on Highway 14 near Highmore, South Dakota. I have not made a statement before now because the matter is being investigated by the South Dakota Highway Patrol and the North Dakota Bureau of Criminal Investigation and I want to respect that process and let it happen without any interference or appearance of impropriety on my part. However, it has come to my attention that there are many rumors and stories being told and reported which do not represent a full and factual account of what happened. For this reason, I'm issuing this statement but will not answer questions about this matter until the official investigation is complete.

On September 12, 2020, I attended the Spink County Lincoln Day Dinner in Redfield, South Dakota. I arrived in Redfield at about 4:45 p.m. and left the dinner at approximately 9:15. I consumed no alcoholic beverages before, during or after the event. While on my way back to Pierre and shortly after leaving the town of Highmore, my vehicle struck something that I believed to be a large animal (likely a deer). I didn't see what I hit and stopped my vehicle immediately to investigate. I immediately called 911 to report the accident and the Hyde County Sheriff came to the scene.

I looked around the vehicle in the dark and saw nothing to indicate what I had hit. All I could see were pieces of my vehicle laying on and around the roadway. Because it was dark and I didn't have a flashlight, I used my cell phone flashlight to survey the ditch but couldn't see anything. When Sheriff Volek arrived at the scene he asked me if I was o.k. and surveyed the damage at the scene and to my vehicle. Sheriff Volek filled out the necessary paperwork to properly report the accident and gave me the tag that is required to get my vehicle repaired. At no time did either of us suspect that I had been involved in an accident with a person. Because my car was damaged too severely to safely drive, a wrecker was called. The nearest tow service that services the Highmore area is out of Pierre and Sheriff Volek advised me that it could take well over an hour before the tow truck would arrive. As a result, he graciously offered to loan me his personal vehicle so I could drive back to Pierre. We drove a short distance from the scene to his home, I borrowed his vehicle and arrived back in Pierre just before midnight. During the drive back to Pierre, I called my chief of staff and told him about the accident and the fact that I had borrowed Sheriff Volek's vehicle to drive home. He and I made arrangements to return the sheriff's vehicle the next morning.

On Sunday morning, my chief of staff and I left Pierre at about 8:00 a.m., I drove Sheriff Volek's vehicle to Highmore and filled the tank with gas. As we were driving to return the vehicle to Sheriff Volek's home, the debris field from my accident was still on the road so my chief of staff and I stopped to see if the animal that I thought I hit was in the ditch. As I walked along the shoulder of the road I discovered the body of Mr. Boever in the grass just off the roadway. My chief of staff and I checked and it was apparent that Mr. Boever was deceased. I immediately drove to Sheriff Volek's home to report the

discovery and he accompanied me back to the scene. Once there, the Sheriff instructed me that he would handle the investigation, and asked me to return to Pierre.

I've been cooperating fully with the investigation and have agreed to a search of both of my cell phones, provided a blood draw, and have given the investigators the names of anyone at the dinner who can confirm that I was not drinking alcohol at any time during the event. I also sat down with the agents investigating this matter and have provided them with a full face to face interview answering any and all questions they have of me.

I'm deeply saddened by the tragic nature of these events and my heartfelt condolences go out to the Boever family. As stated previously, I am providing this information to try and dispel some of the rumor and innuendo that are being spread in the wake of this tragedy. That being said, I will not be answering questions at this time and will give this investigation the respect that it deserves. Once the investigation is complete I will make myself available to answer questions that may exist; however, I have full confidence in the thoroughness of the job being done by the South Dakota Highway Patrol and the North Dakota Bureau of Criminal Investigation which I believe will answer most if not all questions that the people of South Dakota may have.

Jason R. Ravensborg

FEB 25 2021

STATE OF SOUTH DAKOTA)
 By Carlym Hanson, Clerk) IN MAGISTRATE COURT
 Deputy)
 COUNTY OF HYDE) SIXTH JUDICIAL CIRCUIT

STATE OF SOUTH DAKOTA,) FILE NO. 34MAG21-00001
)

Plaintiff,)

vs.)

JASON RAVNSBORG,)

Defendant.)

**MOTION FOR ORDER PRECLUDING
 RELEASE OF CRIMINAL INVESTIGATION
 INFORMATION TO PROTECT
 DEFENDANT'S DUE PROCESS RIGHTS**

COMES NOW the Defendant above named by and through his undersigned attorney of record and hereby moves this Court for an order precluding the Department of Public Safety, law enforcement, or any member of state government, including Governor Kristi Noem, from producing any further criminal reports, interviews, test results, digital media, photographs, videos, statements, or anything whatsoever related the above-captioned matter to the public. This motion is made upon the grounds and for the reasons that

1. The Governor has, in this case, made the extremely unprecedented, and unusual early release of information regarding a criminal investigation.
2. On Tuesday, February 23rd, 2021, the undersigned was informed that Governor Kristi Noem was going to have a press conference regarding Attorney General Jason Ravensborg and release information created during the criminal investigation process.
3. The undersigned sent an email to the prosecutor and to the Court requesting immediate relief due to the emergent nature of the situation.
4. At that time there was not sufficient information to file a formal motion, and the undersigned is out-of-state and was not able to coordinate such with his staff.
5. The undersigned learned that the prosecutor had sent an email to Governor Kristi

Noem citing legal points and authority as to why not to release anything in public relating to the Ravensborg criminal investigation.

6. Despite this the Department of Public Safety released links on its website which contain both video interviews with Attorney General Ravensborg by the North Dakota Bureau of Criminal Investigation. These links are attached hereto as Exhibit A, and are included herein as if set forth in full.
7. This is highly unprecedented, and release of this type of information to the public before it has even been released to defense counsel creates great unfairness and prejudice.
8. It is now understood that the Governor intends to release more of the criminal file directly to the public.
9. On February 25th, 2021, Governor Kristi Noem held a press conference promising release of additional information on either February 25th or 26th, 2021.
10. Release of nonpublic criminal investigative information violates the Defendant's fair trial rights and all of the rights that subjects of a criminal inquiry hold in this state. See State v. Mercer, 2015 SD 31, 864 N.W.2d 299 and the need to preserve the Defendant's right to a fair trial.
11. In Mercer, the South Dakota Supreme Court held, "It is evident that when enacting the South Dakota Public Records Act in 2009, the Legislature had the opportunity to include investigative records within the category of documents presumed to be public, and elected not to do so." Id. at ¶24.

12. That although the information contained on Exhibit A has already been released to the public, the above-noted links should be removed by the South Dakota Department of Public Safety and all other State agencies to prevent potential jurors from having access to information which would be hearsay at a trial of this matter.
13. Although some law enforcement reports have already been released, the importance of protecting the Defendant's right to a fair trial prohibits the further release of information to the public and supports the issuance of a gag order in this case. See Rapid City Journal v. Delaney, 2011 SD 55, ¶ 31, 804 N.W.2d 388 "Gag orders in criminal cases are usually designed to protect a defendant's right to a fair trial by an impartial jury." See also Sioux Falls Argus Leader v. Miller, 2000 SD 63, ¶32, 610 N.W.2d 76: "Courts are duty bound to ensure that a defendant receives a fair trial by an impartial jury; United States v. Noriega, 917 F.2d 1543, 1549 (11thCir 1990), cert. denied sub nom; Cable News Network, Inc. v. Noriega, 498 U.S. 976, 111 S. Ct. 451, 112 L.Ed.2d 432; United States v. Columbia Broadcasting System, Inc., 497 F.2d 102, 104 (5th Cir. 1974)).
14. The State has no objection to the Court entering an Order Precluding Disclosure of Criminal Investigation Information pending a full hearing on this Motion.
15. Both sides stipulate and agree an order adopting this motion can be presented to the Court via email and without further notice or hearing and can be executed and filed without the presence of the parties.
16. If such order is not granted the selective and unprecedented release of this nonpublic

information will cause irreparable harm to the Defendant herein.

WHEREFORE Defendant requests that the Court issue an order prohibiting release of information as set forth herein. Time is of the essence.

Dated this 25th day of February, 2021.

RENSCH LAW OFFICE
A Professional Law Corporation

/s/ Timothy J. Rensch

Timothy J. Rensch
Attorney for Defendant
832 St. Joseph Street
Rapid City, SD 57701
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CERTIFICATE OF SERVICE

The undersigned hereby certifies that the foregoing document was served upon the persons or offices next designated, on the date shown, by electronic service through Odyssey:

Emily J. Sovell
Attorney at Law
P.O. Box 505
Onida, SD 57564
jsovel@venturecomm.net

Dated this 25th day of February, 2021.

RENSCH LAW OFFICE
A Professional Law Corporation

/s/ Timothy J. Rensch
Timothy J. Rensch
Attorney for Defendant

FILED

FEB 25 2021

EXHIBIT

69

STATE OF SOUTH DAKOTA)
By Marilyn Hanson, Clerk) IN MAGISTRATE COURT
Deputy)
COUNTY OF HYDE) SIXTH JUDICIAL CIRCUIT

STATE OF SOUTH DAKOTA,) FILE NO. 34MAG21-00001
)
)

Plaintiff,)

vs.)

JASON RAVNSBORG,)

Defendant.)

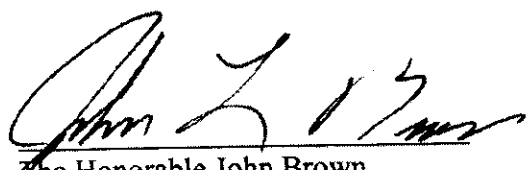
**ORDER PRECLUDING DISCLOSURE OF
CRIMINAL INVESTIGATION
INFORMATION**

Comes now the Honorable John Brown, Circuit Judge, upon good and legal motion of the Defendant to preclude release of criminal investigation information and hereby

ORDERS that the Department of Public Safety, law enforcement, or any member of state government, including Governor Kristi Noem, is precluded from producing any further criminal reports, interviews, test results, digital media, photographs, videos, statements, or anything whatsoever related the above-captioned matter to the public; and further

ORDERS that the links to the law enforcement video interviews of Jason Ravensborg to information having already been made public should be removed by the South Dakota Department of Public Safety and any and all other State agencies having such links to prevent the public from having access to information which would be hearsay at a trial of this matter.

BY THE COURT:


The Honorable John Brown
Circuit Court Judge

Attest:
Hanson, Marilyn
Clerk/Deputy



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January 27, 2022

House Select Committee on Investigations
South Dakota House of Representatives
Capitol Building
500 East Capitol Avenue
Pierre, SD 57501-5070

EXHIBIT
71

Dear Speaker Gosch and Members of the Committee:

I have been engaged by Attorney General Jason Ravnsborg to provide the House Select Committee on Investigations with information and precedent related to standards of impeachment. By way of background, I teach Political Investigations and Impeachment Law at Tulane University Law School. As a practicing lawyer, I have worked on several state impeachments. I was appointed Deputy Attorney General of Alabama to represent the Office of the Governor of that state in connection with impeachment proceedings. I have also represented the Office of the Governor of Connecticut, the Office of the Governor of South Carolina, the Office of the Governor of Missouri, and the Office of the Governor of the Commonwealth of the Northern Mariana Islands in impeachment proceedings.

Executive Summary

No official in South Dakota has ever been impeached. In fact, it is rare in the American experience for any elected official to be impeached and removed from office. Only three U.S. presidents have been impeached and none has been removed. Since the founding of our Nation, fewer than 20 governors have ever been impeached and only eight have been removed from office. Impeachments of other state elected officials are similarly sparse. Modern impeachments are particularly rare. Since 1929, only two state governors have been impeached, both of whom were convicted and removed. Only 13 other state officials have been impeached and five removed during that same period. The modern record reflects not a single instance in which a legislative body (the U.S. Congress or a state legislature) removed an elected official for acts wholly unrelated to the performance of their duties.

In the only reported impeachment case involving a state Attorney General, the Nebraska Supreme Court, sitting as a court of impeachment, considered a constitutional impeachment

provision analogous to South Dakota's. The Court in that case held that an impeachable offense must relate to the duties of an official's office:

An important issue in this case is what constitutes an impeachable offense. The Constitution provides that all civil officers of this State shall be liable to impeachment "for any misdemeanor in office." Neb. Const. art. IV, 5. We think this provision of the Constitution means that the act or omission for which an officer may be impeached and removed from office *must relate to the duties of the office*.¹

Article XVI, §3 of the South Dakota Constitution identifies impeachable offenses as "drunkenness, crimes, corrupt conduct, or malfeasance or misdemeanor in office." Principles of constitutional construction establish that only the most grave acts that implicate the public official's office may be considered impeachable. Certainly, officials may not be impeached simply for engaging in some type of "malfeasance," "drunkenness," or any "crime" or "misdemeanor" at any point in their lives. To warrant impeachment and removal, the actions of the official must be sufficiently serious and, as held by the Nebraska Supreme Court, *supra*, relate to an official's duties of office.

This limitation is sensible. The purpose of impeachment is not to punish, but as a remedy for grave public wrongs and to protect the public against further such wrongs. The Congressional report concerning the potential impeachment of President Richard Nixon (the "Rodino Report") said it this way:

[i]mpeachment is a constitutional remedy addressed to serious offenses against the system of government...Impeachment is directed to address constitutional wrongs that subvert the structure of government, or undermine the integrity of office and even the Constitution itself...²

The clear implication is that impeachment is for wrongs that impact the official's office. Not just any misconduct or even crime will warrant impeachment. As Hamilton wrote in Federalist 65, impeachment is reserved for:

Those offences which proceed from the misconduct of public men, or, in other words, from the abuse or violation of some public trust. They are of a nature which may with peculiar propriety be denominated POLITICAL, as they relate chiefly to injuries done immediately to the society itself.

Were this not the case, then *any* misconduct, crime or even drunkenness in an official's *past* would put that individual and the state's citizens at peril of undoing an election for political reasons. It would also make an official who has not lived a perfect life effectively subservient to the House of Representatives, disrupting the Constitution's carefully crafted separation of

¹ *State v. Douglas*, 217 Neb. 199, 201 (Neb. 1984) (emphasis added); *see also State v. Hergert*, Supreme Court of Nebraska, No. S-06-425, July 7, 2006.

² Staff of the House Comm. on the Judiciary, 93d Cong., Constitutional Grounds for Presidential Impeachment 19 (Comm. Print 1974) [hereinafter "Rodino Report"]

powers. Indeed, adopting this standard could be remarkably destructive to the regular functioning of government. The impeachment process is enormously tumultuous, time-consuming and expensive. It has been said that impeachment “is like a hundred-ton gun which needs complex machinery to bring it into position, an enormous charge of powder to fire it, and a large mark to aim at.”³

A review of impeachment precedent makes clear that impeachment is reserved for situations in which no lesser response will do, where the misconduct is so clear and so grave that no other remedy is adequate. Indeed, impeachment has been called the “political equivalent of capital punishment.”⁴ It is no wonder it has been used so sparingly, particularly with respect to elected officials.

Any consideration of impeachment must adhere to principles of law, not simply further expedient political motives or even respond to the political passions of the moment. At stake is nothing less than South Dakota’s constitutional form of democracy.

I. A Stringent Impeachment Standard Is Vital To Preserving The Balance Of Powers And The Public’s Right To A Popularly Elected Government.

A. Impeachment Disrupts The Necessary Balance Of Powers Between The Separate And Coordinate Branches Of Government.

The South Dakota Constitution delineates the separation and balance of powers between the legislative, executive, and judicial branches. Article II provides: “The powers of the government of the state are divided into three distinct departments, the legislative, executive and judicial; and the powers and duties of each are prescribed by this Constitution.”

The South Dakota Supreme Court has recognized that a purpose of the Constitution’s separation of powers provision “is to prevent an unnecessary and therefore dangerous concentration of power in one branch of government.”⁵

Impeachment is an “exception to the separation of powers,” and, for that reason, must be “narrowly channeled.”⁶ When the legislature considers impeachment, it puts one “branch in a position to sit in judgment on another, empowering the [legislature] essentially to decapitate the executive branch in a single stroke...”⁷ Impeachment “involves the uniquely solemn act of having one branch essentially overthrow another.”⁸ As legal scholars have long recognized, the “most critical point possible in the relations” between the branches of government is “the actual

³ James Bryce, *The American Commonwealth*, Vol. I, 212 (1919).

⁴ Lawrence H. Tribe, *Defining “High Crimes and Misdemeanors”: Basic Principles*, 67 Geo. Wash. L. Rev. 712, 723 (1999).

⁵ *Wegleitner v. Sattler*, 1998 S.D. 88, ¶ 11 (S.D. 1998).

⁶ Raoul Berger, *Impeachment: The Constitutional Problems* 5 (1974).

⁷ Tribe, *supra* note 4, at 723.

⁸ *Id.*

imminence of impeachment proceedings.”⁹ Therefore, “it is utterly vital to the health of our polity” that the legislature heed the highest caution, adhere with the greatest care to the confines of the Constitution, and have “appreciation of the constraints.”¹⁰

Because impeachment so subverts the ordinary constitutional processes that define the boundaries between the branches, it must “remain a remedy to be deployed only in extremely serious and unequivocal cases, where [there is] a high degree of confidence that the conduct in question falls squarely and unambiguously within the parameters of a persuasive definition, and where the insult to the constitutional system is grave indeed.”¹¹ Central to this restrained approach is the realization that lowering the standard for impeachable conduct would unduly weaken the role of Executive Branch of the State of South Dakota and permanently shift South Dakota’s system of government, based on the separation of powers, toward a parliamentary system. Unlike the parliamentary system in Great Britain, the American system of government does not allow a legislature to cast out an elected executive based on a vote of no confidence.

Indeed, the Framers of the United States Constitution deliberately and distinctly rejected “maladministration” as a ground for impeachment because such a standard would undesirably weaken the executive and reduce future leaders to serving “during [the] pleasure of the Senate.”¹² One noted scholar’s observation in the context of a presidential impeachment bears repeating here:

Anyone who lowers the bar on what constitutes an impeachable offense simply in an effort to “get” [the President], whether for partisan reasons or in a spirit of equally genuine patriotism, may live to regret the abuses by future Congresses, and the resulting incapacity of future presidents, that might just as easily be unleashed were we to establish a precedent making it too easy – easier than the Constitution contemplated – to remove a President simply because, as in a parliamentary system, the legislature has come to disagree profoundly with his or her public policies or personal proclivities and has thus lost confidence in the President’s leadership.”¹³

Because not only the Attorney General, but also the Governor and all other state and judicial officers are subject to impeachment, diluting the constitutional standard of impeachment would also serve as a precedent to undermine the offices, and independence, of all executive and judicial officials.¹⁴ With this in mind, weakening officials by “watering down the basic meaning”

⁹ Charles L. Black, Jr., *Impeachment: A Handbook* 69 (1974); see also Rodino Report, *supra* note 2, at 19 (observing that impeachment implicates “issues of state going to the heart of the constitutional division” between the different branches of government).

¹⁰ Black, *supra* note 9, at 69.

¹¹ *Background and History of Impeachment: Hearing Before the Subcomm. on the Constitution of the House Comm. on the Judiciary*, 105th Cong. (1998) [hereinafter “*Subcommittee Hearings*”] (prepared statement of Professor Jack Rakove), at 247.

¹² 1 Max Farrand, *The Records of the Federal Convention of 1787*, 230 (1911); see also Black, *supra* note 11, at 27-29, 30 (observing that an executive’s policy “ought to play *no* part in the decision on impeachment” and that “without any flavor of criminality or distinct wrongdoing, impeachment and removal would take on the character of a British parliamentary vote of ‘no confidence’”).

¹³ Tribe, *supra* note 4, at 713.

¹⁴ S.D. Const. Art. XVI § 3.

of an impeachable offense is “a singularly ill-conceived...way of backing into a new – and for us at least, untested – form of government.”¹⁵ Therefore, impeachment “is not, within the political logic of the separation of powers system, designed to cope with just any situation where [an official] might face ‘outrage,’ nor just any situation where [an official] might patently have engaged in ‘wrongdoing.’”¹⁶ It is predicated only upon “constitutional wrongs that subvert the structure of government” and the Constitution itself.¹⁷ To diminish this standard would “risk lowering the threshold for impeachment in a way that would genuinely threaten a transformation of our constitutional system.”¹⁸

B. Impeachment Of An Attorney General Nullifies A Popular Election And Must Not Be Used To Cut Short The Term Of A Democratically Elected Official.

Legislative removal “is a stunning penalty, the ruin of a life. Even more important, it unseats the person the people have deliberately chosen for the office.”¹⁹ It replaces the decision made by, and constitutionally entrusted to, the people in a popular election with the judgment of a different branch of government. This concern is particularly grave when a legislature contemplates impeachment of an elected executive, such as a president, governor or attorney general. Impeachment of an elected executive “essentially cancels the results of the most solemn collective action of which” South Dakota “as a constitutional democracy” is capable: the election of an attorney general.²⁰ This exceptional “frustration of popular will” should not occur except when necessary to remedy the most egregious misconduct that “corrupt[s] or subvert[s] the political and governmental process”; otherwise, impeachment would itself undermine the political process and the executive’s accountability to the electorate whose interests he or she is charged with serving.²¹

The basic constitutional design of the United States and of South Dakota contemplates that when a constitutional officer is elected in a regular, periodic election, he or she will serve out the constitutionally prescribed term absent the type of truly egregious wrongdoing that threatens our system of government and could justify invocation of the impeachment power. The South Dakota Constitution provides that an Attorney General shall be elected and serve a term of four years.²² When the people have chosen through an election one eligible to act as a state official for a term certain, that election cannot be undone and that official cannot be removed, except through the impeachment process mandated by the South Dakota Constitution.

As Chief Justice William Rehnquist noted, “[o]ne need only note the way in which the framers arranged the text of the United States Constitution to realize that they were concerned about the separation of powers....The framers were particularly concerned about the possibility of overreaching and bullying by the legislative branch—Congress—against the other branches. To

¹⁵ Tribe, *supra* note 4, at 716-17.

¹⁶ *Subcommittee Hearings*, *supra* note 11, at 70 (prepared statement of Professor Matthew Holden, Jr.) (emphasis omitted).

¹⁷ Rodino Report, *supra* note 2, at 26-27.

¹⁸ *Subcommittee Hearings*, *supra* note 11, at 247 (prepared statement of Professor Jack Rakove).

¹⁹ Black, *supra* note 9, at 17.

²⁰ Tribe, *supra* note 4, at 723.

²¹ Black, *supra* note 9, at 17, 37.

²² S.D. Const. Art. 4 § 7.

that end, they established the terms of office..., where they could not be changed by Congress.”²³ The stability of democratic government and the integrity of such periodic elections demand that legislators not cut that term short, even if they have lost confidence in the particular official’s ability to lead. In short, “the impeachment process is not merely about replacing a leader who is at present sagging in the polls...”²⁴ As one eminent impeachment scholar noted, “taking, at intervals, of public opinion polls on guilt or innocence, should be looked on as an unspeakable indecency.”²⁵

C. Separation Of Powers Issues Are Intensified In South Dakota Because An Official Is Suspended Upon Impeachment.

A distinct feature of South Dakota’s impeachment procedure further heightens issues of the balance and separation of powers, as well as the electoral implications of impeachment. In contrast to the federal system, which allows an impeached President to remain in office until convicted by the Senate, the South Dakota Constitution provides that an official is stripped of his or her duties immediately upon impeachment.²⁶ Those duties are restored only if and when the official is acquitted after trial.²⁷

Therefore, a decision by the House to impeach would, itself, potentially disrupt the Executive Branch, breach the separation of powers, and overturn a statewide election, even if the Attorney General is subsequently acquitted. Accordingly, the House cannot view its role as merely a gatekeeper or the counterpart of a grand jury in a criminal proceeding. To pass an article of impeachment, the House must conclude, not that the alleged conduct is sufficient to justify a *trial*, but that it unmistakably warrants *removal*.

²³ William H. Rehnquist, *Grand Inquests* 9, 10 (1992) (concluding that the acquittal of President Andrew Johnson and Supreme Court Justice Samuel Chase from impeachment “was of extraordinary importance to the American system of government” and that, if “convicted, the future independence of the president [and the judiciary] could have been jeopardized”).

²⁴ Black, *supra*, note 9, at x (forward by Akhil Reed Amar).

²⁵ *Id.* at 20.

²⁶ S.D. Const., Article XVI, § 5.

²⁷ *Id.*

II. Impeachment Must Be Limited To The Most Serious Crimes Or Grave Misconduct Involving Corruption To The System Of Government.

A. Scholars And Experts Agree That Impeachment Must Be Reserved Only For Grave Misconduct That Corrupts The Constitutional Form, The Political Process, Or The System Of Government.

Only the gravest public wrongdoing that corrupts or subverts the political and governmental process warrants impeachment. This requirement stems not only from concerns regarding the separation of powers and due respect for the outcome of a popular election, but also from the harm that impeachment causes to the individual, the people, and the system of government. Because impeachment is so harmful to the people and to the system of government, “it is predicated only upon conduct seriously incompatible with either the constitutional form and principles of our government or the proper performance of constitutional duties....”²⁸ While the language of the constitutional provision for impeachment in South Dakota differs from the federal standard, invocation of the extraordinary process of impeachment will always give rise to the same concerns regarding separation and balance of powers. Accordingly, analysis of the federal standard is useful and instructive.

“Impeachment is a constitutional remedy addressed to serious offenses against the system of government. The purpose of impeachment under the Constitution is indicated by the limited scope of the remedy (removal from office and possible disqualification from future office) and by the stated grounds for impeachment (treason, bribery, and other high crimes and misdemeanors). It is not controlling whether treason and bribery are criminal. More important, they are constitutional wrongs that subvert the structure of government, or undermine the integrity of office and even the Constitution itself, and thus are ‘high’ offenses in the sense that word was used in English impeachments.”²⁹

The available historical sources confirm that impeachment was intended only to reach conduct in the official’s public capacity. Alexander Hamilton, one of the chief authors of the Federalist Papers, explained that impeachable conduct relates “chiefly to injuries done immediately to the society itself.”³⁰ Similarly, former Supreme Court Justice Joseph Story wrote that impeachable offenses are those “committed by public men,” which inflict “injuries to the society in its political character.”³¹ The Staff of the House Committee tasked with considering impeachment against President Nixon stated that, in the impeachment context, “the crucial factor is not the intrinsic quality of behavior but the significance of its effect upon our constitutional system or the functioning of our government.”³²

With respect to the impeachment of an elected official, “the principal goal of the impeachment clause is to allow impeachment for a narrow category of large-scale abuses of

²⁸ Rodino Report, *supra* note 2, at 27.

²⁹ *Id.* at 26.

³⁰ *The Federalist* No. 65, at 334 (Alexander Hamilton) (Basil Blackwell 2d ed., 1987).

³¹ Joseph Story, *Commentaries on the Constitution of the United States*, Vol. I, § 746, at 529-30 (Little, Brown, and Company, 4th ed. 1873).

³² Rodino Report, *supra* note 2, at 26.

authority that come from the exercise of distinctly [gubernatorial] powers. Outside of that category of cases, impeachment is generally foreign to our traditions and prohibited by the Constitution.”³³ An impeachment “must relate to some reprehensible exercise of official authority.”³⁴ The wrongdoing that properly qualifies as impeachable must therefore not only be public, but also substantial.³⁵

For example, one scholar noted that where the conduct in question consists of an “omission of duty without the element of fraud,” it is “not impeachable, although it may be highly prejudicial to the interests of the State.”³⁶ Even willful wrongdoing is not impeachable except where it is truly egregious and harmful to the constitutional order. Impeachment is strictly confined to “offenses against the government” where the offense is “convincingly established [and] so egregious that [the executive’s] continuation in office is intolerable.”³⁷ This requirement of substantiality follows in part from a paramount, constitutional prohibition against *ex post facto* laws and bills of attainder.³⁸ As Professor Black forcefully notes, the definition of an impeachable offense “must not be so interpreted as to make its operation in a given impeachment case equivalent to the operation of a bill of attainder, or of an *ex post facto* law, or of both. When a congressman says, in effect, that Congress is entirely free to treat as impeachable any conduct it desires so to treat, he (or she) is giving a good textbook definition of a bill of attainder and an *ex post facto* law, rolled into one.”³⁹

To be sure, although impeachable conduct must cause substantial public injury and will often constitute criminal conduct, it need not necessarily fit squarely within the prohibition of an extant criminal statute. Grave abuses that threaten democracy or are “seriously incompatible with either the constitutional form and principles of our government” may not always technically qualify as a crime.⁴⁰ That impeachable conduct need not be criminal, however, does not imply that impeachment may lie for conduct less egregious; to the contrary, impeachment “must occur only for reasons at least as pressing as those needs of government that give rise to the creation of criminal offenses.”⁴¹ For this reason, the House “must feel more comfortable when dealing with conduct clearly criminal in the ordinary sense, for as one gets further from that area it becomes progressively more difficult to be certain, as to any particular offense, that it is impeachable.”⁴²

In sum, impeachment must be reserved only for serious crimes or other “grave misconduct that so injures or abuses our constitutional institutions and form of government as to justify” the

³³ *Subcommittee Hearings*, *supra* note 11, at 38 (prepared statement of Professor Cass R. Sunstein) (emphasis omitted).

³⁴ *Id.* at 115 (prepared statement of Father Robert F. Drinan, S.J.).

³⁵ See Rodino Report, *supra* note 2, at 27 (“Not all [executive] misconduct is sufficient to constitute grounds for impeachment. There is a further requirement—substantiality.”).

³⁶ Paul S. Fenton, *The Scope of the Impeachment Power*, 65 *Nw. U. L. Rev.* 719, 746-47 (1970).

³⁷ John R. Labovitz, *Presidential Impeachment*, 26, 110 (Yale University ed. 1979).

³⁸ See, e.g., U.S. Const. art. I, § 9, cl. 3.

³⁹ Black, *supra*, note 9, at 32 (“Our Framers abhorred both these things, and we have never wavered from that abhorrence. It cannot be right for Congress to act toward [the chief executive] as though these prohibitions did not exist.”).

⁴⁰ Rodino Report, *supra* note 2, at 27.

⁴¹ *Id.* at 22.

⁴² Black, *supra*, note 9, at 35.

removal of an elected official.⁴³ “Some of the most grievous offenses against our constitutional form of government may not entail violations of the criminal law.”⁴⁴ But impeachable conduct will rarely, if ever, consist of ethical transgressions, omissions, or other lapses that do not threaten this type of severe harm to the constitutional order.

B. Allegations Of Impeachable Conduct Must Be Proved By At Least Clear And Convincing Evidence.

The “drastic remedy of impeachment and removal” is “truly the political equivalent of capital punishment.”⁴⁵ The “adoption of a lenient standard of proof could mean that this punishment, and this frustration of popular will, could occur even though substantial doubt of guilt remained.”⁴⁶ Impeachment “is the heaviest piece of artillery in the legislative arsenal, but because it is so heavy it is unfit for ordinary use. It is like a hundred-ton gun which needs complex machinery to bring it into position, an enormous charge of powder to fire it, and a large mark to aim at.”⁴⁷

The “clear and convincing evidence” standard is the appropriate standard of proof in impeachment proceedings before both the House and any committee designated by the speaker for the purposes of impeachment (“The Committee”). This is particularly apt in light of fact that in South Dakota an elected official is suspended from office upon impeachment by the House. Under these circumstances, there can be no rationale to impose differing standards for House and Committee proceedings. A lower standard of proof could unfairly result in the political equivalent of capital punishment, breach the constitutional balance of powers, and unseat a popularly elected official who did not commit an impeachable offense. Therefore, the legislature may not impeach the Attorney General without clear and convincing proof he engaged in impeachable conduct.

⁴³ Rodino Report, *supra* note 2, at 22.

⁴⁴ *Id.* at 24.

⁴⁵ Tribe, *supra* note 4, at 723; *see also* 144 Cong. Rec. H11, 976 (daily ed. Dec. 19, 1998) (statement of Rep. Schumer) (stressing that impeachment is the “political version of capital punishment”); 144 Cong. Rec. H11, 822 (daily ed. Dec. 18, 1998) (statement of Rep. Klink) (arguing that “just as every crime does not justify the death penalty, neither should impeachment, the political equivalent of the death penalty, be the punishment for every presidential misdeed”).

⁴⁶ Black, *supra* note 9, at 17.

⁴⁷ Bryce, *supra* note 3, at 212.

C. The History Of Impeachment In The United States Confirms That Impeachment Is To Be Exercised Only When It is Clearly Established That An Official Has Engaged In Heinous Criminal Conduct Or Poses A Serious Threat Against The System Of Government Beyond.

The State of South Dakota has never impeached any official. The United States Congress has never convicted and removed a single official in the Executive Branch. Since the New Deal, every impeachment of a federal official has involved evidence of serious criminal wrongdoing relating to service in office or a serious threat against the system of government. None has been predicated solely on allegations of ethical wrongdoing or lesser crimes. As noted above, in the past 90 years, only two state governors have been impeached. Before they were impeached, both of those governors were first subject to criminal charges alleging that they had committed felonies in connection with the performance of their official duties. The history of presidential and state gubernatorial impeachments in the United States confirms that the impeachment of a sitting official is a grave and extraordinary event in the American experience and should be limited to situations presenting serious criminal conduct or comparable wrongdoing that perpetrates grievous injury to the constitutional order.

1. Presidential Impeachment

To date, there have been five impeachment proceedings that have led to an impeachment or resignation of a President of the United States. In 1868 President Andrew Johnson was impeached for his removal of Secretary of War Edwin Stanton in violation of the Tenure of Office Act.⁴⁸ He was acquitted by the Senate. In 1974, President Richard Nixon was subject to impeachment proceedings related to the cover up of a burglary at the Democratic National Committee headquarters. He resigned prior to an impeachment vote.⁴⁹ In 1998-99, President Bill Clinton was impeached for obstruction of justice and criminal perjury. He was acquitted.⁵⁰ More recently President Donald Trump was impeached and acquitted twice, first for an alleged abuse of power in soliciting an investigation by Ukraine of Joe Biden and then for actions related to a riot at the United States Capitol that delayed Congress's certification of the 2020 presidential election results.

Each of these historical precedents, which are relevant because *conviction and removal* of a national elected official is a close analogue to *impeachment* of an Attorney General of South Dakota, provides historical evidence of consensus that impeachment should be limited to serious criminal offenses or similarly serious wrongdoing that threatens the political process or system of government.

The impeachment proceedings involving President Johnson can be understood largely as a consequence of the regional partisanship created by the Reconstruction Era, and both experts and scholars have almost universally pointed to the impeachment as “a gross abuse of the impeachment

⁴⁸ Rehnquist, *supra* note 23, at 210; *see also* Act of Mar. 2, 1867, Ch. 154, 14 Stat. 430 (1867).

⁴⁹ *See* House Comm. on the Judiciary, *Impeachment of Richard M. Nixon, President of the United States*, H.R. Rep. No. 93-1305, 93d Cong., 2d Sess., at 1-4 (1974).

⁵⁰ *See Impeachment Inquiry: Hearing Pursuant to H. Res. 581 Before the House Comm. on the Judiciary*, 105th Cong., 2d Sess. 19 (1998); 145 Cong. Rec. s1462-02, *S1594 (daily ed. Feb. 12, 1999).

process, an attempt to punish the President for differing with or obstructing the policy of Congress.”⁵¹ Its legacy has prompted the observation that the “history of impeachment in this country has been one primarily of misuse. Where it has been used, for the most part, it has been subject to gross abuse for purely partisan advantages and the trial of Andrew Johnson illustrates this. The trial of the five governors in the reconstruction [era] illustrates it, and in each one of those cases it was the senate that was the guilty body.”⁵²

Nevertheless, the Senate did not convict President Johnson. In perhaps the most notable account of this episode, late Chief Justice Rehnquist of the United States Supreme Court declared, “[t]he acquittal of Andrew Johnson by the Senate was of course a victory for the independence of the executive branch of the government” and the “importance” of this acquittal “in our constitutional history can hardly be overstated.”⁵³ It “surely contributed as much to the maintenance of our tripartite...system of government as any case decided by any court.”⁵⁴ Had Andrew Johnson “been convicted, the future independence of the president could have been jeopardized. It was the United States Senate which...made th[is] fundamental decision[.]”⁵⁵ Historians and scholars agree:

Had the impeachment drive succeeded, the constitutional separation of powers would have been radically altered, and the alteration would have been protected and maintained by the lowered threshold of impeachment. The presidential system might have become a quasi-parliamentary regime, in which the impeachment process would have served as the American equivalent of the vote of no confidence. The Presidency would have been permanently weakened and our polity permanently changed.⁵⁶

The impeachment proceedings involving President Nixon were in sharp contrast to the lawless and partisan Johnson impeachment process. All of the Articles of Impeachment that the House Judiciary Committee drafted prior to President Nixon’s resignation allege wrongdoing that bears a clear relationship to serious criminal violations and to subversion of the basic structure of government.⁵⁷ Notably, the Committee rejected a proposed article that would have accused the President of tax evasion and misappropriation of government funds, concluding that “even if the tax fraud were proved...it was not the type of abuse of power at which the remedy of impeachment is directed.”⁵⁸

⁵¹ Berger, *supra* note 6, at 308; *see also* Archives of Maryland, *Proceedings and Debates of the 1967 Constitutional Convention*, Vol. 104-1, Debates 2622, at 1 (Dec. 19, 1967).

⁵² Archives of Maryland, *supra* note 62, at 1 (statement of Delegate Scanlan).

⁵³ Rehnquist, *supra* note 23, at 250, 278.

⁵⁴ *Id.* at 278.

⁵⁵ *Id.* at 10.

⁵⁶ *Subcommittee Hearings, supra* note 11, at 102 (prepared statement of Professor Arthur M. Schlesinger); *see also* Irving Brant, *Impeachment: Trials and Errors* 3-4 (1972) (predicting that if the Johnson impeachment “had been successful and had been accepted as precedent, it would have converted a government of divided powers, of checks and balances, into a congressional dictatorship”).

⁵⁷ *See* House Comm. on the Judiciary, *Impeachment of Richard M. Nixon, President of the United States*, H.R. Rep. No. 93-1305, 93d Cong., 2d Sess., at 1-4 (1974).

⁵⁸ *Id.* at 220-23 (stating that “an impeachment inquiry in the House and trial in the Senate are inappropriate forums to determine the President’s culpability for tax fraud”).

In the impeachment and subsequent acquittal of President Clinton, each of the offenses charged by the full House – grand jury perjury and obstruction of justice – constitutes serious criminal conduct. Indeed, following the conclusion of the impeachment proceedings, the Independent Counsel reported “that the evidence was sufficient to prosecute President Clinton for federal crimes.”⁵⁹ Nevertheless, President Clinton was acquitted, a result that reflects the United States Senate’s view that the charges of grand jury perjury and obstruction of justice did not, in this case, warrant the drastic remedy of removal.⁶⁰

The first Trump impeachment, involving communications between President Trump and the President of Ukraine, was marked by partisan rancor and recrimination. Not a single member of the President’s party supported opening an impeachment inquiry or the final impeachment resolutions, and the Senate quickly voted to acquit with tallies not even approaching the necessary 2/3 required for removal. In this way, the first Trump impeachment could be said to resemble the Johnson impeachment. The effort shed little light on the substantive standard for impeachment.

The second Trump impeachment was also not particularly illuminating with respect to the impeachment standard. In that case, the President was impeached just days before leaving office. His trial was held after his term ended and resulted in a decisive acquittal. But several senators expressed the opinion that a president could not be subject to an impeachment trial after leaving office, a position endorsed by some scholars. In any event, this impeachment also has little to teach about the appropriate standards for impeachment.

What is clear is that the United States Congress has never removed an elected official from office, and the history of presidential impeachment proceedings evidence that the impeachment and removal of a chief executive from office is a solemn act to be reserved only for conduct that seriously threatens the system of government or constitutional form.

2. Impeachment Of State Elected Officials

The history of state impeachments also confirms that the dire remedy of impeachment is to be reserved only for the most serious, indictable offenses or similar wrongdoing that corrupts the constitutional form. In the more than two-hundred years since the Founding, only 15 state governors have been impeached and only 8 of those impeachments have resulted in conviction.⁶¹

⁵⁹ *Final Report of the Independent Counsel*, In re Madison Guaranty Sav. & Loan Ass’n Regarding Monica Lewinski and Others, at 20 (filed May 18, 2001).

⁶⁰ See 145 Cong. Rec. S1462-02, *S1539 (daily ed. Feb. 12, 1999) (statement of Sen. Specter) (“Perjury and obstruction of justice are serious offenses which must not be tolerated by anyone in our society. However, I remain unconvinced that impeachment is the best course to vindicate the rule of law on this offensive conduct. President Clinton may still be prosecuted in the Federal criminal courts when his term ends.”); *id.* at *S1568 (statement of Sen. Collins) (“I believe that in order to convict, we must conclude from the evidence presented to us with no room for doubt that our Constitution will be injured and our democracy suffer should the President remain in office one moment more. In this instance, the claims against the President fail to reach this very high standard.”).

⁶¹ Two governors of the Commonwealth of the Northern Mariana Islands, an unincorporated territory of the United States, have also been impeached, both for alleged misuse of their offices. The first, Governor Benigno Fitial, was impeached in 2013 and resigned prior to trial. <https://www.samoanews.com/facing-impeachment-trial-cnmi-governor-resigns>. The second, Governor Ralph Torres, was impeached earlier this year on charges of misusing his office. <https://www.postguam.com/news/local/cnmi-governor-impeached-for-corruption->

In the last 90 years, only two state governors have been impeached. Since the New Deal, no state governor has been impeached without a prior indictment or arrest for a serious felony related to his office. In the same period there have been only 13 other impeachments of state elected officials. This number includes the 2018 impeachment of all of the justices of the West Virginia Supreme Court, who were accused of various offenses related to alleged abuses of their offices.⁶² No official in modern times has been removed for offenses unrelated to their office.

Although most States adopted impeachment clauses soon after ratification of the United States Constitution, there were only two state impeachments (both judges) until the social and political upheaval occasioned by the Civil War and Reconstruction. Indeed, that period accounts for approximately half of all the gubernatorial impeachments in American history, and seven out of the 15 impeachments occurred during the five-year period between 1871 and 1876.⁶³ After the end of Reconstruction, there were only two state impeachments (both state supreme court justices) before 1913, when New York Governor William Sulzer was removed as a result of what is generally believed to be the work of the Tammany Hall political machine.⁶⁴ The political abuse of impeachments persisted during the social unrest of the 1920s and into the Great Depression.⁶⁵

Since the New Deal, not one state has impeached a governor without a prior indictment or arrest for serious and affirmative criminal conduct involving his service in office. The rarity of impeachment is shown by the fact that, in the last ninety years, only two state governors have been impeached. In 1988, following indictment on criminal charges, Evan Mecham of Arizona was impeached and removed from office for obstruction of justice, for perjury relating to more than \$365,000 in concealed monies, and for loaning \$80,000 of state money to a business that he and his wife owned.⁶⁶ The Arizona legislature removed Governor Mecham only upon finding clear and convincing evidence of serious criminal wrongdoing.⁶⁷

[felony-neglect-of-duty-senate-prepares-for-trial/article_72540460-734b-11ec-a66e-7f9e7db344e7.html](https://www.wvrecord.com/stories/511530305-house-votes-to-impeach-all-current-justices) He is awaiting trial.

⁶² *House votes to impeach all current Justices*, West Virginia Record, August 13, 2018.

<https://wvrecord.com/stories/511530305-house-votes-to-impeach-all-current-justices>

⁶³ The impeachments that took place during the Civil War and Reconstruction are: Charles Robinson of Kansas, 1862 (acquitted); Harrison Reed of Florida, 1868 (never tried); William Woods Holden of North Carolina, 1871 (removed); David Butler of Nebraska, 1871 (removed); Powell Clayton of Arkansas, 1871; Harrison Reed of Florida, 1872 (never tried); Henry Clay Warmoth of Louisiana, 1872 (never tried); Adelbert Ames of Mississippi, 1876 (resigned); William Pitt Kellogg of Louisiana, 1876 (acquitted).

⁶⁴ See, e.g., John R. Dunne & Michael A.L. Balboni, *New York's Impeachment Law and the Trial of Governor Sulzer: A Case for Reform*, 15 Fordham Urb. L.J. 567, 568-70 (1987); see also Samuel P. Orth, *The Boss and the Machine* 119-32 (1921) ("No episode in recent political history shows better the relations of the legislature to the political machine and the great power of invisible government than the impeachment and removal of Governor William Sulzer in 1913....The proceeding was not merely an impeachment of New York's Governor. It was an impeachment of its government.").

⁶⁵ The impeachments that took place between 1900 and the New Deal are: William Sulzer of New York, 1913 (removed); James Ferguson of Texas, 1917 (removed after criminal indictment); John Walton of Oklahoma, 1923 (removed); Henry S. Johnston of Oklahoma, 1927 (impeachment invalidated by Oklahoma Supreme Court); Henry S. Johnston of Oklahoma, 1929 (removed); Huey P. Long of Louisiana, 1929 (acquitted).

⁶⁶ See *In the Matter of the Impeachment of Evan Mecham*, Report of the House Managers in the matter of the impeachment of the Honorable Evan Mecham, Governor of the State of Arizona, Ariz. H. Res. 2002 (Feb. 8. 1988).

⁶⁷ See Ronald J. Watkins, *High Crimes and Misdemeanors: The Term and Trials of Former Governor Evan Mecham* 312, 348-58 (1990) (describing the conclusion of the trial and the removal on April 4, 1988).

Similarly, the Illinois legislature did not begin impeachment proceedings against Governor Rod Blagojevich until Governor Blagojevich was arrested on federal corruption charges.⁶⁸ Contrary to the historical application of impeachment, Illinois, which defines its constitutional standard for impeachment as “cause”, did not agree on a controlling evidentiary standard.⁶⁹ The Illinois General Assembly impeached Governor Blagojevich based on a substantial totality of evidence of conduct that fit squarely within one of the two enumerated grounds for impeachment in the United States Constitution – “bribery” – and went to the heart of what constitutes an impeachable offense – the corruption or subversion of the political process.⁷⁰

Modern impeachments of other state officials tell a similar story. In 1941, Daniel Coakley, who had been elected to the Massachusetts Governor’s Council, was impeached and removed for selling pardons.⁷¹ In 1958, Tennessee Judge Rawlston Schoolfield was impeached and removed for bribery and corruption.⁷² In 1984, Nebraska Attorney General Paul Douglas was impeached but acquitted on charges related to his office’s handling of an investigation of a failed bank, including allegedly lying to investigators about his dealings concerning the bank.⁷³ In 1989, A. James Manchin, the State Treasurer of West Virginia was impeached for alleged improprieties related to the state’s investment fund.⁷⁴ He resigned before trial.⁷⁵ In 1991, Kentucky’s Commissioner of Agriculture, Ward “Butch” Burnette, was impeached and then resigned after being convicted and imprisoned for corruptly putting an employee on his payroll before she started work.⁷⁶ In 1994, Rolf Larsen, a justice on the Pennsylvania Supreme Court was impeached and removed after he was convicted of crimes related to a scheme by which he had prescriptions unlawfully written in the names of court employees.⁷⁷ In 1994, Missouri Secretary of State Judith Moriarty was impeached and removed after she was convicted of having illegally used her office to help her son in an election.⁷⁸ In 2004, Nevada State Controller Kathy Augustine was impeached for alleged offenses related to the use of her office.⁷⁹ The Nevada State Senate convicted Augustine but declined to remove her and instead issued a censure.⁸⁰ In 2005, University of Nebraska Regent David Hergert was impeached and removed for offenses related to his campaign for office.⁸¹ In 2018, the entire West Virginia Supreme Court was impeached over allegations of misusing their positions. Most of the impeached justices resigned or retired; one was censured.⁸²

⁶⁸ See *Final Report of the Special Investigative Committee*, 95th Ill. Gen. Ass., at 8 (Jan. 8, 2009). Rod Blagojevich was arrested by federal agents on December 9, 2008; the House of Representatives then created the Special Investigative Committee on December 15, 2008. See *id.* at 1, 8.

⁶⁹ Ill. Const. Art. IV, § 14.

⁷⁰ U.S. Const. Art. II, § 4; see *Final Report of the Special Investigative Committee*, *supra* note 114, at 8-9 & nn.30, 31.

⁷¹ *Coakley Ousted: Guilty on 10 Counts*, The Boston Daily Globe, June 14, 1941.

⁷² *Raulston Schoolfield, Impeached Judge, Dies*, The New York Times, October 8, 1982.

⁷³ 19 *Creighton Law Review* 357 (1986)

⁷⁴ *Manchin Impeached but Vows to Stay On*, The Free-Lance-Star, March 30, 1989.

⁷⁵ *Treasurer of West Virginia Retires Over Fund's Losses*, The New York Times, July 10, 1989.

⁷⁶ *Jailed Official Resigns Before Impeachment Trial*, Orlando Sentinel, February 7, 1991.

⁷⁷ *Rolf Larsen, disgraced Pa. Supreme Court justice, 79*, The Philadelphia Inquirer, August 13, 2014.

⁷⁸ *Supreme Court Impeaches Moriarty*, UPI, December 12, 1994.

⁷⁹ *Augustine goes back to work today Senate concludes impeachment trial with censure; does not remove state controller from office*, Tahoe Daily Tribune, November 5, 2004.

⁸⁰ *Id.*

⁸¹ *State v. Hergert*, Supreme Court of Nebraska, No. S-06-425. July 7, 2006.

⁸² *WV Supreme Court Stopped Impeachment of Justices Almost 2 Years Ago*; Charleston Gazette-Mail, February 4, 2020.

Perhaps even more informative are three situations in recent history in which impeachment of an elected official was threatened but averted. In 2009, South Carolina Governor Mark Sanford faced impeachment for leaving the state on a secret trip to Argentina to see his mistress and misuse of state resources. The House committee tasked with investigating the allegations and making a recommendation on impeachment decided not to recommend impeachment and instead recommended censure, concluding that Governor Sanford's conduct was not sufficient to meet the constitutional standard for impeachment.⁸³ In 1994, Governor David Walters of Oklahoma faced possible impeachment after he was indicted on eight felony counts, including perjury and conspiracy, and resolved the charges by pleading guilty to a misdemeanor campaign finance violation.⁸⁴ In light of this result, the Oklahoma House of Representatives concluded that impeachment was not warranted.⁸⁵ In 1985, Alaska Governor Bill Sheffield was also investigated by a criminal grand jury for alleged political corruption. The grand jury subsequently declined to indict him, but formally referred the matter to the Alaska Senate (which initiates impeachment under the Alaska Constitution).⁸⁶ Although the grand jury recommended impeachment, the Senate rejected that recommendation, concluding that there was not sufficient evidence that Bill Sheffield had committed an impeachable offense.⁸⁷

These modern impeachment proceedings and investigations evidence and confirm that state legislatures generally initiate impeachment proceedings only after a prior criminal indictment or arrest for substantial criminal behavior related to the official's office and not for personal transgressions, and moreover, that the dire remedy of impeachment is to be applied only when there is a serious criminal offense or similar wrongdoing that corrupts or subverts the political process or constitutional form.

CONCLUSION

In considering the impeachment of a sitting Attorney General of South Dakota, the House must be mindful that it could be embarking on a course of historic dimension. It is considering whether to undo a popular election. It is considering whether to breach the balance of powers between the Legislative and Executive Branches. It is considering whether to cripple permanently future executive officials in South Dakota. The Constitution of South Dakota mandates, and history instructs, that impeachment of a duly elected executive branch official is warranted only upon clear and convincing proof of evidence of serious crimes or other egregious misconduct related to his office that has seriously crippled the administration of justice in all its

⁸³ See Shaila Dewan, *South Carolina Panel Rejects Impeachment of Governor*, The New York Times, Dec. 9, 2009, at A28.

⁸⁴ See Mick Hinton, *Bid to Impeach Walters Defeated, House Votes 52-47 Against Investigation*, Daily Oklahoman, Feb. 10, 1994, at A1; Ellen Knickmeyer, *Oklahoma Governor Survives Impeachment Fight*, Assoc. Press, Feb. 9, 1994; cf. Arnold Hamilton, *Statewide Grand Jury Calls on Lawmakers to Impeach Walters*, Dallas Morning News, Dec. 10 1993, at A34.

⁸⁵ *Id.*

⁸⁶ Alaska Const. Art. II, § 20.

⁸⁷ See *Alaska Senate Clears Governor*, Chi. Trib., Aug. 6, 1985, at C3; *Panel in Alaska Advises Ending Bid to Impeach*, N.Y. Times, Aug. 4, 1985, at A1.

departments. Impeachment of a duly elected Attorney General for actions unrelated to his office would set a dangerous precedent that could have far-reaching consequences.

Respectfully,

/s/

Ross Garber*

c: Sara Frankenstein, Esq.

* Not member of the South Dakota Bar. Preparation of this letter was overseen by attorney Michael Butler of the South Dakota Bar.



March 9, 2022

The Honorable Spencer Gosch
Speaker of the House
500 E. Capitol Avenue
Pierre, SD 57501

RE: HR 7001

Speaker Gosch:

I understand that the House Select Committee on Investigation is close to concluding its work in examining the conduct of Attorney General Ravnsborg. As you know, on September 1, 2021, pursuant to instructions by Governor Noem, I hand delivered an external hard drive containing the investigative materials relating to the crash that occurred in Hyde County on September 12, 2020. I trust that the committee members have all had an opportunity to review the file and the extensive cell phone reports.

Even though my background was not requested during the committee hearings, I am a 24-year law enforcement officer for the state of South Dakota with over 3,000 hours of basic and advanced law enforcement and leadership training. In addition to my current role, I have served as a State Trooper, Division of Criminal Investigation (DCI) Special Agent, Assistant Director of the DCI, and Colonel of the South Dakota Highway Patrol.

The investigation conducted by the South Dakota Highway Patrol (SDHP) and North Dakota Bureau of Criminal Investigation (BCI) was objective, thorough and fair. The SDHP State Troopers and North Dakota BCI Special Agents who testified before the committee are consummate professionals with decades of experience. Their conclusions are not in dispute. Mr. Boever, while walking east on the far north shoulder near the grass, was killed as result of the Attorney General being distracted. All four wheels of the Attorney General's vehicle crossed the rumble strips onto the shoulder.

Some members of the committee appear more interested in discovering why information was provided to the public as opposed to the facts of the investigation. The information released to the public was lawful and appropriate. The interview videos were only released after the Attorney General was charged with minor traffic offenses. That fact was not clarified during the last committee meeting.

Additionally, the facts surrounding the location for the use of the blue star and why that area was selected is addressed in the attached document by Trooper John Berndt. The committee did not recall Trooper Berndt after this topic was addressed with the BCI Agents. As stated by Trooper Berndt, "Once the area surrounding the paint chip was determined to be irrelevant the use of the trend lines was accepted by the prosecutors in identifying the area AG Ravnsborg's vehicle struck and killed Mr. Boever."

As you continue to examine the facts, I trust that you are considering the following:

- The indisputable conclusions by the crash reconstruction experts.
- In interviews with investigators, AG Ravensborg verbally indicated that he had seen Mr. Boever at the time of the impact, and again in the aftermath of the crash, before quickly correcting himself. These admissions drew investigators to the conclusion that AG Ravensborg had, in fact, seen Boever on the night of the crash. The investigators testified to it at the committee hearing, but they did not provide the direct quote.
 - AG Ravensborg, "... I never saw anything until the impact. I immediately jump out of the car and call 911 within seconds..."
 - AG Ravensborg, "...and then I TURN AROUND and I'm looking into the ditch so I don't know exactly where I turn around and saw him. I-I didn't see him. I did not see him."
- The untruthful statements by the Attorney General to North Dakota BCI Special Agents as compared to the facts revealed during the investigation.
 - The Attorney General's version of the events related to the crash and the crash scene are refuted by evidence.
 - During the second interview with investigators, the Attorney General denies using his cell phone while driving, other than the phone call to his father. He denies that he was accessing websites and denies that he was accessing or logging into email accounts. He maintains those denials until he is confronted with specific evidence that proves he is lying; at which time he adjusts his statements to the evidence.
 - Regarding the Attorney General's habits related to speed – he tells investigators that he rarely exceeds the speed limit, and when he does, it is never more than 4 miles over. Follow-up investigative work shows that these statements are not true. In fact, Ravensborg has been stopped several times by law enforcement for speeding more than 10 mph.
 - AG Ravensborg tells investigators that he only uses a state car if it is "purely a work event". Follow up investigative work proves that his statements are not truthful. Ravensborg has used a state vehicle, as opposed to his own, for travel to another state for military duty. Military duty, while admirable, is not a duty of the Attorney General's office.
- Conduct of the Attorney General and his office.
 - The statements wherein the Attorney General was advised by his DCI Director on September 14, 2020, at 6:47:48 AM stating "At some point they are going to want your phone".
 - The very next day, the Attorney General questions SSA Brent Gromer, who is a digital evidence expert, to discuss what investigators may find on his cell phone.
 - This was so concerning to SSA Gromer that he wrote a report on the contact and submitted it to his supervisors.
 - During an interview, AG Ravensborg is repeatedly asked if he contacted anyone to solicit information about other aspects of the investigation. He omits his contact with SSA Gromer and denies any of this activity before finally admitting to the conversation.
 - AG Ravensborg tells investigators that he talked with his Chief of Staff, Tim Bormann, about polygraph examinations. He advised that Bormann talked to DCI about polygraph examinations and their relevance in the crash investigation.

- From the date he took office, until the date of the fatal crash, AG Ravensborg was stopped for traffic offenses at least 8 times. In 6 of those stops, he was operating a state vehicle. Of those stops where video or reports were available, he identified himself as the Attorney General verbally on 4 occasions and displayed a badge to the officer on another occasion. None of those stops resulted in a citation.
- AG Ravensborg and his advisors engage in social media activity before and after the crash that reflect viewpoints and character not in keeping with the high standards expected of the Attorney General.
 - Text messages that the investigation uncovered between the Attorney General, his DCI Director, and his Chief of Staff. These messages include disparaging and offensive statements regarding other law enforcement officers, judges, a supreme court justice, a legislator, prosecutors, staff members, a former Attorney General, and a United States Senator.
 - Text messages that the investigation uncovered between the Attorney General and what appears to be a political consultant wherein the consultant indicated, referring to the deceased, “Well, at least the guy was a Democrat.” This text message was sent on September 14, 2020, at 10:50:31 AM.

The Attorney General’s actions throughout the investigation, the findings from our review of the crash events, along with the context provided by the pre- and post-crash behaviors draw the conclusion that he is unfit to hold the position as the chief law enforcement officer for the state of South Dakota.

Regards,



Craig Price, Cabinet Secretary
South Dakota Department of Public Safety

**EXHIBIT
74**



HOUSE SELECT COMMITTEE ON INVESTIGATION

March 17, 2022

Governor Kristi Noem
State Capitol Building

Hand-delivered

Dear South Dakota Executive Branch:

As you are likely aware, Article XVI, § 1 of the South Dakota Constitution places “the sole power of impeachment” with the House of Representatives. Article XVI, § 2 requires the Senate to try an impeachment, with the Senators sitting as the jury under oath “to do justice according to law and evidence.” Pursuant to House Resolution 7001, the House Select Committee shall investigate whether the conduct of Jason Ravnsborg, Attorney General of the State of South Dakota, surrounding the death of Joe Boever, involved impeachable offenses pursuant to S.D. Const. Art. XVI, § 3. All three of these bodies must take care to follow the law, fairly afford the Attorney General the process due, avoid tainting “the jury pool” of Senators with inadmissible and irrelevant evidence, and avoid judicial intervention for violating any of these legal principals. The House Select Committee has and continues to carefully and solemnly undertake these important tasks.

The House Select Committee, along with the other members of the House, understand they currently have non-public access to the confidential investigative files and other confidential information gathered by the House Select Committee. Such materials are not public documents under SDCL § 1-27-1.5. Much of the materials contain sensitive and/or confidential information or are irrelevant to these proceedings. The Secretary of Public Safety previously recognized these legal principles in his letter to Speaker Spencer Gosch dated September 1, 2021. On page one, Secretary Price stated that the “full file is being provided with the understanding that you will limit any further distribution to only those individuals directly involved in your impeachment process.” On page 10, the Secretary stated “the investigatory file is not subject to disclosure as a public record during the pendency of the House’s investigation under SDCL 1-27-1.5(5).” The letter concludes by requesting the Speaker to redact “personal information relative to unrelated third-parties” should the Speaker decide to disclose the file publicly. These precepts wisely recognize the importance of affording all parties the legal process due, avoiding tainting the Senator jury pool with inadmissible or irrelevant evidence, and avoiding the release private third-party information. Unfortunately, the Executive Branch no longer adheres to these important principles in this matter.

You may recall that in February of 2021, Attorney General Ravnsborg’s defense counsel moved the court for an order precluding “the Department of Public Safety, law enforcement, or any member of the state government, including Governor Kristi Noem” from producing any more of the investigative file to the public. The motion cited the “extremely unprecedented, and unusual early release of information regarding a criminal investigation.” The prosecutors were in agreement that the file should not be released to the public. The motion cited numerous South Dakota Supreme Court cases regarding the

importance of preserving a defendant's right to a fair trial and avoiding tainting the jury pool with inadmissible evidence. I invite you to review that case law.

The Honorable John Brown agreed with the defense counsel, the prosecutors, and the South Dakota Supreme Court case law. The Court ordered "that the Department of Public Safety, law enforcement, or any member of state government, including Governor Kristi Noem, is precluded from producing any further criminal reports . . . or anything whatsoever related to the above-captioned matter to the public" and that all State agencies remove links to video interviews of the Attorney General. A court order was required to enforce the rule of law during the pendency of the criminal matter. Unfortunately, the Executive Branch is now engaged in attempting to taint the Senator jury pool with irrelevant and confidential information, that which it previously recognized as not subject to disclosure and containing personal information of third parties. These efforts have been continuous and are aimed at bringing misinformation to the public and undue pressure on the Select Committee Members. These efforts are both harmful and unwelcome and subject the outcome to judicial scrutiny. Our previous requests to refrain from such conduct have gone unheeded. Therefore, we hereby request the Executive Branch cease and desist from all further disclosures of the investigative file to the public and all further attempts to pressure and influence the Select Committee Members and the House of Representatives.

Cordially,

Speaker Spencer Gosch – Committee Chair
Representative Mike Stevens – Committee Co Chair
Majority Leader Kent Peterson – Committee Member
Minority Leader Jamie Smith – Committee Member
Speaker Pro Tempore Jon Hansen – Committee Member
Representative Kevin Jensen – Committee Member
Representative Doug Barthel – Committee Member
Representative Ryan Cwach – Committee Member
Representative Steven Haugaard – Committee Member

CC: Craig Price, Secretary of Public Safety