

Evidence, Allegations and Misconceptions

The incident was a hit and run.

False. The prosecutors admitted Jason called 9-1-1 within 16 seconds. The 9-1-1 dispatcher sent out the Sheriff. The Sheriff provided Jason with a "Red Tag," which states he correctly reported the accident.

He didn't need to call 9-1-1 if he just hit a deer.

False. If damage to a vehicle is estimated at \$1,000 or more, the law states that one must report the incident to obtain a red tag for legal vehicle repair.

Alcohol was part of the equation.

False. Jason is known to drink rarely. He provided law enforcement with the name of the waitress and names of the patrons present at the Republican political function he attended, and everyone questioned stated he had not consumed any alcohol. The waitress even supplied the written order of what Jason ordered at the event. Surveillance tapes revealed no indication of intoxication in any way. The Sheriff's report state he did not observe any odor of alcohol. The Sheriff loaned Jason his personal vehicle. Jason voluntarily took a blood test, which showed no alcohol in his system.

Jason was distracted at the time of impact.

False. Noem's November 2020 press conference claimed Jason was "distracted" in the SDHP crash report. At no time has any investigator articulated or explained how Jason was distracted. Claiming Jason was distracted was released to influence the public and taint a potential jury pool without proof or even a theory of the distraction. Further, in the House Investigative Committee last week, investigators still could not provide an answer to how Jason was distracted. They simply said, "he had to have been."

Jason was on his cell phone when the accident occurred.

False. When the prosecutors had their press conference, they stated that Jason's phone was locked on the east side of Highmore. The accident occurred on the west side of Highmore. Therefore, it was legally and factually impossible for Jason to have been on his cell phone at the time of the accident. Despite the extensive review of Jason's cell phones, which he voluntarily provided to the investigators, none of the witnesses' cell phones were requested, examined, or had data extracted or verified to confirm witness statements, texts, calls, travel, or times. In fact, personal information completely unrelated to the accident was extracted and used against him in an attempt to influence the public against him.

Jason's vehicle left tire marks on the roadway

False. For months you were led to believe Jason's vehicle made tire marks on the roadway. It was learned these marks were made from a completely different accident. In the investigator's reports, videos were found that show those tire marks were there from a previous accident. Further, investigators measured the wheelbase and tire marks, and they did not match.

The Hyde County Sheriff helped Jason with a cover-up because they were friends.

False. Jason had only met the Sheriff on a couple occasions previously. The 911 dispatcher decided who to send to the scene, not Jason. The dispatcher could have sent another deputy or the Highway Patrol just as easily.

Jason identified himself as the Attorney General when he called 911 to get special treatment.

False. Jason was identifying himself and seeking assistance. Listening to the recording of the 911 call reveals no attempt at influencing that 911 dispatcher. Jason has a difficult last name to pronounce and a lifetime of having to spell it thereafter and he was seeking assistance as soon as possible.

Mr. Boever's glasses were found in the front seat of the car.

False. Though you were led to believe differently, the glasses were not found in the front passenger seat. The glasses were found in the back seat and between the passenger seat and the door. In the House Committee, the officer struggled to find the glasses in the picture. The officer admitted it would be easier in the lit conference room than in the dark after an accident especially since Jason did not know they were there. No one knows where the glasses initially landed as the vehicle was towed from the scene for approximately 50 miles and jostled around many times before anyone examined it.

Jason had to have known it was a person because of the flashlight in the ditch.

False. The speculation about a "beacon of light" is most misleading. The flashlight photo depicts a small, three-inch keychain size looking flashlight. The Sheriff did not see the light, the tow truck driver did not see the light, and none of the witnesses saw the light, with the exception of one, who described it as a cell phone light and thought it would be more detrimental in use than good. Furthermore, every car that passed by all night and the following day did not see it and/or report it. It's not defensible to expect Jason to have seen it when no one else did.

There were no pictures of the vehicle taken at the scene.

False. Jason took a single photo of his vehicle the night of the accident. Jason voluntarily provided the image to investigators. One investigator mentioned Jason's vehicle was on the road upon seeing Jason's picture.

Jason's vehicle was off the road.

False. Though the SD Highway Patrol's theory is that Jason's vehicle had four tires north of the fog line and hit Mr. Boever near the grass, not even prosecutor Michael Moore believed that all four tires were north of the fog line. Jason took a single photo of his vehicle the night of the accident and voluntarily provided the image to investigators. See the image attached to review where the BCI investigator admitted the vehicle was on the roadway when vehicle was at final rest.

Jason was deceptive during the investigator's interview.

False. Jason went to two interviews voluntarily and without an attorney. In those interviews, Jason learned Mr. Boever went through the windshield. This news was obviously emotionally

upsetting. Following that information, the investigators demanded Jason was on his phone. Jason was not on his phone at the time of the accident. There is no evidence Jason was deceptive in the interviews, and relying on a body language "expert" is unconventional, but it is also not permitted in any legal proceeding of any kind. Further, the BCI agents eventually admitted that Jason's body language was appropriate when asked in the hearing. The investigators asked Jason to take a lie detector test, and Jason agreed to the examination. Jason further agreed to travel to North Dakota to take the test. A polygraph would have helped Jason prove he was not deceptive. However, the investigators never had Jason take a polygraph.

Jason was treated differently because he is the attorney general.

True. Jason would have been afforded his rights. Multiple pedestrian-vehicle accidents have occurred in South Dakota immediately before and after. All drivers were similarly charged if charged at all.

While there may be other conspiracy theories or speculation, none rely on actual evidence or provable testimony and, for that reason, must be dismissed.