



**THE Groton Independent**  
 South Dakota  
 Growing Families & Opportunities

Vol. 137 No. 26 ♦ Groton, South Dakota ♦ Wednesday, Feb 26, 2020 ♦ Established in 1889

# Five Groton grapplers head to state!



**A pep rally was held Tuesday afternoon for the five Groton Area grapplers heading to the state tournament this weekend in Sioux Falls. The high school wrestlers had to grapple with a younger Tuff Tiger and all of the younger Tuff Tigers won! Pictured above are Dragr Monson pictured with Parker Zoellner, Grady O'Neill with Kyson Kucker, Christian Ehresmann pictured with Bentley Ehresmann, Lane Krueger pictured with Keagan Kucker and Thomas Cranford pictured with Mason Locke. In front in the referee for the event, Ryan Scepaniak. (Photo by Paul Kosel)**



## Dinger, Meier in Middle School All State Band

The South Dakota Music Education Association will present the SD Middle School All-State Band on March 7, 2020 at the Mitchell Performing Arts Center at 3:00 PM. This concert will feature over 200 6th-8th graders from across the state performing in two bands under the direction of Dr. Haley Armstrong (School of Mines & Technology) and Dr. Cassandra Bechard (University of Dubuque).

Groton Area School is proud to have Gretchen Dinger and Lydia Meier participating this year. Gretchen is a 7th grader and was selected as a fourth chair Honor Band Member. She is attending Middle School All State Band for the second year in a row. Lydia is an 8th grader and was selected to be apart of the Festival Band.

There is a \$5.00 admission fee for the concert, tickets will be available for purchase at the door the afternoon of the concert. Students 18 and under are free.

Congratulations Gretchen and Lydia! We are so proud of you!

**From left to right: Gretchen Dinger (Flute) and Lydia Meier (Trumpet) Students are directed by Mrs. Desiree Yeigh and Mr. Austin Fordham.**

(Courtesy photo)

## Groton to host first round games

The Groton Area basketball teams will be hosting the first round region games next week. The girls will play Monday and the boys Tuesday. The games will be at 7 p.m. both nights at the Groton Area Arena.

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## February Students of the Month

From Back Left: Nathan Unzen (6th), Emma Kutter (8th), Sage Mortenson (11th), Megan Flihs (10th)

From front Left: Anna Fjeldheim (8th), Sierra Ehresmann (9th), Payton Colestock (12th)

Groton Area MS/HS School works to ensure that all levels of academic instruction also include the necessary life skills teaching, practicing, and modeling that encourages essential personal life habits that are universally understood to facilitate helping our students become good human beings and citizens.

It is learning with our heads, hearts and hands to be caring and civil, to make healthy decisions, to effectively problem solve, to be respectful and responsible, to be good citizens, and to be empathetic and ethical individuals.

Students are selected based on individual student growth in the areas of: positive behavior, citizenship, good attendance, a thirst for knowledge, and high academic standards.

## Groton Prairie Mixed

**February 19 Team Standings:** Shih Tzus 3, Jackelopes 3, Chipmunks 3, Coyotes 1, Cheetahs 1, Foxes 1

**Men's High Games:** Brad Waage 214, Roger Colestock 203, Roger Spanier 202

**Women's High Games:** Darci Spanier 197, Karen Spanier 176, Nancy Radke 165

**Men's High Series:** Brad Waage 567, Roger Colestock 539, Brad Larson 533

**Women's High Series:** Karen Spanier 485, Nicole Kassube 468, Darci Spanier 453

**February 12 Team Standings:** Jackelopes 83, Cheetahs 75 1/2, Shih Tzus 72, Coyotes 68 1/2, Foxes 68, Chipmunks 63

**Men's High Games:** Roger Spanier 211, Brad Waage 209, Brad Larson 204

**Women's High Games:** Karen Spanier 165, Sue Stanley 164, Nicole Kassube 162

**Men's High Series:** Brad Larson 565, Brad Waage 562, Tony Waage 547

**Women's High Series:** Karen Spanier 456, Sue Stanley 449, Nicole Kassube 442

## Groton Coffee Cup League

**Feb. 25 Team Standings:** Ten Pins 24, Biker Chix 21, James Valley 17, Kens 10

**High Games:** Vickie Kramp 201, Nancy Radke 179, Mary Jane Jark 168

**High Series:** Vickie Kramp 511, Nancy Radke 452, Mary Jane Jark 449

**Feb. 18 Team Standings:** Biker Chix 21, Ten Pins 20, James Valley 14, Kens 9

**High Games:** Nancy Radke 171, 169; Vickie Kramp 162, 159; Heather Nelson 159

**High Series:** Nancy Radke 478, Vickie Kramp 468, Sam Bahr 159

**Feb. 11 Team Standings:** Biker Chix 18, Ten Pins 17, James Valley 13, Kens 8

**High Games:** Vickie Kramp 198, 188, Heather Nelson 147, Nancy Radke 145

**High Series:** Vickie Kramp 537, Nancy Radke 401, Heather Nelson 396

## Conde National League

**Feb. 24 Team Standings:** Cubs 29, Mets 21, Giants 19, Braves 18, Tigers 17, Pirates 16

**Men's High Games:** Lance Frohling 200, 179; Ryan Bethke 180; Tim Olson 174.

**Men's High Series:** Lance Frohling 544, Ryan Bethke 462, Butch Farmen 459

**Women's High Games:** Sandy Hoops 195, Nancy Radke 184, Mary Larson 181.

**Women's High Series:** Joyce Walter 488, Vickie Kramp 488, Mary Larson 477, Nancy Radke 469.

**Feb. 17 Team Standings:** Cubs 29, Giants 19, Mets 17, Tigers 16, Braves 14, Pirates 13

**Men's High Games:** Troy Lindberg 199, 197; Butch Farmen 196; Rick Carlson 196; Lance Frohling 186

**Men's High Series:** Troy Lindberg 545, Lance Frohling 536, Butch Farmen 532

**Women's High Games:** Mary Larson 197, Sandy Hoops 154, Nancy Radke 152

**Women's High Series:** Mary Larson 438, Nancy Radke 413, Sandy Hoops 407

**Feb. 10 Team Standings:** Cubs 25, Giants 16, Tigers 15, Mets 14, Braves 14, Pirates 12

**Men's High Games:** Ryan Bethke 221; Austin Schulke 211; Russ Bethke 208, 200; Butch Farmen 202

**Men's High Series:** Russ Bethke 599, Butch Farmen 548, Ryan Bethke 515

**Women's High Games:** Vickie Kramp 189, 187; Nancy Radke 169; Mary Larson 162

**Women's High Series:** Vickie Kramp 523, Nancy Radke 472, Mary Larson 448

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# Lady Tigers beat Milbank

Groton Area's defense provided problems for Milbank's shooters as the Tigers posted a 41-35 win over Milbank. The game was played in Groton Thursday night.

Groton Area led at the quarterstops at 9-6, 15-12 and 33-24. Groton Area opened up an 10-point lead in the game, 40-30, and held off a late Milbank rally for the win.

Gracie Traphagen led the Tigers with 19 points followed by Alyssa Thaller and Allyssa Locke with seven apiece, Brooke Gengerke had four and Madeline Flihs and Kaycie Hawkins each had two points.

Groton Area made 14 of 47 shots for 29 percent while Milbank was 15 of 43 for 35 percent. From the line, Groton Area was 10 of 16 for 63 percent off of Milbank's 17 team fouls and Milbank was three of five for 60 percent off of Groton Area's nine team fouls. The Tigers had eight turnovers while Milbank had 11.

Maurina Street led the Bulldogs with 15 points while Jaecy Engebretson had 12, Madi Thue four and Lindsey Mertens and Isabella Anderson each had two points.

Groton Area won the junior varsity game, 29-14. Scoring for Groton Area: Trista Keith 5, Sydney Leicht 4, Shallyn Foertsch 4, Maddie bjerke 4, Aspen Johnson 3, Emma Schinkel 3, Marlee Tollifson 2, Madeline Flihs 2, Cadence Feist 1.

Jenna Dexter led Milbank with eight.

Milbank made a basket with four seconds left to win the C game, 31-29.

Scoring for Groton Area: Emma Schinkel 10, Anna Fjeldheim 6, Carly Guthmiller 5, Sydney Leicht 4, Lydai Meier 2 and Cadence Feist 2.



**Alyssa Locke gets ready to inbound the ball.** (Photo by Paul Kosel)



**Madeline Flihs ties up Maurina Street in the scramble for the basketball.** (Photo by Paul Kosel)



**Gracie Traphagen looks for an opening through the Milbank defense.** (Photo by Paul Kosel)



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## Five Groton Area wrestlers advance to state

Five of the seven wrestlers competing at the regional tournament Saturday in Sisseton have qualified for the state tournament. Dragr Monson was the regional champion at 113 pounds and also got his 100th win at the regionals. Grady O'Neill was the runner-up at 285 pounds. Christian Ehresmann placed third at 106 pounds and Lane Krueger at 182 pounds and Thomas Cranford at 160 pounds both placed fourth.

**106: Christian Ehresmann (27-14) placed 3rd and scored 18.0 team points.**

Champ. Round 1 - Christian Ehresmann (Groton Area) 27-14 received a bye () (Bye)

Quarterfinal - Christian Ehresmann (Groton Area) 27-14 won by fall over Gannon Gilligan (Kingsbury County) 25-19 (Fall 4:41)

Semifinal - Gunnar Kvistad (Clark/Willow Lake) 38-5 won by decision over Christian Ehresmann (Groton Area) 27-14 (Dec 6-0)

Cons. Semi - Christian Ehresmann (Groton Area) 27-14 won by fall over Ethan Opitz (Webster Area) 17-22 (Fall 1:54)

3rd Place Match - Christian Ehresmann (Groton Area) 27-14 won by decision over Jaxon Quail (Deuel) 22-17 (Dec 5-1)

**113: Dragr Monson (36-7) placed 1st and scored 26.0 team points.**

Champ. Round 1 - Dragr Monson (Groton Area) 36-7 won by fall over Parker Gill (Ipswich/Leola/Bowdle) 8-20 (Fall 1:19)

Quarterfinal - Dragr Monson (Groton Area) 36-7 won by fall over Joshua Kannegieter (Clark/Willow Lake) 24-22 (Fall 1:15)

Semifinal - Dragr Monson (Groton Area) 36-7 won by decision over Cael Larson (Webster Area) 35-9 (Dec 4-2)

1st Place Match - Dragr Monson (Groton Area) 36-7 won by decision over Riley Whitley (Redfield Area) 17-1 (Dec 7-5)

**152: Cole Bisbee (6-21) scored 2.5 team points.**

Champ. Round 1 - Cole Bisbee (Groton Area) 6-21 received a bye () (Bye)

Quarterfinal - Cullen McNeil (Redfield Area) 27-11

won by fall over Cole Bisbee (Groton Area) 6-21 (Fall 0:24)

Cons. Round 2 - Cole Bisbee (Groton Area) 6-21 won by tech fall over Braeden Johnson (Clark/Willow Lake) 5-26 (TF-1.5 4:11 (15-0))

Cons. Round 3 - Kadyne Weisser (Ipswich/Leola/Bowdle) 11-9 won by decision over Cole Bisbee (Groton Area) 6-21 (Dec 9-6)

**160: Thomas Cranford (17-12) placed 4th and scored 17.5 team points.**

Champ. Round 1 - Thomas Cranford (Groton Area) 17-12 won by forfeit over forfeit forfeit (Tio-spa Zina) 2-10 (For.)

Quarterfinal - Joe Hornick (Sioux Valley) 28-23 won by decision over Thomas Cranford (Groton Area) 17-12 (Dec 2-1)

Cons. Round 2 - Thomas Cranford (Groton Area) 17-12 received a bye () (Bye)

Cons. Round 3 - Thomas Cranford (Groton Area) 17-12 won by tech fall over Grant Weisser (Ipswich/Leola/Bowdle) 15-23 (TF-1.5 4:05 (16-0))

Cons. Semi - Thomas Cranford (Groton Area) 17-12 won by fall over Nate Kersting (Kingsbury County) 20-17 (Fall 4:35)

3rd Place Match - Joe Hornick (Sioux Valley) 28-23 won by decision over Thomas Cranford (Groton Area) 17-12 (Dec 10-3)

**182: Lane Krueger (23-17) placed 4th and scored 13.5 team points.**

Champ. Round 1 - Lane Krueger (Groton Area) 23-17 received a bye () (Bye)

Quarterfinal - Lane Krueger (Groton Area) 23-17 won by decision over Sam Grantham (Hamlin/Castlewood) 24-19 (Dec 7-3)

Semifinal - Gage Carter (Faulkton Area) 34-5 won by fall over Lane Krueger (Groton Area) 23-17 (Fall 2:47)

Cons. Semi - Lane Krueger (Groton Area) 23-17 won by tech fall over Dylan Geary (Kingsbury County) 11-15 (TF-1.5 4:53 (17-2))

3rd Place Match - Sean Domke (Redfield Area) 26-11 won by fall over Lane Krueger (Groton Area) 23-17 (Fall 2:17)

**195: Caleb Furney (4-9) placed 6th and scored 3.0 team points.**

Quarterfinal - Michael Stevenson (Hamlin/Castle-

wood) 27-19 won by fall over Caleb Furney (Groton Area) 4-9 (Fall 4:28)

Cons. Round 1 - Caleb Furney (Groton Area) 4-9 received a bye () (Bye)

Cons. Semi - Owen Kerkvliet (Kingsbury County) 16-14 won by decision over Caleb Furney (Groton Area) 4-9 (Dec 11-4)

5th Place Match - Connor Appel (Redfield Area) 21-15 won by fall over Caleb Furney (Groton Area) 4-9 (Fall 1:47)

**285: Grady O'Neill (25-16) placed 2nd and scored 18.0 team points.**

Quarterfinal - Grady O'Neill (Groton Area) 25-16 received a bye () (Bye)

Semifinal - Grady O'Neill (Groton Area) 25-16 won by fall over Ethan Skarnagel (Sisseton) 12-24 (Fall 4:49)

1st Place Match - Joey Hubsch (Webster Area) 33-5 won by fall over Grady O'Neill (Groton Area) 25-16 (Fall 1:35)

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# S.D. hunter residency investigation and arrest create 'nightmare' for retired combat veteran

By: Bart Pfankuch

The legal language describing who qualifies as a South Dakota resident when it comes to in-state hunting privileges is laid out in state law, but the real-world definition is now murkier than ever.

A recent drawn-out, highly charged criminal case in South Dakota could have further defined residency, particularly when it comes to so-called "snow birds" or part-time residents. Instead, the case has done the opposite, adding confusion rather than clarity to what it takes to become a resident and upending the life of a retired combat veteran along the way.

The recently settled criminal case in Aurora County has left the retired optometrist and veteran outraged and feeling persecuted, and has left state game officials and a local prosecutor disappointed that they were unable to convict the doctor of fraudulently obtaining resident hunting licenses.

Neither side of the equation says it feels good about the outcome of the case that involved an extensive two-year state investigation and cost the doctor nearly \$20,000 in legal fees, and which even swelled to involve Kelly Hepler, secretary of the South Dakota Game, Fish & Parks Department.

The case has also called into question the language in the GFP "Hunting and Trapping Handbook" — of which 180,000 free copies are distributed annually — that guides people on how to qualify as a legal resident for hunting purposes.

The defendant in the 2019 case was Jeffrey Peters, 64, a retired optometrist and a lieutenant colonel who served 30 years combined in the Army and National Guard, including a stint with the 101st Airborne Division in 2003-04 in which he treated the medical and ocular issues of U.S. soldiers while at Camp Anaconda and other sites on the front lines of the war in northern Iraq.

A state game official involved in the case said Peters' military record is laudable but is not relevant to the criminal case or whether he is a legal resident.

Peters was born and raised in Stickney, S.D., graduated from South Dakota State University, and spent most his career as an optometrist in Colorado.

Peters owns 581 acres of pastureland in Aurora County, and Peters' goal in 2017, he said, was to shift his life back to South Dakota in retirement, including establishing residency and hunting on his farm.

But because Peters still has a home in Colorado where his wife still lives and where he spent most of his time from 2017 to 2019, a local GFP game warden, his supervisors and the Aurora County state's attorney became determined to prove that Peters was not a legal South Dakota resident and had committed fraud.

Their certainty that Peters had violated the law led them to engage in an investigation that lasted nearly two years, delved deeply into Peters' life and cost untold thousands of state dollars.

Before filing four misdemeanor charges against Peters in November 2018, state investigators obtained nearly two years of Peters' cellphone records and correlated which cell towers were pinged; they drove by his South Dakota house at least 27 times and took 65 photos; they tracked his Facebook use; they interviewed his neighbors in White Lake and a contractor who worked on the property; they obtained real estate transaction and utility usage data; they recorded phone calls between Peters and an investigator; they examined UPS delivery information to both his homes; and they sent a state investigator to the Denver area in a failed attempt to interview Peters' wife.

Peters called the investigation and prosecution "a nightmare" that has cost him more than \$18,000 in legal fees, prevented him from hunting on his own land and shaken his faith in the GFP and the local prosecutor's office. He also had a potential one-year jail sentence hanging over his head for nearly a year.

"It's been a circus, a disgraceful circus what they put me through, an annoyance and a frustration for two full years," Peters said. "Here I am a com-



**Jeffrey Peters holds his South Dakota driver's license while sitting at the kitchen table of the home he owns in White Lake, S.D. In the video, Peters describes how the investigation into his life and whereabouts have affected him.** Photo/video: Bart Pfankuch,

bat veteran, a doctor with a successful practice, and for some reason the state decided that no way are we going to let some high-speed doctor come in here and violate our residency rules."

David Jencks, the Madison, S.D., attorney who represents Peters, said the state wanted to use Peters and the fact he owned a home elsewhere to set an example and clarify what he called "vague language" in state hunting-residency laws. He called the state's prosecution "arbitrary and capricious" and said he believed the case somehow became personal for the local game warden and prosecutor and ultimately led to an unreasonable level of investigation.

"This wasn't a rape or a murder or a million-dollar fraud, and in all my years I've never seen even close to this level of effort put forth on a misdemeanor case," Jencks said. "This went on far too long, was over-investigated, over-thought and irrationally thought. How and why they picked on this guy, a decorated military veteran with more ties to South Dakota than most South Dakotans, I just don't understand it and am at a loss to understand it."

In the end, just days before a trial was about to begin in September 2019, the four charges against Peters were dropped, and the state offered a plea agreement to a single, lower misdemeanor administrative count of "applying for a license when ineligible." On the advice of Jencks, Peters pleaded no contest, paid \$310 in fines and court fees and did not lose his hunting privileges.

## State: Peters is not a S.D. resident

Aurora County GFP conservation officer Lynn Geuke led the investigation into Peters' residency. He refused to speak to News Watch but did say



**Jeffrey Peters holds his 2019 deer hunting tags while standing on the porch of the home he owns in White Lake, S.D. In the video, Peters discusses his disappointment with how the state investigated him and pursued criminal charges against him.** Photo/video: Bart Pfankuch,

of Peters in a brief phone call, "Well, he was convicted."

John R. Steele, the Aurora County State's Attorney at the time of the Peters prosecution, pointed out that Peters had taken a homestead tax exemption on his Colorado property and that Peters had a prior misdemeanor conviction for illegally obtaining a resident hunting license in Lake County, S.D.

Peters pleaded guilty to that charge in 2016 and received a suspended imposition of sentence, effectively sealing the records from public view. Peters said he had researched residency laws before applying for that resident license and believed at the time he was in compliance by claiming residency at his brother's house in Madison, but now acknowledges that he likely was mistaken. He said he learned a lesson from that incident and sought in 2017 to obtain residency legally according to guidelines in the hunter handbook.

The cellphone information tracked by the state indicated that Peters spent 52 days in South Dakota in 2017 and 67 days in 2018, according to records obtained by News Watch.

In an interview and a subsequent letter to News Watch, Steele said that given the results of the investigation, he and the GFP did not consider Peters a resident for hunting purposes, and that the prosecution was based on that decision.

Steele acknowledged that South Dakota hunter-residency laws as written create "a gray area that involves making some judgment calls" and that Peters' dual residency became "the nub" of the case.

He said Peters may have generally followed the residency rules in the hunting handbook, but that Steele and the GFP took the position that a person's true residency is ultimately based "on where you actually live."

"The language of the handbook; I don't know that it's terribly relevant," said Steele, who resigned as Aurora County state's attorney in January and now serves as an unpaid deputy in the state's attorney's office. "The law speaks of residence, where you actually live ... you can do everything on the checklist but if you don't live here, you're not entitled to resident hunting privileges."

Based on the cost difference between resident and non-resident deer-hunting licenses in South Dakota, the monetary gain to Peters in the four crimes Peters was charged with would be about \$700.

But the state's motivation for prosecuting Peters goes far beyond the financial advantage he obtained by getting a resident license, said Emmett Keyser, southeast regional supervisor for the GFP Division of Wildlife.

Residents of South Dakota enjoy several opportunities for hunting that non-residents do not, such as being able to hunt waterfowl and pheasants in longer seasons, to hunt bighorn sheep or mountain goats, and to hunt elk in the Black Hills, Keyser said.

Legal residents expect that the GFP will uphold residency laws and investigate and prosecute those who may violate the laws, he said.

"It's important to note how passionate residents are in protecting those opportunities and ensuring that people do not attempt to fraudulently become residents," he said.

That view is supported by Chris Hesla, executive director of the South Dakota Wildlife Federation, a Pierre-based group whose motto is "Working to Preserve South Dakota's Hunting & Fishing Heritage."

Hesla said the state must be vigilant in prosecuting residency scofflaws to protect the rights of bona fide resident hunters, but also because actual residents pay regular taxes and license fees that support their ability to hunt. He added that people who live in South Dakota endure things like bad weather and low-pay jobs in order to obtain the benefits of "quality hunting and fishing and clean living" in a great environment.

"There's a big distinction between a resident and a non-resident, and the money has nothing to do with it in terms of the different price of the licenses," Hesla said. "Hunting and fishing is the reason

Continued from previous page

a lot of people stay in South Dakota, and there has to be benefits to living here, because it certainly isn't our pay."

## Peters: I followed the law as written

Peters and his attorney say Peters followed the law as laid out both in the hunting handbook and state statutes.

Before applying for a resident deer license in 2017, Peters bought a house in White Lake more than 90 days before applying. He paid to have it fixed up and built a shed in the back yard.

He also obtained a South Dakota driver's license, registered his vehicles in Aurora County and registered to vote in South Dakota. He said he relinquished his Colorado residency and even purchased a non-resident license when he once returned to Colorado to hunt pheasants.

He applied for and received a South Dakota resident East River landowner deer license and resident small-game license in 2017.

But the day before the 2017 deer season opened, Peters said he received a phone call from Geuke, the GFP conservation officer. Peters said Geuke told him that he did not consider Peters a resident and that his deer tags were not valid. Furthermore, Peters said Geuke told him that if Peters killed a deer, he could be liable for civil penalties. Though frustrated, Peters decided not to hunt that year.

Thus began the full investigation into Peters' living arrangements, movements, habits and use of his White Lake home.

The next fall, Peters once again applied for and received resident hunting licenses for deer and small game. Again, Geuke waited until just before the deer season started to confront Peters, though this time he appeared at his home with a sheriff's deputy to confiscate the hunting tags and inform Peters that he was being charged with four counts of unauthorized procurement of a hunting license, a Class 1 misdemeanor punishable by up to a year in jail, a \$2,000 fine or both. He was immediately released on his own recognizance.

While the hunter handbook lays out basic elements of residency, state law has language that is open to interpretation, indicating that a person must have a domicile for 90 consecutive days before applying for a license, make no claim of residency elsewhere and have a state driver's



**Kelly Hepler, secretary of the South Dakota Game, Fish & Parks Department**

license and vehicle registrations.

## Defining the word 'domicile'

The critical definition in Peters' case, and the one that the case could have clarified, is that of "domicile."

The law states: "A person's domicile is that person's established, fixed and permanent home to which the person, whenever absent, has the present intention of returning."

Jencks notes that nowhere does the law say how many days a year a person must live in the domicile, or whether the person needs to stay there for any specific period of time, only that the person intends to return at some point,

which Peters did at the White Lake home on a fairly regular basis.

South Dakota also has an uneven track record in regard to establishing residency. A 2019 South Dakota News Watch investigation revealed that thousands of people who only spend one night in the state have qualified as residents in terms of obtaining a driver's license, registering a vehicle and becoming a legal South Dakota voter.

Peters and Jencks prepared for trial and agreed to continuances requested by the state. Steele had issued a dozen subpoenas in the case, both for witnesses and information such as Peters' cellphone records.

Less than two weeks before the start of the Sept. 30, 2019, trial, Jencks filed a subpoena asking the court to require GFP Secretary Hepler to appear in court. Jencks wanted Hepler to explain how GFP defines a resident, what he knew about the investigation into Peters, and who had authorized such an extensive investigation.

Paul E. Bachand, special assistant to the state attorney general, filed a motion on Sept. 23, 2019, to quash the subpoena, arguing in part that, "some of the information sought would invade the client-attorney privilege and that other ideas were outside Secretary Hepler's knowledge."

The judge in the case, however, denied the state's motion to quash and ordered that Hepler would have to appear and testify at the trial.

Just prior to the trial, Jencks said he was contacted by Steele, the prosecutor, offering to drop the higher charges and instead offer Peters a plea deal with no jail time, a small fine and no loss of hunting privileges. It was also agreed that Peters would be able to hunt as a resident moving forward.

In an interview with News Watch, Hepler said he was aware of the Peters case but only because he was subpoenaed to testify. None of the decisions surrounding the case or investigation rose beyond the level of regional GFP supervisors, Hepler said.

Hepler said departmental attorneys fought the subpoena because Hepler felt he had nothing to add to the case. He said he would have appeared if ordered to do so, and added that to his knowledge, his subpoena and the judge's ruling upholding it had nothing to do with Peters' being offered a reduced charge before trial.

"I would have appeared, but I thought it was foolish because I had no interaction with these people whatsoever," Hepler said. "If they were making an assumption that I was directly involved in this case or that I directly made a decision on statutory law, that's way outside what I do for a living."

Steele would not discuss his reason for offering a plea.

Keyser, the GFP law enforcement supervisor, pointed out that the definitions of residency and domicile in state law are relatively new and somewhat open to interpretation. He noted that the Peters case could "potentially" have been a case that set precedent in terms of narrowing and clarifying those definitions.

Keyser said he still believes that Peters is not a South Dakota resident and that his home in Colorado is the permanent residence where he and his



**For three years straight, from 2017-19, the state Game, Fish & Parks Department issued resident deer tags to Jeffrey Peters, but he was unable to hunt in 2017 and 2018 due to an ongoing criminal case against him. In 2019, Peters was able to hunt as a legal resident using these tags as part of a plea agreement with the state.** Photo: Bart Pfankuch, South Dakota News Watch

wife both live.

"In his defense, Mr. Peters has attempted to look at all the facts and try to meet all these standards as best he can, but it still boils down to whether his domicile is in South Dakota or in Colorado, and it can only be one," Keyser said. "I'm sure he argues that, 'I live in South Dakota and I live in this small little house in small-town South Dakota and never mind that \$700,000 house or whatever I have in Colorado, this is where I live.'"

Keyser acknowledged that the investigation into Peters' residency was extensive, and that someone who is the subject of a potentially precedent-setting case may suffer some cost and hardship.

"It probably seems like it's kind of odd the we would look at that with that much scrutiny," Keyser said. "But it could, as with any case, it has the potential to set precedent."

Keyser said the investigation was initially driven forward by Geuke, the local game warden, but that eventually Steele, the state's attorney, became the key player in deciding what investigative options would be pursued.

Steele told News Watch that, in regard to the extent of the investigative effort, "that's not my bailiwick. The Game, Fish & Parks Department runs its affairs and it decides what investigations are warranted." He added: "We did not run the investigation; that was run by GFP."

Keyser said it was necessary to get all the facts needed to make a strong case that Peters was a non-resident when he applied for a hunting license.

"If you want to paint that in a negative light, that it seemed like we wasted a lot of resources to determine if he was really domiciled in South Dakota, you can make that argument," Keyser said. "But at the same time, the public would always want us to do the right thing. At some point there's probably a level of reasonableness in terms of the expenditure of time and effort, but it was still our intent to look at the definition of domicile to make sure we had all the facts we needed to have in terms of this case."

## Unusual step: Local guidelines written

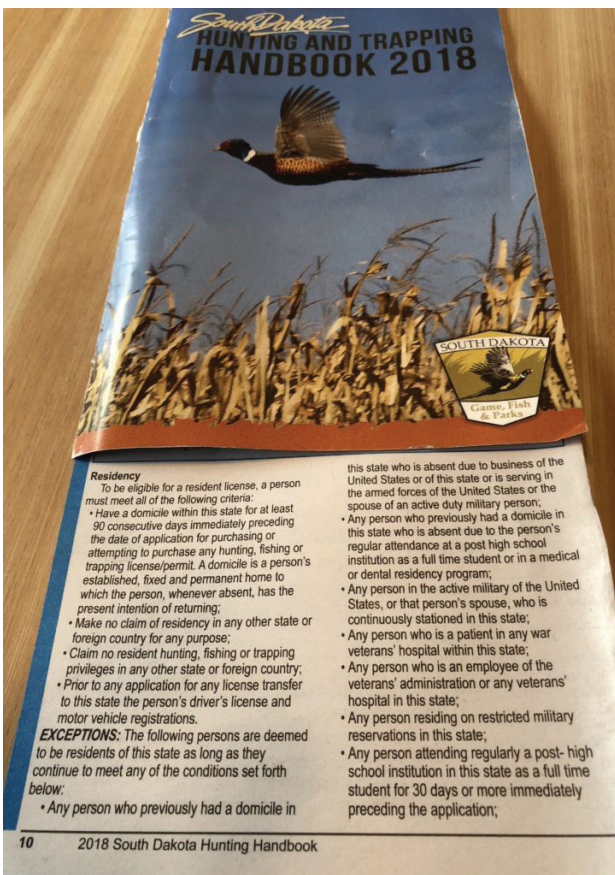
After the case, Steele took the unusual step of authoring a new set of residency guidelines called, "Prosecution standards for part time residents seeking SD hunting licenses."

Steele told News Watch the guidelines are "an internal policy" in place only for Aurora County and that the policy was distributed only to Jencks, Peters, Officer Geuke and Steele's staff.

Steele and new Aurora County State's Attorney Rachel Mairose told News Watch the policy was discussed as part of the plea agreement with Peters and then written and provided to Peters, Jencks and Geuke after the case had ended.

"It was our attempt to formulate a consistent policy that would be applicable to people who fall between the cracks, who have two residences in the sense of houses or other abodes and spend time in both of them," Steele said. "How are we going to consistently handle those situations so that we've got clear lines of demarcation as to

**Continues on next page**



**About 180,000 copies of the 2018 South Dakota Hunting and Trapping Handbook were distributed free across the state and provided instructions, on Page 10, about requirements to establish residency to gain in-state hunting privileges.** Photo: Bart Pfankuch, South Dakota News Watch

what we will look at as a violation of game laws and what we won't?"

However, the local policy includes elements of residency that are not addressed in state law, such as defining "dwelling" as a structure with permanent electrical service, an indoor, functional kitchen and bathroom with hot and cold running water, and a sewage connection.

Now that the Peters case has ended, Steele said he still does not consider Peters a South Dakota resident but has agreed not to prosecute him further.

"Do I think he's a bona fide resident at this point? No, I don't," Steele said. "But he's jumped through enough hoops that, yeah, we're going to make the call that we're not going to prosecute this case. That's what that policy is all about."

Peters went deer hunting in November and had no interactions with Geuke or any other game warden. He said in February that he was considering a move to Rapid City.

Peters said he deserves an apology for the stress and heartache he has endured during the investigation and prosecution.

"I feel it's very disgraceful that the GFP has had the opportunity to invade my life for the past two years," he told News Watch. "With no apology from the game, fish and parks, nor the [GFP] commission nor the secretary nor the game warden. No one has offered an apology for taking control of my life for the past two years."

# Rebounds and free throws propel Milbank to win over Groton Area



**Jonathan Doeden shoots over Milbank's Carter Hartman.** (Photo by Paul Kose)

Milbank went back on top by 11, 31-20, and the Tigers battled back, making it a three point game at one point, 35-32. Milbank held a 41-36 lead at the end of the third quarter.

Milbank made 13 of 14 free throws in the fourth quarter. Groton Area closed to within two points, 52-50, and had chances to tie or take the lead. Milbank then scored eight straight points to take a 10-point lead, 60-50.

Jonathan Doeden led the Tigers with 18 points, four rebounds, one assist, one block and two steals. Kaden Kurtz had 16 points, four rebounds and one steal. Cade Guthmiller had 10 points, four rebounds and one steal. Lane Tietz had five points and four rebounds. Austin Jones had three points and one rebound. Tristan Traphagen had two points. Tate Larson had one point and one rebound.

Rebounds and free throws were the key element to Groton Area's 62-55 loss to Milbank in boys' basketball action played Friday in Milbank.

Groton Area goes to 14-4 on the season while Milbank improves to 11-7. The Tigers will travel to Clear Lake on Thursday where a double header will be played with Deuel.

The Bulldogs controlled the boards, 35-21, with Groton Area getting just two offensive rebounds while Milbank had seven offensive rebounds. Milbank missed just one free throw, making 14 of 15 for 93 percent off of Groton Area's 17 team fouls. Groton Area made 11 of 19 free throws for 58 percent off of Milbank's 15 team fouls.

The game was tied five times and there were two lead changes in the first quarter before Milbank took a 14-13 lead at the end of the first quarter. The Bulldogs went on an eight point run to take a 25-13 lead midway in the second quarter. Lane Tietz made a near half court shot right before the half time buzzer to cut Milbank's lead down to nine at half time, 29-20.

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Bennett Schwenn led the Bulldogs with 29 points and four rebounds. Max McCulloch had a double-double with 11 points, 10 rebounds and was nine of 10 from the line. Carter Hartman had 13 points and six rebounds. Ryker Trevett had five points and Will Cummins and Evan Erickson each had two points.

Groton Area was four of 13 in three-pointers while Milbank was four for 14. In field goals, Groton Area was 20 of 46 and Milbank was 22 of 47. Milbank had more turnovers, 9-6.

The game was broadcast live on GDILVE.COM, sponsored by the Aberdeen Chrysler Center.

Milbank won the junior varsity game, 48-43. Groton held a 17-10 lead at the end of the first quarter and a 28-17 lead at half time. The Tigers enjoyed a 32-20 lead early in the third quarter, but Milbank scored 13 straight points to take a 33-32 lead at the end of the third quarter. The lead changed hands two more times and the game was tied once before Milbank pulled away for the win.

Isaac Smith led Groton Area with 12 points while Lane Tietz had eight, Jayden Zak seven, Jacob Zak four and Kannon Coats 2. Stevie Ash led Milbank with 15 points while Karson Weber had 10, Kellen Hoeke eight, Carter Hartman and Tanner Mertens each had six and Justus Osborn had three points.

The junior varsity game was broadcast live on GDILVE.COM, sponsored by the Julie and Carson Larson family.

Groton Area won the C game, 42-36. That game was tied six times and there were seven lead changes with the last lead change happening late in the game as Groton Area took a 37-36 lead. The Tigers scored the last seven points.

Tate Larson led Groton Area with 15 points while Cole Simon had 12, Jackson Cogley six, Jacob Zak five and Wyatt Hearnen four.

Wylie Mursu led the Bulldogs with 17 points as Aiden Fell had 11, Eli Johnson six and Justus Osborn added two points.

The C game was broadcast live on GDILVE.COM, sponsored by Ronayne Law Office.



**Cade Guthmiller looks for an open player.** (Photo by Paul Kose)

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## Petitions due 5 p.m. Friday

Petitions for the Groton City Council and the Groton Area School District are due by 5 p.m. Friday. As of Tuesday, two petitions were handed in for both races.

According to Groton Area Business Manager Mike Weber, incumbents Steve Smith and Grant Rix have turned in their petitions for their three-year term. Weber also said that one other petition was downloaded from the Secretary of State website. That one has not yet been returned.

Meanwhile City Finance Officer Hope Block provided an update on the Groton City Council openings.

Councilman, Ward 1, 2 year term: Incumbent David Blackmun has taken out a petition but has not turned it in yet.

Councilman, Ward 1, 1 year term: Incumbent Jon Cutler has taken out a petition, but has not turned it in yet.

Councilman, Ward 2, 2 year term: Troy Lindberg has turned in his petition. Incumbent David McGannon has not taken out a petition.

Councilman, Ward 3, 2 year term: Kristie Fliehs has turned in her petition. That spot was held by Burt Glover who has moved out of town.

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