



Meade County Sheriff's Office
1400 Main St.
Sturgis SD 57783
(605)347-2681

CR 17-384

STATE OF SOUTH DAKOTA
COUNTY OF MEADE

State of South Dakota

Plaintiff,

- vs -

MARSH, STORMY GAYLE

DOB 11/13/79

PO BOX 685

MILES CITY, MT 59301

Defendant

FOURTH JUDICIAL CIRCUIT
AFFIDAVIT OF PROBABLE CAUSE
FOR WARRANTLESS ARREST

FILED

AUG 03 2017

SOUTH DAKOTA UNIFIED JUDICIAL SYSTEM
4TH CIRCUIT CLERK OF COURT

MARSH, STORMY GAYLE has been arrested and charged with:
22-16-7 - Murder In Second Degree-Depraved Mind

Probable cause for this arrest is as follows:

On August 2, 2017, at approximately 0230hrs, I received a telephone call from Sergeant Deyo. I was advised that Deputies had responded to a call of a possible homicide that had occurred at 9543 Fillmore Street in Summerset, SD.

Upon arrival, I met with Sergeant Deyo, Sergeant Reimer and Sheriff Merwin. I was advised that the victim had been identified as Phyllis Mastin. I was then advised that a roommate of Phyllis had found Phyllis deceased. This roommate was identified as Cheryl Cox. Cheryl had stated that Phyllis had recently traveled to Broadus Montana. When Phyllis returned from Broadus another individual, identified as Stormy Marsh who had been invited to stay at the house by Phyllis.

Cheryl had stated that Phyllis's vehicle was missing and Cheryl believed Stormy had taken the vehicle. An attempt to locate was placed on the vehicle, this vehicle was quickly located near the Big D gas station located near the intersection of Sturgis Road and Omaha Street. Pennington County Deputy Carlson located the vehicle and in the process, had noticed a female running from the vehicle. Closer inspection revealed the vehicle was abandoned with the driver's door open. Pennington County Deputies and Rapid City Police Officers conducted a search with K-9 support but were unable to locate the driver.

Agent Goble and I then conducted an interview with Cheryl, at the Summerset Police Department. Cheryl stated that the only individuals in the residence were Phyllis, Stormy and Cheryl. Cheryl had gone to bed at approximately 2230. When Cheryl went to her bedroom Phyllis was making her bed and getting ready to go to sleep. At approximately midnight Cheryl woke up and found that the television in the residence was still on, Cheryl started that she had trouble sleeping when the television is left on, so she went to the living room and turned the television off. While she was doing this Cheryl noticed that the door to the bedroom that Stormy used to store her stuff and Phyllis's bedroom door were both closed. Cheryl commented that Stormy sleeps on the couch in the living room because her bedroom is so cluttered to sleep in. Cheryl stated that approximately 10-15 minutes after shutting off the television Stormy turned on the television again, this time the volume was louder than when the television was shut off the first time. Cheryl did state that she could see Stormy walking around the residence during this time through a gap near her door. Cheryl stated that no one else was in the residence. Cheryl stated that Stormy was "rummaging" through items and making lots of noise. Cheryl did not feel safe about confronting Stormy about the noise. Cheryl then heard a door slam and heard Phyllis's vehicle leave the residence. Cheryl came out of her bedroom and found Phyllis deceased in her bedroom. Cheryl then locked both doors to the house and called 911 to report the incident to law enforcement.

After completing the interview with Cheryl, I escorted her back to the residence to retrieve her dog and some personal items. While we were in the residence Cheryl noticed that Phyllis's cell phones were also missing from the residence.

Upon my return to the Summerset Police Department we were able to make contact with the Meade County Sheriff's Dispatch Center and requested a location ping be performed on the cell numbers associated with Phyllis Mastin's cell phones.

At approximately 0620 hrs these location pings showed the phone belonging to Phyllis Mastin was at or near the Rapid Motel (3609 Sturgis Rd, Rapid City) near the intersection where Phyllis's vehicle was abandoned. Rapid City Police Officers were sent to this location and they were able to locate Stormy Marsh at the Rapid Hotel.

SSA Garland was able to make contact with Peter Bullinger in room 126 at the Rapid Hotel. Peter told SSA Garland that Stormy had arrived and asked if she could come into his room. Peter noticed that she was crying and had a wound on the knuckle of her left hand, Peter also stated that he believed Stormy had blood in her hair. Stormy made a comment about wondering if her friend in Summerset was okay but told Peter not contact the police. When the police arrived at the hotel Peter approached them and told them Stormy was in his room. When he returned to his room Peter found that Stormy had washed her hair and had dried off with a towel. When Stormy was contacted by police she was found in possession of a towel and a Budweiser beer (both taken from Peter's room). This towel was later collected by SSA Garland because it had a reddish-brown stain on it that resembles blood.

Sergeant Deyo had contacted the manager of the Big D where the vehicle had been located. We were able to get security video from the store that shows a red mustang pull into the parking lot and shows Stormy walk to the window in front of the business. Stormy realizes that the business is closed and then returns to the vehicle. The red mustang is then observed driving across the road to the Rapid Hotel and then it returns to the Big D a short time later. Shortly after the vehicle returns to the Big D the Pennington County Deputy arrives in the area and he reports seeing a female running away from the vehicle (this not captured on camera)

Stormy was detained and was taken to the Division of Criminal Investigation Office located in Rapid City. Agent Goble and I then conducted an interview with Stormy. During this interview, Stormy stated that Phyllis's ex-boyfriend Jim had come to the residence. While at the residence, there was an argument and physical altercation between Jim, Phyllis, and Stormy. Stormy stated that during the altercation she received cuts attempting to take a knife from Jim. Stormy said that she also punched Jim in the nose causing him to bleed in Phyllis's bedroom. Stormy said that Phyllis kicked Jim in the "nards" and in the face. After this the physical altercation had deescalated and Phyllis told Stormy to just leave. Stormy said that she and Phyllis had a pre-arranged meeting spot of BJ's country store in Black Hawk. Stormy stated that she had driven Phyllis's vehicle from the residence to BJ's Country store. Stormy waited for approximately 20 minutes at BJ's Country Store and then traveled into Rapid City to the location where the vehicle was eventually located by the Pennington County Sheriff's Office. Stormy also admitted to having Phyllis's cell phone with her at this time. When asked directly Stormy said she avoided the police that located her car and were looking for her because she was in possession of a small amount of marijuana and recently smoked a bowl.

A search warrant was obtained by the Meade County Sheriff's office authorizing the search of 9543 Fillmore St in Summerset and the red mustang bearing SD license plate 2N7 349 registered to Phyllis Mastin that was abandoned at the Big D on Sturgis Rd. in Rapid City. The Search Warrant also authorized law enforcement to photograph and process the person of Stormy Marsh.

During the search of the residence law enforcement found the body of Phyllis Mastin lying on her back partially wrapped in a blanket on her bed. Closer examination of the body revealed several wounds consistent with a sharp-edged instrument on her torso and arms. A large knife and firearm were located under the body. The scene also showed evidence that the property belonging to Stormy was thrown out of the room she was occupying and was scattered from the residence to the parking area.

While processing and photographing the person of Stormy Marsh I noticed several fresh cuts and scratches on Stormy's hands and arms and what appeared to be recent bruising on her arms and legs. Additionally, while swabbing Stormy's right foot I found a reddish-brown substance that appeared to be blood (not near a corresponding injury). While collecting the socks that were seized from Stormy's person I notice both socks had a reddish-brown substance on them that appeared to be blood.

During the search of the red Mustang belonging to Mastin, law enforcement discovered a knife wrapped in a green towel behind the driver's seat. Closer examination of the knife revealed reddish brown substance and black hair. A document and pill bottle bearing Stormy's name were found in the vehicle. In the trunk of the of the vehicle, a black shirt and black pants were discovered wrapped within a multi-colored blanket. The shirt and pants appeared saturated with a unknown substance, consistent with dried blood. The blanket had reddish-brown stains on the surface. The blanket color pattern was consistent with a matching pillow found on Mastin's bed.

Stormy Marsh was charged with 2nd degree Homicide in violation of SDCL 22-16-7 and was turned over to the Meade County jail correctional staff.

Signed

Bostrom, Dustin

Sworn to and subscribed before me, on this 2 day of August 2017.

Signed

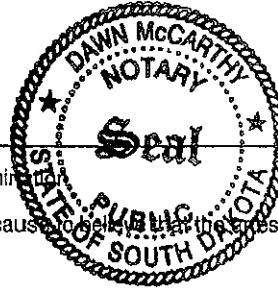
Notary Signature

My Commission Expires _____ (SEAL)

My Commission Expires

December 8, 2022

Probable Cause Determination



On the basis of the foregoing affidavit, I hereby determine that probable cause exists that the arrestee has committed the crime of:

22-16-7 - Murder In Second Degree-
Depraved Mind

Exists | Bond \$ _____ Conditions _____

ATTEST:

Signed

Date / Time

Meade County Clerk of Courts

BY: _____

FILED

AUG 03 2017

**SOUTH DAKOTA UNIFIED JUDICIAL SYSTEM
4TH CIRCUIT CLERK OF COURT**

By _____

UNIFORM TRAFFIC TICKET

SUMMONS & COMPLAINT

4217-384

CR# 17-4786
CITY OF STURGIS
COUNTY OF MEADE,
STATE OF SOUTH DAKOTA, PLAINTIFF - VS -

COURT RECORD

IN CIRCUIT COURT
MAGISTRATE DIVISION
4TH JUDICIAL CIRCUIT

MARSH
(DEPENDENT LAST NAME / AKA)

NO. 020697 SO

THE UNDERSIGNED PEACE OFFICER COMPLAINS & STATES THAT

ON OR ABOUT 8-2-17 AT OR NEAR (LOCATION) 1400 Main St AT TIME 1630
WITHIN THE COUNTY AND STATE AFORESAID

NAME (LAST, FIRST, M.I.) Marsh Stormy G HEIGHT 5'6" SEX F
STREET ADDRESS 9543 Fillmore St WEIGHT 130 RACE W
CITY Summerset STATE SD ZIP 57718 BIRTH DATE 11-13-79
EMPLOYER HOME PHONE WORK PHONE

SOC. SEC. NUMBER DRIVERS LICENSE NUMBER 02822860 STATE MT

DID OPERATE PARK VEHICLE MAKE BODY STYLE
UNLAWFULLY:
STATE LICENSE NO. YEAR STATE VEHICLE COLOR

AND THEN AND THERE COMMIT FOLLOWING OFFENSE(S); TO WIT:

DESCRIBE VIOLATION(S) AND SDCL OR CITY CODE(S):

2nd Degree Homicide

SDCL 22-16-7

SPEEDING: MPH IN MPH ZONE MUNICIPAL OTHER INTERSTATE

OFFICER ISSUING SUMMONS D. O'Sashon NO. 49814 CITY OF STURGIS STATE OF SD

ABOVE COMPLAINT IS TRUE AS I VERILY BELIEVE.

OFFICER TO SIGN IN PRESENCE OF COURT OR NOTARY:

SUBSCRIBED AND SWORN TO ME THIS DATE:

DAWN MCCARTHY
NOTARY

SUMMONS AND PROMISE TO APPEAR

DEFENDANT IS ORDERED AND PROMISES TO APPEAR IN COURT AT THE MEADE COUNTY COURTHOUSE, 1425 SHERMAN ST., PO BOX 939, STURGIS, SOUTH DAKOTA 57781

ON DATE OF 10-2-2020 5:00 P.M.

X In Custody

DEFENDANT'S SIGNATURE: (SIGNING THIS FORM IS A PROMISE TO APPEAR; NOT AN ADMISSION OF GUILT. WARRANT MAY BE ISSUED.) My Commission Expires

COURT APPEARANCE REQUIRED. NO COURT APPEARANCE IS REQUIRED. December 8, 2022 POA IN THE AMOUNT OF

\$ MAY BE MAILED TO THE ABOVE ADDRESS.

STATE OF SOUTH DAKOTA)
COUNTY OF Meade) SS

IN CIRCUIT COURT
4th JUDICIAL CIRCUIT

STATE OF SOUTH DAKOTA,)
vs. Stormy Marsh)
DEFENDANT.)

ORDER FOR
COURT APPOINTED COUNSEL
CR1 17-384

Upon examining the Application for Court Appointed Counsel submitted by the above-named Defendant, the Court is satisfied that the Defendant is indigent and financially unable to obtain counsel.

IT IS HEREBY ORDERED THAT Randall Connelly - of Rapid City, South Dakota, being a member of the Bar, is hereby appointed to represent the Defendant in all matters pertaining to this action, unless or until relieved by this Court, all pursuant to South Dakota law.

IT IS FURTHER ORDERED AND AGREED UPON by the Defendant that the Defendant pay \$ _____ per week /biweekly /monthly, (circle applicable schedule), toward court appointed counsel fees with the first payment due on the _____ day of _____, 20____. Such payment shall be made to the Clerk of Courts for this county and credited to the final amount owed.

FILED

Dated this 3 day of Aug. 2017

AUG 03 2017

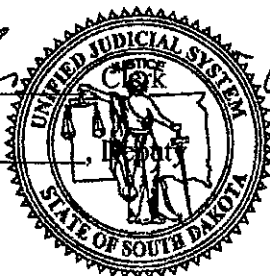
SOUTH DAKOTA UNIFIED JUDICIAL SYSTEM
4TH CIRCUIT CLERK OF COURT

BY THE COURT:

[Signature]
Judge/Clerk-Magistrate

By _____

[Signature]



CIR. GRR 8/21/17
0830