

STATE OF SOUTH DAKOTA)
) SS.
COUNTY OF MINNEHAHA)

IN CIRCUIT COURT
SECOND JUDICIAL CIRCUIT

STATE OF SOUTH DAKOTA,)
)
Plaintiff,)
)
v.)
)
KEVIN TRIPP,)
)
)
Defendant.)
)
)

Crim. No. 17-8454

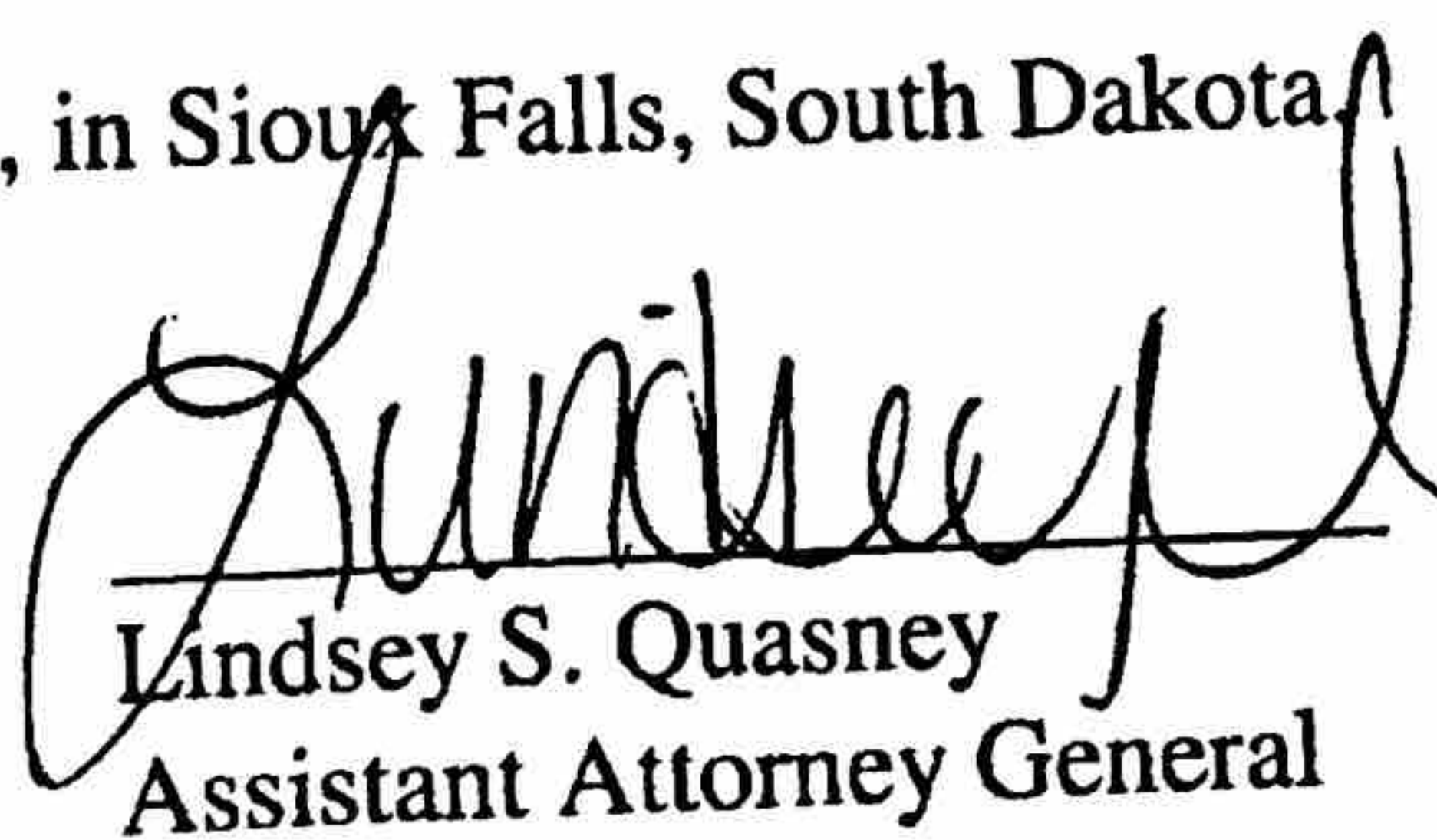
MOTION REQUESTING ORDER TO SEAL
AFFIDAVIT IN SUPPORT
OF APPLICATION FOR ARREST
WARRANT & COMPLAINT

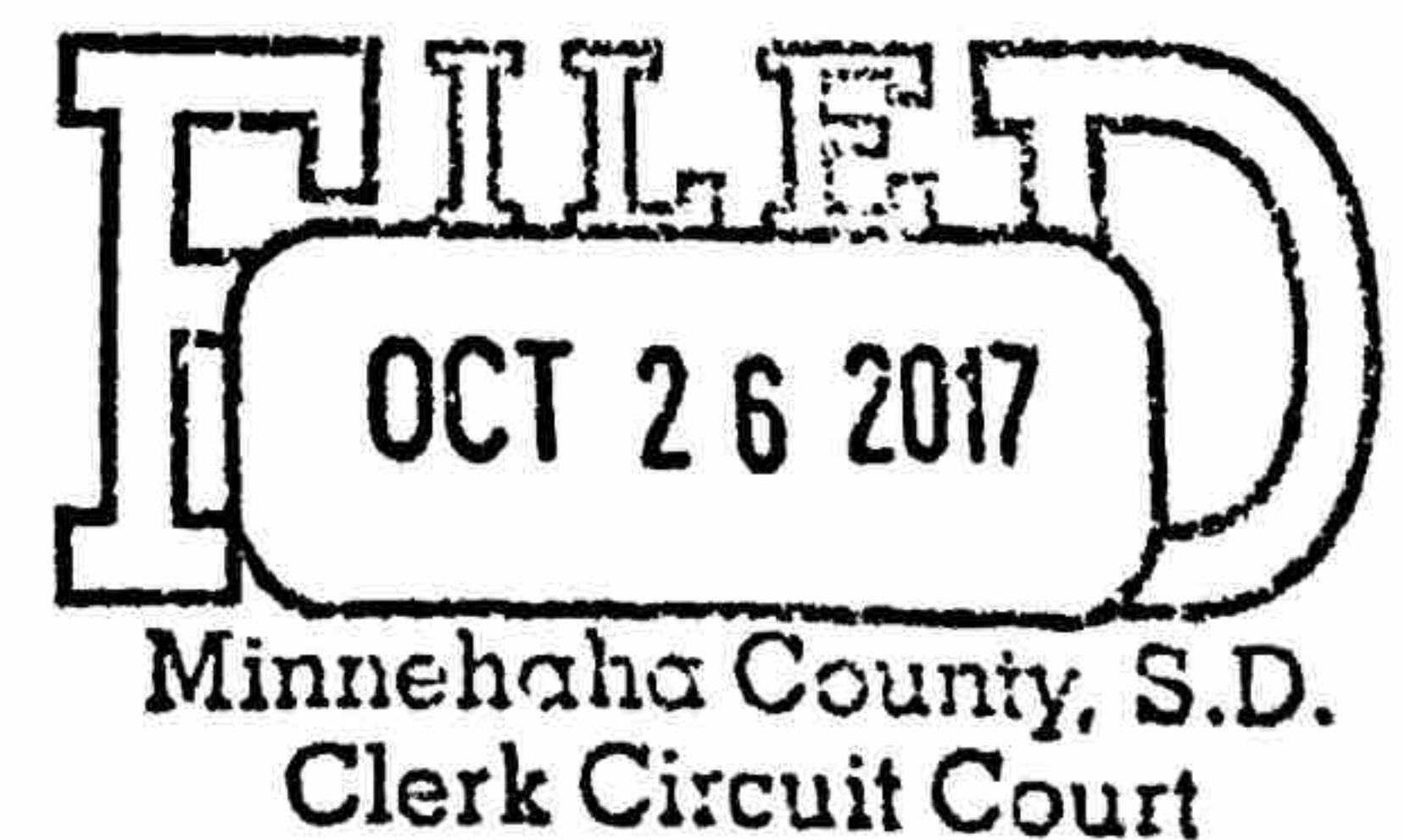
COMES NOW the State of South Dakota, by and through its counsel, Lindsey S. Quasney, Assistant Attorney General, and respectfully requests this Court enter an Order Sealing the Affidavit in Support of Application for Arrest Warrant & Complaint.

The State bases this motion off of Marsy's Law, S.D. Const. Art. VI, § 29. The Affidavit in Support of Application for Arrest Warrant and the Complaint both list the victim's full name and date of birth. The State is requesting that these documents be sealed to protect the victim's privacy. The victim's name will be provided to defense.

The State further requests leave to file an Amended Complaint and Affidavit in Support of Application for Arrest Warrant using the victim's initials instead of the full name.

Dated this 26th day of October 2017, in Sioux Falls, South Dakota.


Lindsey S. Quasney
Assistant Attorney General



STATE OF SOUTH DAKOTA)
) SS.
COUNTY OF MINNEHAHA)

IN CIRCUIT COURT
SECOND JUDICIAL CIRCUIT

STATE OF SOUTH DAKOTA,)
)
Plaintiff,)
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v.)
)
KEVIN TRIPP,)
)
)
Defendant.)
)

Crim. No. 17-8454

ORDER TO SEAL
AFFIDAVIT IN SUPPORT
OF APPLICATION FOR ARREST
WARRANT & COMPLAINT

Wherefore, the Attorney General's Office, having moved this Court to seal documents under Marsy's Law. S.D. Const. Art. VI, § 29, specifically, the Affidavit in Support of Application for Arrest Warrant and the Complaint filed in the above case, and it appearing appropriate and proper to do so, it is hereby

ORDERED that the Affidavit in Support of Application for Arrest Warrant and the Complaint be sealed, and that the Attorney General's Office be permitted to file an Amended Complaint and an Amended Affidavit in Support of Application for Arrest Warrant using the victim's initials and without listing the date of birth.

Dated this 26th day of October 2017, at South Falls, South Dakota.

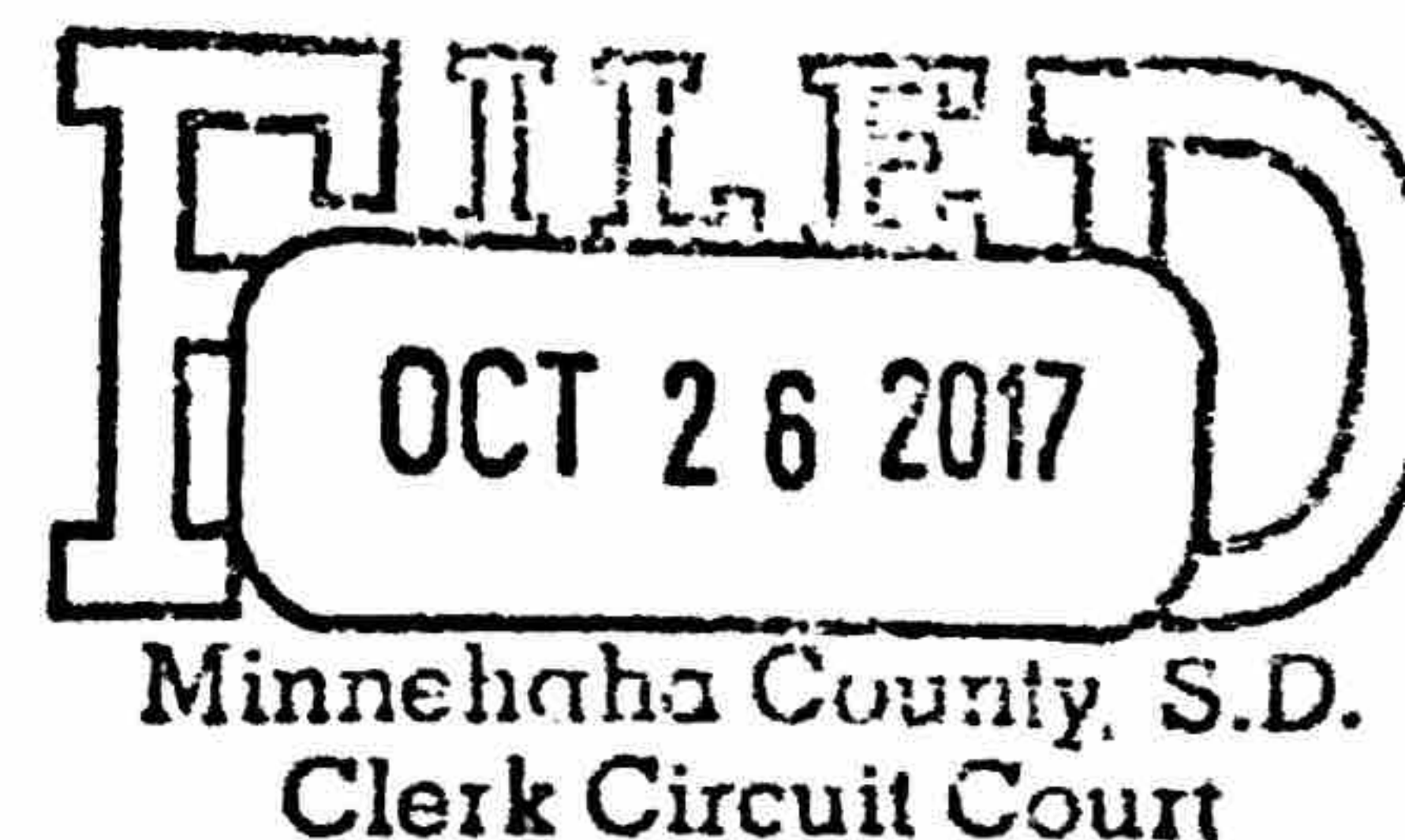
ATTEST:

Clerk of Court
(SEAL)



BY THE COURT:


Circuit Court Judge



STATE OF SOUTH DAKOTA)
) SS.
COUNTY OF MINNEHAHA)

IN CIRCUIT COURT
SECOND JUDICIAL CIRCUIT
Crim. 17-8451

STATE OF SOUTH DAKOTA,

Plaintiff,

VS.

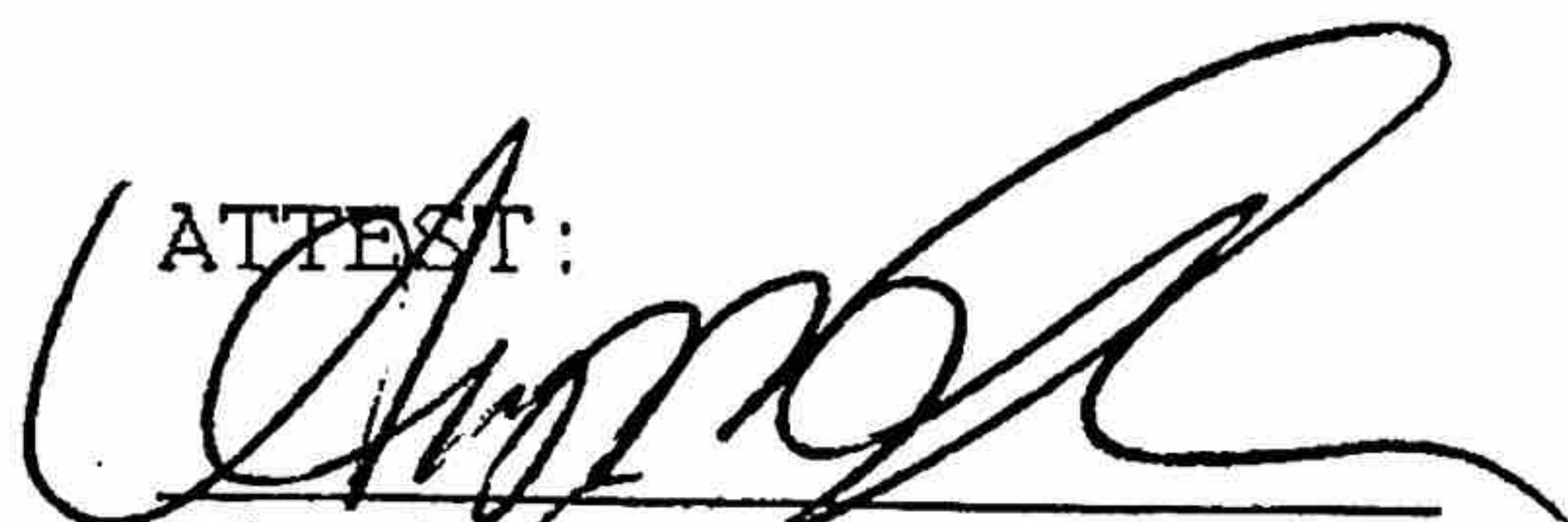
ORDER SEALING ARREST
AFFIDAVIT

Kevin Christopher Tripp
DOB: 05/09/1992
1600 N. Drive
Sioux Falls, SD 57104
SDSP Inmate

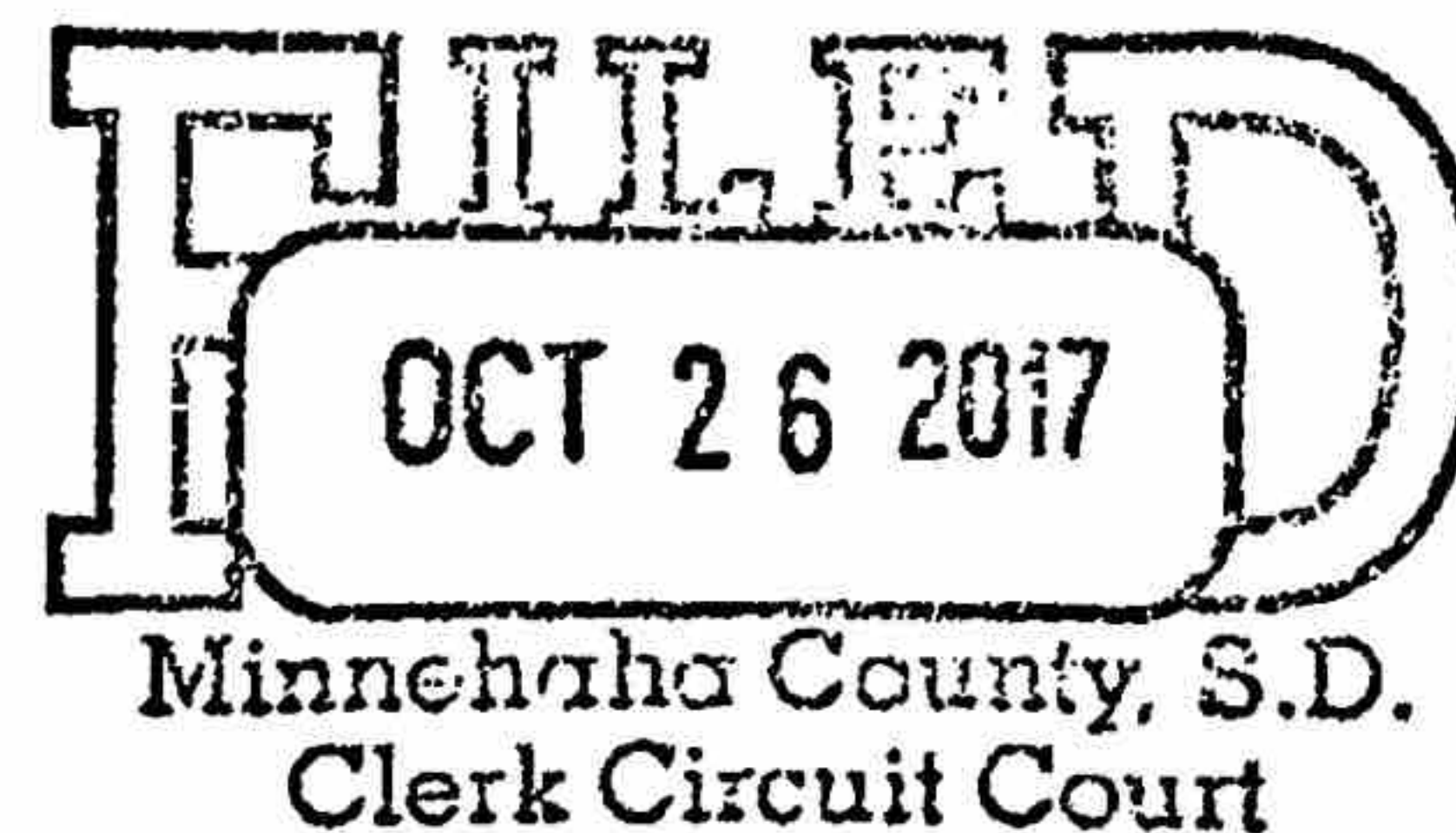
After reviewing the Affidavit of SD Division of Criminal Investigation Special Agent Jon Basche and finding reasonable cause shown therein to protect the identity of the said victim, this Court hereby ORDERS that, pursuant to SDCL 23A-35-4.1, the contents of the Affidavit in Support of an Arrest Warrant dated, October 25th, 2017, be sealed until investigation is terminated or until an Indictment/Information is filed.

Dated this 26th day of October 26th, 2017.


Circuit Court Judge

ATTEST:

Clerk of Courts

(SEAL)



STATE OF SOUTH DAKOTA)
:SS
COUNTY OF MINNEHAHA)

IN CIRCUIT COURT
SECOND JUDICIAL CIRCUIT

STATE OF SOUTH DAKOTA

Plaintiff,

vs.

Kevin Christopher Tripp
DOB: 05/09/1992
1600 N. Drive
Sioux Falls, SD 57104
SDSP Inmate

Defendant,

** Amended*

AFFIDAVIT IN SUPPORT OF
APPLICATION FOR
ARREST WARRANT

I, Jon Basche, being first duly sworn on oath, depose and state that I am a Special Agent with the South Dakota Division of Criminal Investigation and that I am one of the agents in charge of the investigation of the above-styled matter. That your Affiant makes this Affidavit in support of the State's Attorney's request for a warrant for the arrest of the above-named Defendant(s), and in compliance with SDCL 23A-2-2, and states as follows:

1. On Oct. 23, 2017 I (SA Jon Basche) was contacted by the SD State Penitentiary Special Security regarding a staff assault that occurred in Oct. 23rd, 2017. Special Investigations Unit Lt. Summers stated that Inmate Kevin Tripp physically assaulted a DOC employee after a class in the prison learning center. The victim will be referred to as AR for the remainder of this report.
2. At approximately 3:30 PM I responded to the State Penitentiary and made contact with SIU Lt. Summers and SIU Lt. Chad Rotert. I was informed that the victim of the assault was a DOC Employee named AR. The suspect of the assault was identified as inmate Kevin Tripp. The assault had occurred inside the Penitentiary Learning Center Building room # 209. The reported assault was captured on the prison's video surveillance system.
3. I was advised by prison staff that AR teaching a class that began at 1:00 PM. The class was conducted inside room #209 of the Prison Learning Center. There were five inmates that attended the class. The class ended at approximately 2:30 PM. At the conclusion of the class inmate Tripp stayed in his seat until the other inmates left the room. Inmate Tripp approached AR and stated that he wanted to discuss the course material. During the conversation, inmate Tripp grabbed AR's left arm with a tight grip. AR attempted to pull away from inmate Tripp as he continued to physically hold him/her. Inmate Tripp placed his arm around AR's neck and

forced him/her to the ground. AR was able to access OC spray and deploy it to inmate Tripp's face. Inmate Tripp momentarily backed away from AR and then continued to advance towards him/her. AR continued to spray inmate with OC until he/she was able to run from the classroom and down the hallway. Inmate Tripp exited the classroom and followed AR down the hallway. AR was able to notify Correction Officer Lisa Fraser as he/she fled the classroom. Correction Officer Fraser called a "Code Red" and inmate Tripp was secured by responding prison staff.

4. At approximately 3:36 AM I responded to the Deputy Warden's office and made contact with the victim identified in this report as AR. AR agreed to speak with me about the incident. AR stated that he/she has been employed by the SD Department of Corrections for approximately eight years. AR stated that on October 23, 2017 he/she was teaching approximately six inmates. The class took place in the prison Learning Center building room 209. The class began at 1:00 PM and was scheduled to end at 2:30 PM. AR had been counseling this group of six inmates for approximately six months.

5. AR identified inmate Kevin Tripp as the individual that assaulted him/her on October 23, 2017. AR described inmate Tripp as an argumentative individual. AR said that inmate Tripp had the tendency to get angry very quickly. AR said that he/she has known inmate Tripp for "several" years through her employment.

6. AR stated that on October 3, 2017 the counseling class began at 1:00 PM. AR stated that at the end of the class inmate Tripp stayed in his seat until the other inmates left the classroom. Inmate Tripp then approached AR near the classroom table and asked him/her to review previous topics that were discussed in class. AR and inmate Tripp were standing between the table and a wall approximately 2 feet from each other. AR stated that he/she was hesitant to go over the material one-on-one with inmate Tripp. AR began discussing the material from the previous class when he/she noticed that inmate Tripp was looking towards the door and out the hallway windows. AR felt that inmate Tripp was not paying attention to what he/she was saying. AR felt uncomfortable and recalled looking at the surveillance camera and hoping somebody was watching.

7. AR stated that inmate Tripp suddenly grabbed his/her left arm "hard" near the elbow. AR stated that he/she attempted to back away from inmate Tripp as he continued to hold his/her arm. While holding AR's arm, inmate Tripp stated "don't fucking scream don't fucking do anything or you will make it worse". AR attempted to get away from inmate Tripp when he wrapped his arm around his/her neck and threw AR to the ground. AR stated that he/she reached for OC spray that was located on his/her belt. AR sprayed inmate Tripp in the face with the OC spray. Inmate Tripp stood up and then continued to walk towards AR after he had been sprayed in the face. AR continued to spray the OC and was able to create distance from inmate Tripp and run out of the room and down the hallway. AR yelled for assistance while running down the hallway. AR made it down to the first floor and "hid" behind two inmates. Correction Officer Fraser was in the area and called a "Code Red". AR had no further contact with inmate Tripp.

8. I returned to the SIU office and viewed the surveillance video. The surveillance camera was located inside classroom # 209. The video shows inmate Tripp approaching AR and engage in a conversation after the class was dismissed. Inmate Tripp is shown grabbing AR's arm and forcing him/her to the ground. AR deployed OC spray to inmate Tripp's face. Inmate Tripp momentarily backed off before attempting to reengage with AR again. AR continues to spray OC in the direction of inmate Tripp as he/she flees the room.
9. At approximately 4:55 PM on October 23, 2017 I conducted an interview with Inmate Kevin Tripp inside the prison administrative building. Tripp was read his Miranda Rights, which he waived, agreeing to speak with me unless otherwise noted.
10. I asked inmate Tripp to explain the incident that occurred October 23, 2017 inside of the prison Learning Center building. Inmate Tripp stated "there is no denying it, it was on camera". Inmate Tripp explained that he suffers from anger management issues.
11. Inmate Tripp described how he was sitting in AR's class on October 23, 2017. Inmate Tripp said that he asked AR to discuss the class material after class. AR agreed and inmate Tripp stood next to her near the window in the classroom. Inmate Tripp described how he heard a voice that was telling him to hit AR. Inmate Tripp proceeded to grab AR by the arm and instruct him/her to sit down on a chair. Inmate Tripp explained that AR was a threat if he/she was standing. He explained how AR tried to pull away so he put him/her in a "headlock" and threw him/her on the ground.
12. Inmate Tripp said AR stood up after being thrown to the ground and sprayed him in the face with OC. Inmate Tripp later explained that AR ran from the room and began to yell "Fraser, Fraser, Fraser..... Tripp is attacking me" (Correction Officer Lisa Fraser was located down the nearby stairs).
13. Inmate Tripp described how he had recently been harassed by other inmates. The stress and anger from these inmates and other recent incidents drove him to lash out at AR. Inmate Tripp explained that his anger was building throughout the class and he released all this anger on AR.
14. Inmate Tripp stated that he began getting tunnel vision while speaking to AR and he "just snapped". I asked inmate Tripp what would have happened if AR did not have OC spray and had not fought back. Inmate Tripp stated "I probably would have severely hurt [him/her]". He stated if AR had not sprayed him and ran out of the room "I probably would have punched [him/her], quite a few times, and I probably would have put [him/her] in a headlock and choked [him/her]". While inmate Tripp was attacking AR his mind was telling him to "kill [him/her], kill [him/her]" "grab [him/her], choke [him/her], do whatever to [him/her], get [him/her] until [he/she] stops moving". Inmate Tripp stated "I didn't care if [he/she] got knocked out, I didn't care if [he/she] died". Inmate Tripp explained that there is not a day that goes by where he doesn't think about "doing something to someone". Inmate Tripp explained how he often has the urge to hurt others and has to fight that urge all of the time.

15. I again asked inmate Tripp what his intention was after taking AR to the ground. Inmate Tripp stated "I just wanted to first get [him/her] to the ground, then I was going to start punching [him/her], then I was going to start kicking [him/her], then I was going to start choking [him/her]. I was going to do everything I can to where [he/she] just stopped moving". Inmate Tripp later stated "I was having one of those days and [he/she] happened to be in the way at the time, it sucks that it happened to [him/her], I would have rather it happened to someone else".

16. Inmate Tripp stated on numerous occasions that he accepts his decision and takes full responsibility for his actions related to his assault on AR. Inmate Tripp stated "whatever happens happens, I deserve it".

17. On October 24, 2017 I was contacted by SIU Lt. Summers. Lt. Summers informed me that inmate Tripp requested to speaking with me. At approximately 3:23 PM on October 24, 2017 I conducted a second interview with Kevin Tripp inside the prison administration building. Tripp was read his Miranda Rights, which he waived, agreeing to speak with me unless otherwise noted.

18. Inmate Tripp stated that he wanted to clarify one of the statements that he made in the previous interview. Inmate Tripp said that shortly after we spoke on October 23rd he remembered "bits and pieces" of a question that Lt Summers asked during the interview. During the October 23rd interview, Lt. Summers asked inmate Tripp if he recalled telling AR not to scream or say anything while he grabbed his/her arm. Inmate Tripp confirmed that this was the question he was referring to. Inmate Tripp said he told AR to "sit in the chair and shut up".

19. I asked inmate Tripp to clarify his previous statements about his intent to harm AR. Inmate Tripp stated "as small as [he/she] is, I could've killed [him/her]" "did I wanted to escalate that far, no but the heat of the moment things were escalating so fast". He said "the way things were escalating I was getting ready to severely hurt [him/her]" "basically, hit [him/her] so hard or hit [him/her] somewhere where [he/she] would just stop breathing".

20. I asked inmate Tripp if AR had not fought so hard would he have choked him/her. Inmate Tripp stated "I would have choked [him/her]". I asked inmate Tripp when he would have stopped choking the victim. Inmate Tripp stated "when [he/she] stopped breathing, or stopped moving".

21. Inmate Tripp stated that the attack was a "heat of the moment" action because he had a lot of emotions bottled up on October 23rd 2017. He stated that he would have taken those emotions out on anybody.

22. I asked inmate Tripp if he had the intention of harming AR prior to approaching him/her after class. Inmate Tripp stated that the assault "just happened" while they were discussing class material. Inmate Tripp described how his frustration "boiled over" while they were standing next to each other after class.

23. I asked inmate Tripp if he intended to kill AR at the time of the assault. Inmate Tripp nodded his head and verbally stated "ya".

All of the aforementioned events occurred in the City of Sioux Falls, Minnehaha County, South Dakota.


I respectfully request an arrest warrant be issued for Kevin Christopher Tripp – D.O.B. 05/09/1992, 1600 N. Drive., Sioux Falls, South Dakota 57104.

SDCL 22-16-4. Murder in the First Degree. (Count 1)

SDCL 22-4-1. Attempted. (Count 1)

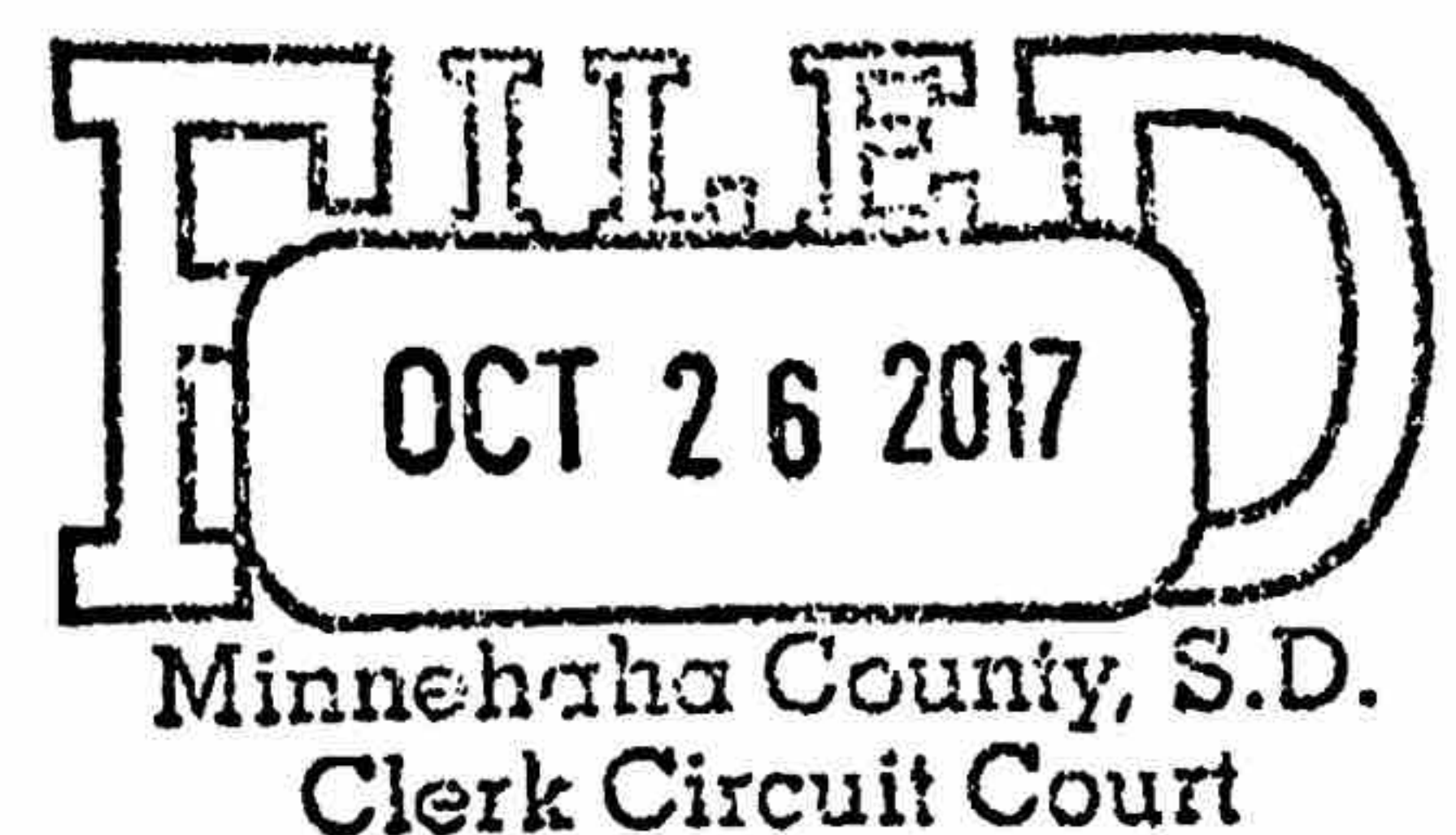
SDCL 22-18-1.1(1) Aggravated Assault (Count 2)

SDCL 22-18-1.05 Aggravated Assault on a DOC Employee (Count 2)


Special Agent Jon Basche

Subscribed and sworn to before me this 26 day of October, 2017.


Notary Public



STATE OF SOUTH DAKOTA)
)
COUNTY OF MINNEHAHA)

IN CIRCUIT COURT
SS.
SECOND JUDICIAL CIRCUIT

CRIM. NO. 17-8454

STATE OF SOUTH DAKOTA,)

Plaintiff,)

AMENDED COMPLAINT

vs.)

KEVIN CHRISTOPHER TRIPP,
DOB 05/09/92)

SD State Penitentiary
Sioux Falls, SD 57117)

Defendant.)

COUNT 1 - ATTEMPTED FIRST DEGREE MURDER
SDCL 22-4-1; 22-16-1(1); 22-16-4(1);
Class 2 Felony

COUNT 2 - AGGRAVATED ASSAULT
AGAINST DEPARTMENT OF
CORRECTIONS EMPLOYEE
SDCL 22-18-1.05; 22-18-1.1(1)
Class 2 Felony

The undersigned being duly sworn upon oath charges:

COUNT 1

That on or about the 23rd day of October, 2017, in the County of Minnehaha, State of South Dakota, Kevin Christopher Tripp, while a prisoner confined in the South Dakota State Penitentiary at the time of the offense, (SDCL 22-6-5.1, 22-11A-1), did commit the public offense of **ATTEMPTED FIRST DEGREE MURDER**, (SDCL 22-4-1; 22-16-1(1); 22-16-4(1)), in that he did attempt to effect the death of a human being, to-wit: A.R., without authority of law and with a premeditated design, and as to

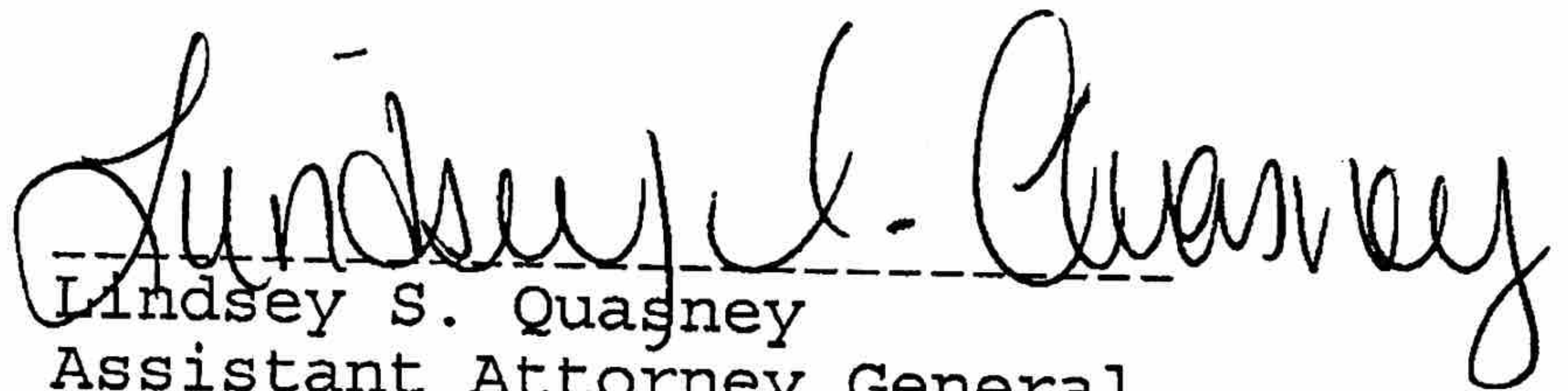
COUNT 2

That on or about the 23rd day of October, 2017, in the County of Minnehaha, State of South Dakota, Kevin Christopher Tripp, while a prisoner confined in the South Dakota State Penitentiary at the time of the offense, (SDCL 22-6-5.1, 22-11A-1), did commit the public

offense of AGGRAVATED ASSAULT AGAINST DEPARTMENT OF CORRECTIONS EMPLOYEE, (SDCL 22-18-1.05; 22-18-1.1(1)), in that he did attempt to cause serious bodily injury to Department of Corrections employee A.R., or caused such injury, under circumstances manifesting extreme indifference to the value of human life, while such employee was engaged in the performance of the employee's duties, contrary to statute in such case made and provided against the peace and dignity of the State of South Dakota.

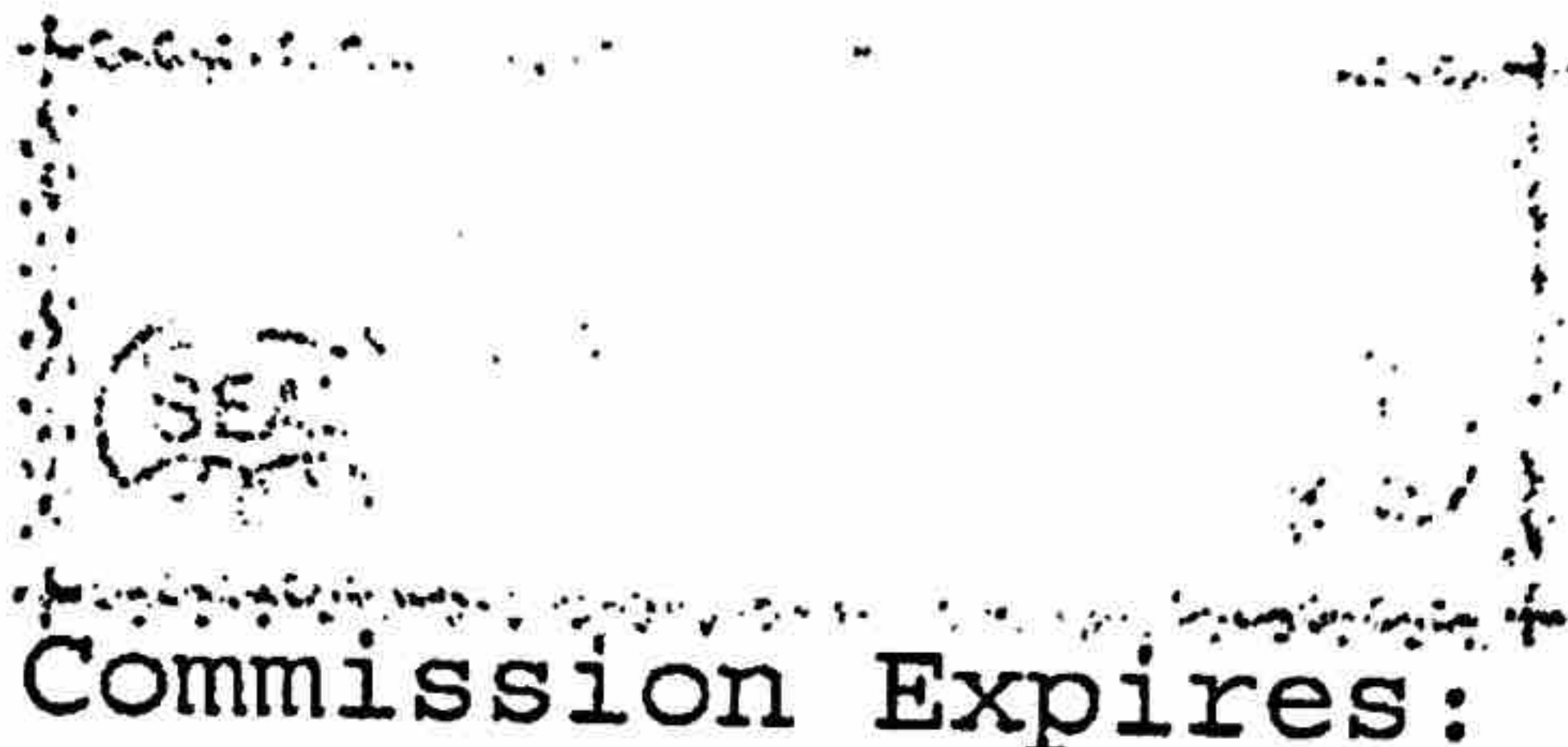
That the Complainant states that this Amended Complaint is based upon the attached Amended Probable Cause Affidavit of Special Agent Jon Basche.

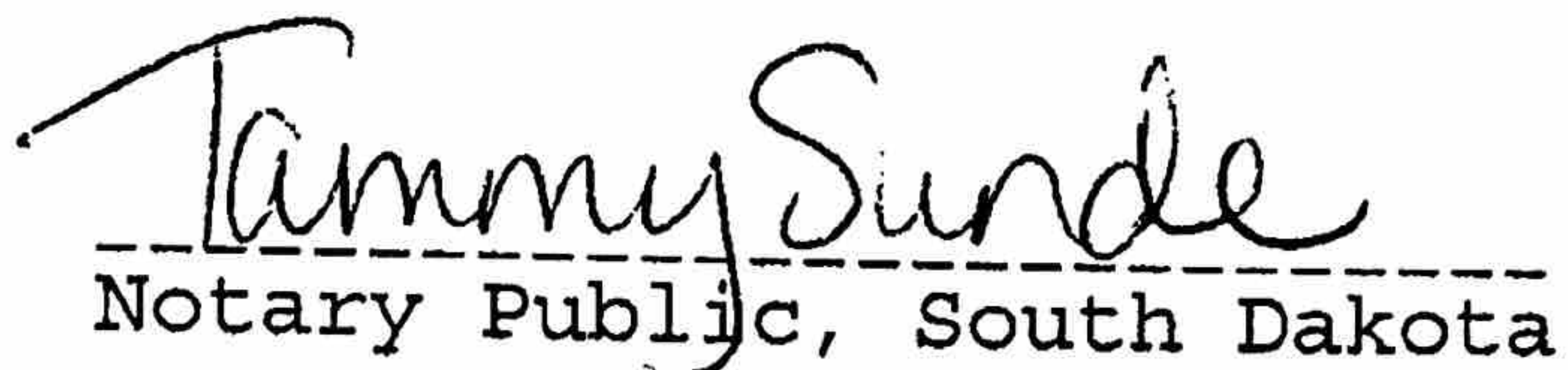
Dated this 26th day of October, 2017.



Lindsey S. Quasney
Assistant Attorney General
317 North Main Avenue
Sioux Falls, SD 57104
Telephone (605) 367-5880

Subscribed & sworn to before me this 26th day of October, 2017.


Commission Expires:


Notary Public, South Dakota

1-30-23

FILED
OCT 26 2017
Minnehaha County, S.D.
Clerk Circuit Court

10-26-17
C 1:30

RECEIVED

STATE OF SOUTH DAKOTA
COUNTY OF MINNEHAHA : SS

OCT 25 2017

IN CIRCUIT COURT
SECOND JUDICIAL CIRCUIT
MAGISTRATE DIVISION

STATE OF SOUTH DAKOTA,
Plaintiff
vs.

KEVIN CHRISTOPHER TRIPP
Defendant(s).

DCI 2017-3208

WARRANT OF ARREST

CR17-8454

THE STATE OF SOUTH DAKOTA TO ANY SHERIFF OR PEACE OFFICER OF THIS STATE:

A Complaint upon oath having been laid before me charging KEVIN CHRISTOPHER TRIPP with the crimes of:

COUNT 1: ATTEMPTED MURDER (FIRST DEGREE) - PREMEDITATED - CLASS 2 FEL
COUNT 2: AGGRAVATED ASSAULT ON LEO - EXTREME INDIFFERENCE - CLASS 2 FEL

YOU ARE COMMANDED FORTHWITH to arrest the above named KEVIN CHRISTOPHER TRIPP and bring this person before the Circuit Court/Magistrate Court of Minnehaha County to answer said Complaint or if the Court has adjourned that you deliver this person into the custody of the Sheriff of Minnehaha County, South Dakota, to be held on 50,000 cash bond.

Dated this 25 day of Oct, 2017

BY THE COURT:

Judge

Defendant's Name: KEVIN CHRISTOPHER TRIPP
Defendant's DOB: 05/09/1992
Defendant's Address: 1600 NORTH DR., SIOUX FALLS, SD

RETURN

Sheriff's fee \$25
Total Due 50,025

I hereby certify that a copy of the above Warrant of Arrest was received by me on the _____ day of _____, 20____.

I executed the same on the

_____ day of _____, 20____, by delivering a copy to



Law Enforcement Officer