

STATE OF SOUTH DAKOTA )	IN CIRCUIT COURT
: )	
COUNTY OF LAWRENCE )	FOURTH JUDICIAL CIRCUIT
STATE OF SOUTH DAKOTA, )	00-431
Plaintiff, )	
) JUDGMENT OF CONVICTION	
VS. )	
) (FIRST DEGREE FELONY MURDER)	
BRILEY W. PIPER )	
Defendant. )	

An Amended Indictment was filed with this Court on the 7<sup>th</sup> day of September, 2000. The Defendant was arraigned on the Amended Indictment on the 26<sup>th</sup> day of September, 2000. The Court advised the Defendant of all constitutional and statutory rights pertaining to the charge that had been filed against the Defendant, including but not limited to the right to a jury trial. The Defendant pled not guilty to the charges.

On the 3<sup>rd</sup> day of January, 2001, the Defendant, the Defendant's attorneys, Tim Rensch and Patrick Duffy, and John H. Fitzgerald as prosecuting attorney appeared at the Defendant's change of plea hearing. The Defendant pled guilty to the charge of IA: First Degree Murder – Felony Murder (Class A Felony) (SDCL 22-16-4 and 22-3-3), Count IIA: Kidnapping (Class 1 Felony) (SDCL 22-19-1 and 22-3-3), Count III: Robbery – First Degree (Class 2 Felony) (SDCL 22-30-1, 2, 3, & 6 and 22-3-3), Count IV: First Degree Burglary (Class 2 Felony) (SDCL 22-32-1(3) and 22-3-3), Count V: Grand Theft (Class 4 Felony) (SDCL 22-30A-1 and 22-30A-17(1) and 22-3-3).

On January 19, 2001 following a pre-sentencing hearing conducted before the

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Honorable Warren G. Johnson, the Defendant was sentenced to death on the First Degree Murder Charge. On Count IIA: Kidnapping, the Defendant shall serve life imprisonment without parole. On Count III: Robbery First Degree, the Defendant shall serve twenty-five (25) years in the South Dakota State Penitentiary. On Count IV: First Degree Burglary, the Defendant shall serve twenty-five (25) years in the South Dakota State Penitentiary. On Count V: Grand Theft, the Defendant shall serve ten (10) years in the South Dakota State Penitentiary. These sentences run consecutively.

In Piper vs. Weber, 2009 S.D. 66, the South Dakota Supreme Court vacated the sentence of death on the First Degree Murder charge and remanded the matter to the Circuit Court for a Jury conducted pre-sentence hearing. By the order of the Court, Circuit Court Judge, Jerome A. Eckrich was assigned to the proceedings.

On July 18, 2011 through July 29, 2011 the Court conducted a pre-sentence hearing before a Pennington County Jury. The matter was heard in Pennington County pursuant to the Court's Order changing venue in this matter. The Defendant was personally present and represented by his attorneys, Robert VanNorman and Michael Stonefield of Rapid City, South Dakota and Lawrence County State's Attorney, John H. Fitzgerald appeared on behalf of the State of South Dakota.

On July 29, 2011 the Jury unanimously found the existence of aggravating circumstances as set forth in SDCL 23A-27A-1 subsection (3), (6) and (9) and unanimously imposed a sentence of death in this matter.

Now in accordance with that Jury's recommended verdict, the Court imposes the following:

**S E N T E N C E**

On the 5<sup>th</sup> day of August, 2011, the Court asked the Defendant if any legal cause existed to show why Judgment should not be pronounced. There being no cause offered, the Court thereupon pronounced the following sentence:

**COUNT IA: FIRST DEGREE MURDER – FELONY MURDER**

IT IS HEREBY ORDERED that the Defendant shall be sentenced to death, said penalty to be inflicted within the walls of the South Dakota State Penitentiary in the manner prescribed by the statutes of the State of South Dakota; and

IT IS FURTHER ORDERED that the week of March 18, 2012 be and the same is hereby appointed as the week within which this death sentence shall be executed; and

IT IS FURTHER ORDERED that the Defendant, Briley W. Piper, is hereby remanded to the custody and control of the Sheriff of Lawrence County, South Dakota to be delivered to the Warden of the South Dakota State Penitentiary at Sioux Falls, South Dakota within ten (10) days from the date hereof for the execution of the sentence for the offenses of First Degree Murder – Felony Murder, to be held by him pending the final determination of the appeals in this matter, which are automatic, and said sentence to be executed upon final determination of said appeals.

IT IS FURTHER ORDERED that the sentences previously imposed on all other counts shall remain in full force and affect.

Dated this 9 day of August, 2011.

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BY THE COURT:

*/s/ Jerome A. Eckrich*

Hon. Herome A. Eckrich  
Circuit Court Judge

ATTEST:

*/s/ Carol Latuseck*  
Clerk of Courts

BY: */s/ Lane Kiel*  
Deputy

F I L E D

AUG - 9 2011

SOUTH DAKOTA UNIFIED JUDICIAL SYSTEM  
4<sup>TH</sup> CIRCUIT CLERK OF COURT

By \_\_\_\_\_