

STATE OF SOUTH DAKOTA )  
IN CIRCUIT COURT  
                            )  
COUNTY OF LAWRENCE     )  
FOURTH JUDICIAL CIRCUIT

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STATE OF SOUTH DAKOTA,     )  
                            )  
                            )  
SENTENCING                 )  
                            )  
vs.                         )  
                            )  
Crim. 00-430                 )  
                            )  
ELIJAH PAGE,                 )  
                            )  
Vol. V of V                 )  
                            )  
                            )  
Defendant.                 )  
(pgs. 821 – 992)

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BEFORE: THE HONORABLE WARREN G.  
JOHNSON  
Circuit Court Judge  
Deadwood, South Dakota  
February 16, 2001, at 9:00 a.m.

APPEARANCES:

For the State:

MR. JOHN FITZGERALD

- and -

MR. BRUCE OUTKA

State's Attorney's Office

90 Sherman Street

Deadwood, SD 57732

For the Defendant:

MR. RANDAL CONNELLY

Attorney at Law

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- and -

MR. JOHN MURPHY

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(Partial Sentencing transcript, pages 946 – 948)

. . . 2000. When he committed this crime, he was fully accountable at law for his actions, and he shouldn't be allowed to minimize his responsibility by blaming others.

The fact is, the Defendant was a man of action in this murder. He's the one that stole the gun that was used in the first acts of aggression. That's when it all started is when he pointed the gun at Chester Allan Poage to facilitate his kidnapping. Nothing would have happened had he not pointed the gun at Chester Allan Poage's head.

He was the one that forced him to the floor. And he told Dr. Perrenoud that it was his idea to tie Chester Allan Poage up. This crime all started at the Defendant's house. And when the victim made a valiant effort to try to escape from an overwhelming force, while others debated what to do, the Defendant went into action. He chased Chester Allan Poage down. He recaptured Chester Allan Poage so that they could murder him. And I'll quote from 187, it says that "When Chester Allan Poage escaped, we were just standing there going, 'Okay. He's getting away. One of us better go after him.' And we just sat there and watched him as he almost got to the top of the other side of the hill. Finally, I was like, 'Well, fuck it, man. If you guys aren't going to go after him, I am.' So I got up and started running after him."

And he caught him and he beat him and he murdered him. When the others debated who was going to stab the helpless victim, this Defendant did not join in the debate, he sprang into action. He grabbed the knife, held the helpless victim's head, and

then buried the knife into his throat. And I'll quote again on Page 193 about the stabbing. "After like a few minutes of arguing about who was going to stick him, I just got frustrated. I was like, 'Fuck it, I'll do it. Give me the knife, fuck it, you know.' And I just walked down there and I stabbed him in the neck."

When the victim wanted to warm up, after they had stabbed him, in his own Blazer, the Defendant didn't sit around wondering what to say. He said, "We're all a bunch of liars and you're not getting in the vehicle," and then he proceeded to kick him and kick him and kick him until he was back in the freezing water.

He's a man of action. When it was time to kill somebody, he didn't go sit up in the Blazer. He took action. He kicked him, he stabbed him, he stuck him in a freezing creek, he stoned the victim. These were all deliberate choices and all deliberate actions.

The Defendant is the one that started the assault with pulling the gun. The Defendant deliberately kicked Chester Allan Poage with his boots until his own foot got sore. He decided to do that. He chose to do that. He's not a follower, he's a doer. He's an instigator, he's an actor. Piper is the mouth, the Defendant's the action.

He told Dr. Perrenoud he believed that ultimately he did the most physical damage to Allan, and I think that's borne out by the evidence. He never considered stopping the assault or rescuing Allan. That's what he told Dr. Perrenoud.

And if you think back about some of the other character evidence that was introduced, you'll see that he takes action all the time. When it was time to go take care of the narc supposedly, Scott Hunter, the

Defendant was the one leading the charge. While others were hesitant, the Defendant acted. When the jailer upset him, he wrote a letter to her describing how he was going to anally rape her. When it was time to steal from Russ Olson or Chester Allan Poage, he's right there stealing all he can.

He's brazen. He was arrested on March 16<sup>th</sup>, 2000, three days after he'd murdered Chester Allan . .