

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF BROOKINGS)

IN CIRCUIT COURT
THIRD JUDICIAL CIRCUIT

STATE OF SOUTH DAKOTA,)
)
Plaintiff,)
)
vs.)
)
)
)
BRYAN RODRIGUEZ,)
)
Defendant.)

CRI17-188
MOTION TO DISPOSE FIREARM
PURSUANT TO SDCL 23A-37-13(3)

Comes now Dan C. Nelson, Brookings County State's Attorney, and Attorney for Plaintiff State of South Dakota and on behalf of Plaintiff, pursuant to SDCL 23A-37-13(3) moves the Court to ORDER the disposal of a BERETTA PISTOL AND MAG with a serial number of BER1796802. The firearm was seized as evidence in CRI 17-188 and the Defendant having been convicted of SDCL 22-14-8, the firearm is subject to use, trade-in, or disposal by the Brookings Police Department.

WHEREFORE, it is respectfully requested that an ORDER on the foregoing Motion be entered in conformity herewith.

Dated this 9th day of October, 2019.

/s/ Dan C. Nelson

Dan C. Nelson
State's Attorney

ORDERED that the BERETTA PISTOL AND MAG with a serial number of BER1796802 was seized as evidence in CRI 17-188 and the Defendant having been convicted of SDCL 22-14-8 be therefore subject to use, trade-in, or disposal by the Brookings Police Department.

Signed: 10/9/2019 3:12:04 PM

Dated this ____ day of October, 2019.

Attest:
Runge, Ashley
Clerk/Deputy

ATTEST:

Clerk of Courts



BY THE COURT:

Gregory Stoltenburg
Circuit Court Judge

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF BROOKINGS)

IN CIRCUIT COURT
THIRD JUDICIAL CIRCUIT

STATE OF SOUTH DAKOTA,)
)
Plaintiff,)
)
vs.)
)
)
)
BILLIE NIELSEN,)
)
Defendant.)

CRI18-704
MOTION TO DISPOSE FIREARM
PURSUANT TO SDCL 23A-37-13(3)

Comes now Dan C. Nelson, Brookings County State's Attorney, and Attorney for Plaintiff State of South Dakota and on behalf of Plaintiff, pursuant to SDCL 23A-37-10 moves the Court to ORDER the disposal of a BROWNING 12G SHOTGUN with a serial number of 01095C37. The firearm was seized as evidence in CRI 18-704 and the Defendant having been convicted of Aggravated Assault and Distribution of a Controlled Substance, and no claimant has asserted ownership, the firearm is subject to sell by the Brookings Police Department.

WHEREFORE, it is respectfully requested that an ORDER on the foregoing Motion be entered in conformity herewith.

Dated this 9th day of October, 2019.

/s/ Dan C. Nelson

Dan C. Nelson
State's Attorney

ORDERED that the BROWNING 12G SHOTGUN with a serial number of 01095C37 was seized as evidence in CRI 18-704 and the Defendant having been convicted of Aggravated Assault and Distribution of a Controlled Substance, and no claimant has asserted ownership, the firearm is subject to sell by the Brookings Police Department.

Signed: 10/9/2019 3:20:03 PM

Dated this ____ day of October, 2019.

Attest:
Runge, Ashley
Clerk/Deputy

ATTEST:



Clerk of Courts

BY THE COURT:

Gregory Stollenburg
Circuit Court Judge

STATE OF SOUTH DAKOTA
Third Judicial Circuit Court
I hereby certify that the foregoing instrument
is a true and correct copy of the original as the
same appears on file in my office on this date:

STATE OF SOUTH DAKOTA)

COUNTY OF BROOKINGS)

SS Anette Beasley
Brookings County Clerk of Courts

By: 

IN CIRCUIT COURT

THIRD JUDICIAL CIRCUIT

IN THE MATTER OF THE
SEIZED PROPERTY BY CITY OF
BROOKINGS POLICE DEPARTMENT

Civ. 20-001

MOTION TO SALE PROPERTY
PURSUANT TO SDCL 23A-37-10(2)

Comes now Dan C. Nelson, Brookings County State's Attorney, pursuant to SDCL 23A-37-10(2), moves the Court to ORDER the sale of the following firearms seized by the City of Brookings, Brookings Police Department, because no person can be determined as the rightful owner or claimed the property since 2006. The proceeds from any sale of the property will be delivered to the City of Brookings Finance Officer.

Item #	Make	Model	Serial #	Type
P201200567 - 150	BROWNING	.22CAL	655NM02422	PISTOL
P201200567 - 167	SMITH & WESSON	.38 SPECIAL	178017	PISTOL
P201200567 - 018	ROHM	GMBH .22CAL	18350151	REVOLVER
P201200567 - 020	BROWNING	9MM	76C33115	PISTOL
P201200567 - 178	WESTERN FIELD	.22CAL	NO S#	RIFLE
P201200567 - 169	GLENFIELD	MODEL 60 .22CAL	25342751	RIFLE
P201200567 - 177	MARLIN	MODEL 60 .22CAL	189096	RIFLE
P201200567 - 170	GLENFIELD	MODEL 60 .22CAL	21505013	RIFLE
P201200567 - 033	MARLIN	GOLDEN 39-A .22 CAL	T1841	RIFLE
P201200567 - 036	US SMITH-CORONA	MODEL 03-A3	4748040	RIFLE
P201200567 - 069	SMITH & WESSON	MODEL 2218	UA82285	PISTOL
P201200567 - 032	COLT	.32CAL	92617	PISTOL
P201200567 - 047	WINCHESTER	MODEL 290 .22 CAL	106105	RIFLE
P201200567 - 003	MARLIN	MODEL 60 .22CAL	17342896	RIFLE
P201200567 - 041	REMMINGTON	870 EXPRESS 12G	B254034M	SHOTGUN
P201200567 - 038	REMMINGTON	MODEL 1100 12G	364582M	SHOTGUN
P201200567 - 035	BROWNING	12G	A36950	SHOTGUN
P201200567 - 010	MASTERMAG	12G	329213	SHOTGUN
P201200567 - 034	SPRINGFIELD	EXPRESS 30	11151	RIFLE

WHEREFORE, it is respectfully requested that an ORDER on the foregoing Motion be entered in conformity herewith.

Dated this 4th Day of February, 2020.

/s/ Dan C. Nelson

Dan C. Nelson
State's Attorney

ORDERED that pursuant to SDCL 23A-37-10(2), the sale of the listed firearms seized by the City of Brookings, Brookings Police Department, because no person can be determined as the rightful owner or claimed the property since 2006. The proceeds from the sale of the listed firearms shall be returned to the City of Brookings Finance Officer.

Dated this 4th Day of February, 2020.

BY THE COURT:

Gregory Stollenburg
Circuit Court Judge

Attest:

ATTEST: Webster, Emily
Clerk/Deputy Clerk of Courts



23A-37-10. Sale or transfer of unclaimed property.

If there is no claimant or if the right to possession of seized property cannot be determined after a reasonable period of time, the law enforcement agency collecting such property, through an order of the court, may:

- (1) Transfer ownership of the property to any governmental agency having a legitimate need for such property; or
- (2) Sell the property and deliver the proceeds of the sale to the appropriate finance officer of the city, county, or state employing such law enforcement agency.

Source: SDC 1939 & Supp 1960, § 34.0604; SDCL, § 23-16-4; SL 1978, ch 178, § 470; SL 1982, ch 170, §§ 1 and 3; SL 2000, ch 113, § 1.
