

STATE OF SOUTH DAKOTA) DIVISION OF THE SECRETARY
) :SS
COUNTY OF HUGHES) SOUTH DAKOTA DEPT. OF EDUCATION

In re: certification application of)
TAMARA LILE)
DSE 2018-02)
) **ORDER DENYING**
) **SOUTH DAKOTA TEACHING**
) **CERTIFICATION**

Following receipt of Tamara Lile’s application for teaching certificate, a Notice of Intent to Deny Teaching Certificate and related documents, and after review of the entire file herein, the Secretary enters the following findings of fact, conclusions of law, and order.

FINDINGS OF FACT

1. On January 3 and February 1, 2019, the South Dakota Department of Education, Office of Certification, served a Notice of Intent to Deny Teaching Certificate and attached exhibits (Notice) on Tamara Lile (Lile) via certified mail, US mail, and email.
2. Lile has received proper notice of the intent to deny her application for a certificate and has waived her right to hearing by failing to request a hearing.
3. The Notice served upon Lile stated that if she failed to request a hearing within thirty days after service of the Notice, the allegations of the Notice would be accepted as true by the Secretary and her application denied and record of denial placed on the NASDTEC clearinghouse.
4. The findings of fact contained in the Notice are accepted as true and incorporated herein as Exhibit A.

CONCLUSIONS OF LAW

1. Grounds for denial of a teacher's certificate are provided in SDCL Chapter 13-42.
2. The Professional Teachers Practices and Standards Commission has been given the authority and obligation to promulgate rules for a code of professional ethics for the teaching profession in South Dakota. SDCL 13-43-25. This code of professional ethics is found in ARSD Chapter 24:08:03.
3. The Secretary of the Department of Education has the power and authority to refuse to issue or renew a certificate for violation of the code of professional ethics governing teachers. SDCL 13-42-7 and 13-42-9.
4. The code of ethics requires a teacher to "[e]ngage in no act that results in a conviction." ARSD 24:08:03:02(7).
5. The code of ethics requires a teacher to "[e]ngage in no act that results in a conviction" and "[e]xemplify high moral standards by not engaging in or becoming a party to such activities as fraud, embezzlement, theft, deceit, moral turpitude, gross immorality, sexual contact with students, illegal drugs, or use of misleading or false statements" ARSD 24:08:03:02(8).
6. The Grand Theft by Deception charge and guilty plea underlying said charge as referenced in paragraphs 1-2 of the Notice constitute a conviction and violate ARSD 24:08:03:02(7).

7. Lile's actions underlying the Grand Theft by Deception charge and guilty plea referenced in paragraphs 1-2 of the Notice constitute theft, deceit, and moral turpitude and violate ARSD 24:08:03 :02(8).

8. Lile's failure to disclose the perjury charge referenced in paragraph 3 constitutes a misleading or false statement in violation of ARSD 24:08:03:02(8).

9. Any conclusion of law more properly designated as a finding of fact is hereby so designated.

ORDER

Based upon the foregoing Findings of Fact and Conclusions of Law, it is hereby

ORDERED that the application of Tamara Lile for a teaching certificate is DENIED.

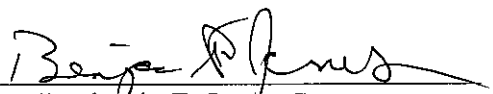
It is further

ORDERED that notification of denial be placed on the NASDTEC registry and be placed in Lile's permanent certification file within the South Dakota Department of Education. It is further


ORDERED that this document and attached exhibit is a public record pursuant to SDCL Chapter 1-27 and 1-26-2, but Lile's personal information may be redacted pursuant to SDCL Chapter 1-27.

This constitutes final agency action.

Dated this 8 day of May, 2019.


Dr. Benjamin F. Jones, Secretary
South Dakota Department of Education

STATE OF SOUTH DAKOTA)	DIVISION OF THE SECRETARY
	ss:	
COUNTY OF HUGHES)	SOUTH DAKOTA DEPT. OF EDUCATION
<hr/>		
)	
)	DSE 2018-02
In re: certification application of)	
TAMARA LILE)	NOTICE OF INTENT TO DENY
)	TEACHING CERTIFICATE
)	
<hr/>		

TO: Tamara Lile


Carla Leingang, Administrator of the Office of Certification of the South Dakota Department of Education (Department), hereby provides notice of intent to deny the certification application of Tamara Lile (Lile) submitted to the Department.

You may request a hearing on this matter **within 30 days after service of this notice.**

This request must be in writing and include a description of the action being appealed. Requests must be mailed to:

Division of the Secretary
 ATTN: Ferne Haddock
 South Dakota Department of Education
 800 Governors Drive
 Pierre, SD 57501

If you fail to request a hearing within 30 days after service of this notice, then the allegations of this Notice of Intent to Deny the Application for Teaching Certificate will be accepted as true by the Secretary of the Department of Education, and your application for a teaching certificate will be denied. An Order of Denial and associated Findings of Fact and Conclusions of Law by the Secretary are public documents pursuant to SDCL §§ 1-27, 1-26-2, and 13-42-17.1. Record of denial may be served on the school at which you were last employed or entered into an employment contract pursuant to ARSD 24:18:02:05. Record of denial will also be placed in your permanent



certification file and provided to the National Association of State Directors of Teacher Education and Certification (NASDTEC) clearinghouse.

The reasons for this Notice are as follows:

1. On or about May 25, 2001, Lile (as Tamara Lile-Smith) was charged with Grand Theft by Deception (SDCL 22-30A-18, SDCL 22-30A-3(10), as stated in SDCL 22-30A-17(1); Class 4 felony) in Pennington County, South Dakota. On or about February 26, 2002, Lile pled guilty to one count of Grand Theft-over \$500. On or about April 15, 2002, Lile was sentenced to five years in the penitentiary, with credit for 180 days served. On or about June 25, 2002, an amended judgment was entered sentencing Lile to pay \$2090 in restitution. Exhibits 1-4.

2. The complaint alleged that Lile violated the law by obtaining the property of Adoption Resources and/or Nancy Rifknd and/or Frank Swesty and/or Jane McCarthy and/or Brian McCarthy, to wit: money, food, food credits, rent payments, and/or medical expenses by deception. The deception was by creating or reinforcing a false impression, including false impressions as to law, value, intention, or other state of mind in the excess of five hundred dollars. Exhibits 1-2.

3. On or about October 4, 2001, Lile (as Tamara Lile-Smith) was charged with Perjury (SDCL 22-29-1 and SDCL 22-29-5(3); Class 5 felony) in Pennington County, South Dakota. On or about April 24, 2002, the charged was dismissed. Exhibits 5-7.

4. On or about October 16, 2017, Lile applied for an initial teaching certificate with the Department. Exhibit 2.

5. Lile answered "yes" to Question 1 of the Applicant Conduct Review Statement portion of the application, which asked:

"Have you ever been arrested or charged with any criminal offense?"

The term **criminal offense** includes misdemeanor and felony offenses. It does not include petty offenses such as minor traffic offenses including but not limited to: Speeding tickets, stop sign violations, or careless driving offenses. If you are not sure whether the crime would be a minor offense, please include the offense. All Class I misdemeanor offenses and Class II non-traffic misdemeanor offenses must be disclosed.”

6. Lile’s answer to Question 1 was as follows:

“My charge was in 2001. I was arrested in 2001. I believe it was sometime around May. I was charged with Grand Theft by Deception. I was very young and dumb at the time. I hope this does not affect my certification. I was caught up with a man who was an abusive drug addict. He got me caught up with his world of criminal behavior. He had some scams going on and got me to help him with an adoption fraud. I plead guilty and was sentenced to 5 years. He went on the run and never did any time for any of his charges. I did 15 months of that and was released. I have not had a single charge or arrest since then, with exception to a violation for running a stop sign (about 4 or 5 years ago) and one speeding ticket that I remember) about a year ago. At 18 I believe I got a ticket for driving without a license.”

7. Lile answered “yes” to Question 2 of the Applicant Conduct Review Statement portion of the application, which asked:

“Have you ever been convicted or pleaded guilty to any criminal offense?”

The term **conviction** includes a finding of guilty by a judge or jury, or admission of guilt or plea of guilty, or a plea without an admission of guilt. You must include those crimes where the sentence was stayed, suspended, executed or you received a suspended imposition of sentence.”

8. Lile’s answer to Question 2 was the same answer given in response to Question of the Applicant Conduct Review Statement.

9. Lile did not disclose the perjury charge referenced in paragraph 3 on her application in response to Question 1.

10. Due to the “yes” answers on Lile’s application, the Department investigated Lile’s application. A phone interview was held on January 10, 2018. During the phone interview, Lile stated that, while pregnant, she had accepted money for adoption expenses but did not plan to put the baby up for adoption.

11. Grounds for denial or non-renewal of a teacher's certificate are provided in SDCL Chapter 13-42.

12. The Secretary of the Department of Education has the power and authority to refuse to issue or renew a certificate for violation of the code of professional ethics governing teachers. SDCL §§ 13-42-7 and 13-42-9.

13. The Professional Teachers Practices and Standards Commission has the authority and obligation to promulgate rules for a code of professional ethics for the teaching profession in South Dakota. SDCL § 13-43-25. This code of professional ethics is found in ARSD Chapter 24:08:03.

14. The code of ethics requires a teacher to "[e]ngage in no act that results in a conviction." ARSD 24:08:03:02(7).

15. The code of ethics requires a teacher to "[e]xemplify high moral standards by not engaging in or becoming a party to such activities as fraud, embezzlement, theft, deceit, moral turpitude, gross immorality, sexual contact with students, illegal drugs, or use of misleading or false statements." ARSD 24:08:03:02(8).

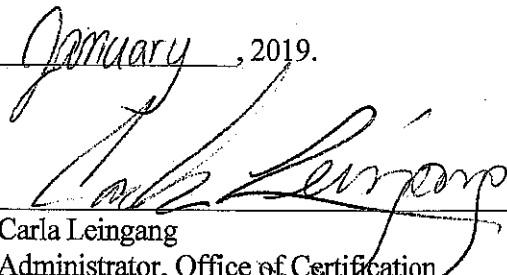
16. The Grand Theft by Deception charge and guilty plea underlying said charge as referenced in paragraphs 1-2 constitute a conviction and violate ARSD 24:08:03:02(7).

17. Lile's actions underlying the Grand Theft by Deception charge and guilty plea referenced in paragraphs 1-2 constitute theft, deceit, and moral turpitude and violate ARSD 24:08:03:02(8).

18. Lile's failure to disclose the perjury charge referenced in paragraph 3 constitutes a misleading or false statement in violation of ARSD 24:08:03:02(8).

THEREFORE, notice is hereby provided of the intent to deny Lile's application for a teaching certificate pursuant to SDCL Chapter 13-42 and ARSD 24:08:03:02(7) and 24:08:03:02(8). Based upon the nature of the offenses contained in this Notice of Intent to Deny, the Office of Certification will recommend that Lile's application be denied and that Lile be permanently prohibited from reapplication for an educator permit in the state of South Dakota.

Dated this 3rd day of January, 2019.



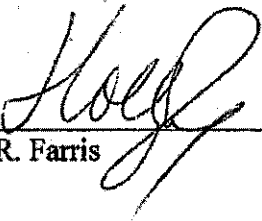
Carla Leingang
Administrator, Office of Certification
South Dakota Department of Education
800 Governors Drive
Pierre, SD 57501

CERTIFICATE OF SERVICE

Holly R. Farris, legal counsel for the South Dakota Department of Education, hereby certifies that on the 3rd day of January, 2019, the Notice of Intent to Deny Teaching Certificate was served on the following at her last known address via certified mail, US mail, and email:

Tamara Lile





Holly R. Farris

STATE OF SOUTH DAKOTA)
) SS.
COUNTY OF PENNINGTON)
STATE OF SOUTH DAKOTA,)
)
Plaintiff,)
)
vs.)
)
TAMARA LILE-SMITH,)
)
Defendant.)

IN MAGISTRATE COURT
SEVENTH JUDICIAL CIRCUIT
C-4-FEL = 10/10
COMPLAINT
GRAND THEFT BY DECEPTION

RCSD
DOB: [REDACTED]
SSN: [REDACTED]
CR#: 01-1625
PCN: N/A

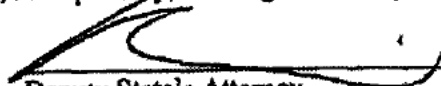
The undersigned being duly sworn upon oath charges:

That between the dates of September 1, 2000, and March 31, 2001, inclusive, in the County of Pennington, State of South Dakota, TAMARA LILE-SMITH did commit the public offense of THEFT BY DECEPTION in that she did then and there pursuant to one scheme or course of conduct, obtain property of Adoption Resources and/or Nancy Rifknd and/or Frank Swesty and/or Jane McCarthy and/or Brian McCarthy and/or Dennis Nagel, to wit: money, food, food credits, rent payments, and/or medical expenses by deception by creating or reinforcing a false impression, including false impressions as to law, value, intention or other state of mind in the excess of the value of five hundred dollars (\$500.00) in violation of SDCL 22-30A-18 and SDCL 22-30A-3(1) as stated in SDCL 22-30A-17(1), and

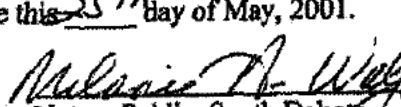
contrary to statute in such case made and provided against the peace and dignity of the State of South Dakota.

Probable cause for this Complaint is based on law enforcement reports attached hereto and incorporated herein.


Dated this 25TH day of May, 2001, at Rapid City, Pennington County, South Dakota.


Deputy State's Attorney

Subscribed and sworn to before me this 25TH day of May, 2001.


Notary Public, South Dakota
My Commission Expires: 1-01-04
Pennington County, SD
FILED
IN CIRCUIT COURT

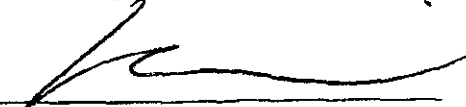
MAY 25 2001

Ranae Truman, Clerk of Courts
By  Deputy



REQUEST FOR ARREST WARRANT

Katherine Aquavia Thomas, the undersigned prosecuting attorney, hereby requests an Arrest Warrant to be issued based upon the above Complaint.



Prosecuting Attorney

State of South Dakota) Seventh Judicial
County of Pennington) Circuit Court
I hereby certify that the foregoing instrument
is a true and correct copy of the original as
the same appears on record in my office this

NOV 16 2017

RANAE L. TRUMAN
Clerk of Courts, Pennington County

By  Deputy

Pennington County, SD
FILED
IN CIRCUIT COURT

MAY 25 2001

Ranae Truman, Clerk of Courts

By  Deputy

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

STATE OF SOUTH DAKOTA)
)
Plaintiff,)
)
vs.)
)
TAMARA LILE-SMITH,)
)
Defendant.)

IN CIRCUIT COURT
SEVENTH JUDICIAL CIRCUIT

File No: 01-1899
C-4-FEL = 10/10

INDICTMENT FOR
GRAND THEFT BY DECEPTION

THE PENNINGTON COUNTY GRAND JURY CHARGES:

That between the dates of **September 1, 2000, and March 31, 2001, inclusive**, in the County of Pennington, State of South Dakota, **TAMARA LILE-SMITH** did commit the public offense of **THEFT BY DECEPTION** in that she did then and there pursuant to one scheme or course of conduct, obtain property of Adoption Resources and/or Nancy Rifkind and/or Frank Swesty and/or Jane McCarthy and/or Brian McCarthy and/or Dennis Nagel, to wit: money, food, food credits, rent payments, and/or medical expenses by deception by creating or reinforcing a false impression, including false impressions as to law, value, intention or other state of mind in the excess of the value of five hundred dollars (\$500.00) in violation of SDCL 22-30A-18 and SDCL 22-30A-3(1) as stated in SDCL 22-30A-17(1), and


contrary to statute in such case made and provided against the peace and dignity of the State of South Dakota.

Dated this 26th day of July, 2001, at Rapid City, Pennington County, South Dakota.

A True Bill
"A TRUE BILL"

THIS INDICTMENT IS MADE WITH THE CONCURRENCE OF AT LEAST SIX GRAND JURORS.


GRAND JURY FOREMAN

Pennington County, SD
FILED
IN CIRCUIT COURT
JUL 26 2001
Renas Truman, Clerk of Courts
By  Deputy

EXHIBIT

2

tabbles

8


WITNESSES WHO TESTIFIED BEFORE THE GRAND JURY IN REGARD TO THIS INDICTMENT.

DETECTIVE STEVE NEAVILL
AUDREY KIRKPATRICK
LEBRA DOOLEY
JESSICA CONVEY

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

NOTICE OF DEMAND FOR ALIBI DEFENSE

I, Katherine Aquavia Thomas, Prosecuting Attorney in the above matter, hereby state that the alleged offense was committed between the dates of September 1, 2000, and March 31, 2001, inclusive, in Pennington County, South Dakota. I hereby request that the Defendant or his/her attorney serve upon me a written notice of his intention to offer a defense of alibi within ten (10) days as provided in SDCL 23A-9-1. Failure to provide such notice of alibi defense may result in exclusion of any testimony pertaining to an alibi defense.

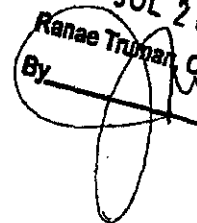

Prosecuting Attorney

State of South Dakota) Seventh Judicial
County of Pennington) Circuit Court
I hereby certify that the foregoing instrument
is a true and correct copy of the original as
the same appears on record in my office this

NOV 16 2017

RANAE L. TRUMAN
Clerk of Courts, Pennington County

By  Deputy

Pennington County, SD
FILED
IN CIRCUIT COURT
JUL 26 2001
Ranae Truman, Clerk of Courts
By  Deputy

you hereby are sentenced to serve FIVE (5) years in the South Dakota State Penitentiary. Sioux Falls, South Dakota; and it is further

ORDERED, that the Defendant receive credit for time already served in the Pennington County Jail in the amount of ONE HUNDRED AND EIGHTY (180) days; and it is further

ORDERED, that the Defendant reimburse Pennington County for the costs of her court-appointed counsel which have been incurred in this matter in the amount of Two Thousand Eight Hundred Ninety-Five Dollars and Twenty-Eight Cents to be paid through the Pennington County Clerk of Courts (\$2,895.28); and it is further

ORDERED, that the Defendant reimburse the Pennington County State's Attorney's Office Seventy-Five Dollars (\$75.00) for the costs of Grand Jury transcripts to be paid through the Pennington County Clerk of Courts; and it is further

ORDERED, that a restitution hearing be held to determine the proper amount of restitution to be paid in this matter; and it is further

ORDERED, that any bond which has been posted in this matter be discharged and the bondsman exonerated; and it is further

ORDERED, that the Defendant be remanded to the custody of the Pennington County Sheriff for transportation and delivery to the Warden of the South Dakota State Penitentiary, Sioux Falls, South Dakota.

State of South Dakota } Seventh Judicial
County of Pennington } Circuit Court
I hereby certify that the foregoing instrument
is a true and correct copy of the original as
the same appears on record in my office this

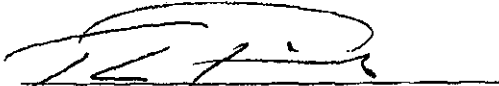
NOV 16 2017

RANAE L. TRUMAN
Clerk of Courts, Pennington County

By  Deputy

Dated this 19 day of April, 2002, nunc pro tunc the 15th day of April, 2002.

BY THE COURT:


The Honorable Thomas L. Trimble
Circuit Court Judge
Seventh Judicial Circuit


ATTEST:
Ranae Truman, Clerk of Courts

By: 
(Deputy)

(SEAL)

NOTICE OF RIGHT TO APPEAL

You, TAMARA LILE-SMITH, are hereby notified that you have a right to appeal as provided for by SDCL 23A-32-15, which you must exercise by serving a written notice of appeal upon the Attorney General of the State of South Dakota and the State's Attorney of Pennington County and by filing a copy of the same, together with proof of such service with the Clerk of this Court within Thirty (30) days from the date that this Judgment is filed with said clerk.

Pennington County, SD
FILED
IN CIRCUIT COURT
APR 19 2002
Ranae Truman, Clerk of Courts
By:  Deputy

STATE OF SOUTH DAKOTA,)
)SS
COUNTY OF PENNINGTON.)

IN CIRCUIT COURT
SEVENTH JUDICIAL CIRCUIT

STATE OF SOUTH DAKOTA,)
)
)
Plaintiff,)

File No. 51C01001899A0

vs.)

**AMENDED
JUDGMENT**

TAMARA LILE-SMITH,)
)
DOB: [REDACTED])
PCN#: 8573394)
CR#: 01-1625)
)
Defendant.)

On the 15th day of April, 2002, at the hour of 9:45 o'clock a.m., the Defendant, TAMARA LILE-SMITH, being present personally and being represented by and through her attorney, Angela M. Colbath, Rapid City; the State being represented by Deputy State's Attorney, Ken E. Varns; the Defendant having previously been arraigned on an Indictment alleging the offense of GRAND THEFT BY DECEPTION (FELONY), committed between the dates of September 1, 2000, and March 31, 2001, in violation of SDCL 22-30A-18 and SDCL 22-30A-3(1) as stated in SDCL 22-30A-17(1); the Defendant having entered a plea of guilty on February 26, 2002, to the Indictment as charged; the Court finding the plea to have been entered knowingly, freely, and voluntarily; a factual basis having been found for accepting the plea; the Defendant having been fully advised of her rights, and the Court having affixed this day as the date for pronouncing sentence; the Defendant having been asked whether there was any legal cause to show why a judgment should not be pronounced against her in accordance with the law and no cause being shown; it is hereby

ORDERED AND ADJUDGED, and the sentence is that you, TAMARA LILE-SMITH, upon your conviction for the crime of GRAND THEFT BY DECEPTION (FELONY), be and



SAD
CS
DM
mla

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you hereby are sentenced to serve FIVE (5) years in the South Dakota State Penitentiary, Sioux Falls, South Dakota; and it is further

ORDERED, that the Defendant receive credit for time already served in the Pennington County Jail in the amount of ONE HUNDRED AND EIGHTY (180) days; and it is further

ORDERED, that the Defendant reimburse Pennington County for the costs of her court-appointed counsel which have been incurred in this matter in the amount of Two Thousand Eight Hundred Ninety-Five Dollars and Twenty-Eight Cents to be paid through the Pennington County Clerk of Courts (\$2,895.28); and it is further

ORDERED, that the Defendant reimburse the Pennington County State's Attorney's Office Seventy-Five Dollars (\$75.00) for the costs of Grand Jury transcripts to be paid through the Pennington County Clerk of Courts; and it is further

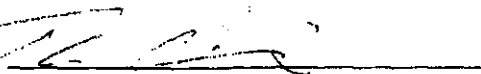
ORDERED, that restitution be paid through the Pennington County Clerk of Courts in the total amount of Two Thousand Ninety Dollars (\$2090.00); and it is further

ORDERED, that any bond which has been posted in this matter be discharged and the bondsman exonerated; and it is further


ORDERED, that the Defendant be remanded to the custody of the Pennington County Sheriff for transportation and delivery to the Warden of the South Dakota State Penitentiary, Sioux Falls, South Dakota.

Dated this 25 day of June, 2002, nunc pro tunc the 15th day of April, 2002.

BY THE COURT:


The Honorable Thomas L. Trimble
Circuit Court Judge
Seventh Judicial Circuit

ATTEST:
Ranae Truman, Clerk of Courts

By: 
(Deputy)

(SEAL)

NOTICE OF RIGHT TO APPEAL

You, TAMARA LILE-SMITH, are hereby notified that you have a right to appeal as provided for by SDCL 23A-32-15, which you must exercise by serving a written notice of appeal upon the Attorney General of the State of South Dakota and the State's Attorney of Pennington County and by filing a copy of the same, together with proof of such service with the Clerk of this Court within Thirty (30) days from the date that this Judgment is filed with said clerk.

State of South Dakota } Seventh Judicial
County of Pennington } Circuit Court
I hereby certify that the foregoing instrument
is a true and correct copy of the original as
the same appears on record in my office this

NOV 16 2017

RANAEL TRUMAN
Clerk of Courts, Pennington County

By  Deputy

Pennington County, SD
FILED
IN CIRCUIT COURT

JUN 26 2002

Ranae Truman, Clerk of Courts

By  Deputy

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

IN MAGISTRATE COURT
SEVENTH JUDICIAL CIRCUIT

STATE OF SOUTH DAKOTA,)
)
Plaintiff,)

C-5--FEL = 5/5

COMPLAINT

vs.)

PERJURY

TAMARA LILE-SMITH)
)
Defendant.)

DOB: [REDACTED]
SSN: [REDACTED]
CR#: 01-10767

The undersigned being duly sworn upon oath charges:

That on or about the 3rd day of May, 2001, in the County of Pennington, State of South Dakota, TAMARA LILE-SMITH did commit the public offense of PERJURY, in that she did then and there, having taken an oath that she would testify, declare, depose, or certify truly before a competent tribunal, officer, or person, to wit: SD Department of Social Services, in any of the cases in which such an oath may be, by law, administered intentionally and contrary to such an oath, state a material matter, to wit: applications for State and Federal aid, knowing that such information was false, in violation of SDCL 22-29-1 and SDCL 22-29-5(3); and

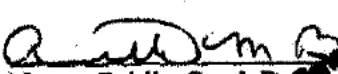
contrary to statute in such case made and provided against the peace and dignity of the State of South Dakota.


Probable cause for this Complaint is based on law enforcement reports attached hereto and incorporated herein.

Dated this 4th day of October, 2001, at Rapid City, Pennington County, South Dakota.


Deputy State's Attorney

Subscribed and sworn to before me this 4 day of October, 2001.


Notary Public, South Dakota
My Commission Expires: 12/04

Pennington County, SD
FILED
OCT 05 2001
Ranee Truman, Clerk of Courts
By:  Deputy



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

STATE OF SOUTH DAKOTA,)
)
Plaintiff,)
)
vs.)
)
TAMARA LILE-SMITH,)
)
Defendant.)

IN CIRCUIT COURT
SEVENTH JUDICIAL CIRCUIT

FILE NO. 01-3872
C-5-FEL = 5/5
INFORMATION

Information for **PERJURY**

Glenn A. Brenner, as prosecuting attorney, in the name of and by the authority of the State of South Dakota, makes and files this Information against **TAMARA LILE-SMITH** and charges:

That on or about the **3rd** day of **May**, 2001, in the County of Pennington, State of South Dakota, **TAMARA LILE-SMITH** did commit the public offense of **PERJURY**, in that she did then and there, having taken an oath that she would testify, declare, depose, or certify truly before a competent tribunal, officer, or person, to wit: SD Department of Social Services, in any of the cases in which such an oath may be, by law, administered intentionally and contrary to such an oath, state a material matter, to wit: applications for State and Federal aid, knowing that such information was false, in violation of **SDCL 22-29-1** and **SDCL 22-29-5(3)**; and

contrary to the statute in such case made and provided against the peace and dignity of the State of South Dakota.

Dated this 19th day of **November**, 2001, in Rapid City, Pennington County, South Dakota.

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



Prosecuting Attorney

Glenn A. Brenner, being first duly sworn, states that he is the prosecuting attorney for the above matter, that he has read the foregoing Information and the same is true to his own best knowledge, information and belief.



Prosecuting Attorney



Subscribed and sworn to before me this 19th day of November, 2001.

Dawn Staggerty
Notary Public, South Dakota
My Commission Expires: 8-28-04

Witnesses known to the Prosecuting Attorney at the time of the filing of this Information:

DETECTIVE NEAVILL
JIM KJERSTAD
JIM WALZ
ANGIE COLLIGNON

PAT GROTENHOUSE
EUGENE BUSSEL
VALERIE O'DAY

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

NOTICE OF DEMAND FOR
ALIBI DEFENSE

I, Glenn A. Brenner, Prosecuting Attorney in the above matter, hereby state that the alleged offense was committed on or about May 3, 2001, in Pennington County, South Dakota. I hereby request that the Defendant or his attorney serve upon me a written notice of his intention to offer a defense of alibi within ten (10) days as provided in SDCL 23A-9-1. Failure to provide such notice of alibi defense may result in exclusion of any testimony pertaining to an alibi defense.

Glenn A. Brenner
Prosecuting Attorney

State of South Dakota) Seventh Judicial
County of Pennington) Circuit Court
I hereby certify that the foregoing instrument
is a true and correct copy of the original as
the same appears on record in my office this

NOV 16 2017

RANAE L. TRUMAN
Clerk of Courts, Pennington County

By *[Signature]* Deputy

Pennington County, SD
FILED
IN CIRCUIT COURT

NOV 27 2001

Ranae Truman, Clerk of Courts

By *[Signature]* Deputy

STATE OF SOUTH DAKOTA)
) SS.
 COUNTY OF PENNINGTON)
 STATE OF SOUTH DAKOTA,)
)
 Plaintiff,)
)
 vs.)
)
 TAMARA LILE-SMITH,)
)
 DOB: [REDACTED])
)
 CR #: 01-10767)
)
 Defendant.)

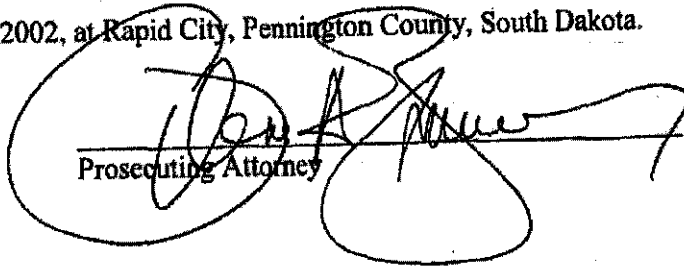
IN CIRCUIT COURT
 SEVENTH JUDICIAL CIRCUIT

FILE NO: 01-3872

DISMISSAL

Pursuant to SDCL 23A-44-2, Glenn A. Brenner, Prosecuting Attorney, dismisses the Information dated November 19, 2001, alleging the offense of PERJURY, committed on or about May 3, 2001, for the reason that the Defendant has pled Guilty to the offense of GRAND THEFT BY DECEPTION in Pennington County Criminal File 01-1899 and has been sentenced on that charge pursuant to plea agreement.

Dated this 24th day of April, 2002, at Rapid City, Pennington County, South Dakota.


 Prosecuting Attorney

State of South Dakota } Seventh Judicial
 County of Pennington } Circuit Court
 I hereby certify that the foregoing instrument
 is a true and correct copy of the original as
 the same appears on record in my office this

NOV 16 2017

RANAEL L. TRUMAN
 Clerk of Courts, Pennington County

By  Deputy

Pennington County, SD
 FILED
 IN CIRCUIT COURT
 APR 24 2002
 Ranael Truman, Clerk of Courts
 Deputy

EXHIBIT
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