

IN THE SUPREME COURT
STATE OF SOUTH DAKOTA

STATE OF SOUTH DAKOTA

Appellee,

vs.

AMIR H. BEAUDION, JR.,

Appellant.

No. 31160

APPEAL FROM THE CIRCUIT COURT
OF THE SECOND JUDICIAL CIRCUIT
LINCOLN COUNTY, SOUTH DAKOTA

HONORABLE RACHEL R. RASMUSSEN
Circuit Court Judge

APPELLANT'S BRIEF

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Notice of Appeal Filed on July 25, 2025

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PRELIMINARY STATEMENT

All references herein to the Settled Record are referred to as “SR.” Because the Settled Record was divided into three separate volumes, the specific volume will be referred to as “SR1,” “SR2,” and “SR3.” The transcript of the Sentencing Hearing held June 25, 2025 is referred to as “SH.” All references to documents will be followed by the appropriate page number. Exhibits are referred to as “Ex.” followed by the exhibit number. Defendant and Appellant, Amir Beaudion, will be referred to as “Beaudion.”

JURISDICTIONAL STATEMENT

Beaudion appeals from the Judgment and Sentence entered July 30, 2025. SR 18. Beaudion’s Notice of Appeal was filed July 25, 2025. SR 129. This Court has jurisdiction over the appeal pursuant to SDCL 23A-32-2 and SDCL 23A-32-9.

STATEMENT OF LEGAL ISSUES

I. WHETHER THE CIRCUIT COURT ABUSED ITS DISCRETION BY IMPOSING A LIFE SENTENCE WITHOUT THE POSSIBILITY OF PAROLE.

The circuit court imposed a sentence of life without parole despite Beaudion's youth, intellectual disability, and mental illness diagnosis.

Atkins v. Virginia, 536 U.S. 304 (2002)

Graham v. Florida, 560 U.S. 48 (2010)

Miller v. Alabama, 567 U.S. 460 (2012)

II. WHETHER BEAUDION'S SENTENCE CONSTITUTES CRUEL AND UNUSUAL PUNISHMENT.

The circuit court imposed a sentence of life without parole.

State v. Caffee, 2023 S.D. 51, 996 N.W.2d 351

U.S. Const. amend. VIII

STATEMENT OF CASE

On January 24, 2020, a Lincoln County Grand Jury returned an Indictment charging Beaudion with eight counts of First-Degree Murder, one count of Second-Degree Murder, four counts of First-Degree Aggravated Kidnapping, two counts of Second-Degree Rape, and one count of Second-Degree Robbery. SR1 1-6. The same day, the State filed a Part II Information alleging Beaudion had been convicted of one prior felony offense. SR1 7.

The State filed a notice of intent to seek the death penalty on July 1, 2020. SR1 181. The State's intent to seek the death penalty generated extensive pretrial litigation, including:

- State notice of intent to offer 404(b) evidence. SR1 244.
- Defense motion seeking appointment of mitigation specialist. SR1 223.
- Defense “Death is Different” motion. SR1 803.
- State motions for school district and social services records. SR1 1274-77.
- State motion for competency evaluation. SR1 1619.
- Defense motions to declare South Dakota’s capital sentencing process unconstitutionally unreliable and excessive for a teenage offender. SR1 2889, 2905.

The case progressed slowly due to the extensive pretrial litigation, the COVID-19 pandemic, and the nature of the case.

On June 29, 2023, the State filed a notice of intent to withdraw its death penalty request. SR2 466. Four months later, the State renewed its motion for a competency evaluation and the circuit court granted the request. SR2 634-40, 655. On March 5, 2024, after reviewing the psychological evaluations and opinions rendered by Dr. Josette Lindahl and Dr. Clay Pavlis, the circuit court found Beaudion incompetent and ordered he be committed to the South Dakota Human Services Center and placed in competency restoration programming. SR2 682. On November 6, 2024, the administrator for the South Dakota Human Services Center filed a Certificate of Recovery. SR2 732.

After Beaudion was deemed competent to proceed, the parties reached a plea agreement. On April 1, 2025, the circuit court held a plea hearing and Beaudion entered a guilty plea to first-degree manslaughter. SR3 11 (sealed). Beaudion’s plea was supported by a written factual basis statement. SR2 778. The circuit court ordered a presentence investigation and delayed the sentencing hearing. SR3 19.

The parties returned for a sentencing hearing on June 25, 2025. *See generally* ST. The crux of the sentencing hearing related to the true nature of the offense. *Id.* The State argued that although the parties had resolved the case with an agreement allowing Beaudion to plead guilty to the lesser charge of first-degree manslaughter, the circuit court could rely upon additional evidence introduced at the sentencing hearing to determine Beaudion's actual culpability and formulate the appropriate sentence. ST 13. To support their contention that the true nature of Beaudion's actions amounted to first-degree murder, the State elicited testimony from Sergeant Matt Dunn, Detective Pat Mertes, and forensic pathologist Dr. Kenneth Snell. *Id.* at 25, 45, 81. The State also presented victim impact statements from Badi's sister and two close friends of the Badi family. *Id.* at 19, 69, 72. The defense elicited testimony from Dr. Brad Randall, a forensic pathologist. *Id.* at 95.

When testimony concluded, the circuit court heard arguments from both parties. Again, the State asserted that the evidence suggested Beaudion was guilty of first-degree murder. ST 116. According to the State, "[w]hat [Beaudion] did that day was murder." *Id.* at 115. The State requested the circuit court impose a life sentence. *Id.* at 116. The State acknowledged Beaudion's youth but argued it neither justified his actions nor warranted a sentence of less than life. *Id.* The State recounted Beaudion's criminal history and other acts, including the attempted first-degree kidnapping charge from Minnehaha County. *Id.* at 119. The State also referenced Beaudion's conduct in the Minnehaha County Jail,

including an incident where Beaudion assaulted a correctional officer in a storage closet and attempted to lock the closet door with a pencil. *Id.* at 120.

Beaudion's defense contended that the evidence, in addition to the written factual basis supporting Beaudion's plea, supported their argument that Beaudion's actions were appropriately classified as manslaughter not rising to the level of first-degree murder. ST 127 (Beaudion's defense attorney stating "we differ very little regarding what actually happened or even what the cause of death is. Only difference, again . . . has to do with the certitude, whether or not Mr. Beaudion had the design to effect death and therefore strangled Ms. Badi until she asphyxiated or whether. . . this was a mutual fight"). Beaudion's defense urged the circuit court to impose a term of years sentence rather than life without parole. *See* SR2 788-95 (Defendant's Sentencing Memorandum).

At the conclusion of the sentencing hearing, the circuit court imposed a sentence of life without parole. ST 160.

STATEMENT OF FACTS

Sergeant Matt Dunn ("Dunn") was working as a Crimes Against Persons detective with the Sioux Falls Police Department when a missing person report related to Pasqualina Badi ("Badi") was issued. ST 27. Because Badi was last seen at Wal-Mart, where she was employed, law enforcement obtained and reviewed surveillance video from the early morning hours of January 5, 2020. *Id.* at 28. In reviewing the video, Dunn saw Beaudion arrive at the Wal-Mart around 3:00 A.M. that morning. *Id.* While reviewing the video, Dunn saw Beaudion walking

through the aisles of the store, then following a woman from inside the store into the parking lot. *Id.* After the woman loaded her vehicle and drove away, Beaudion got into his car and followed her. *Id.* at 29. The woman reported this instance to law enforcement, but when they arrived at her residence Beaudion was not present. *Id.*

Dunn's review of the surveillance video showed Beaudion returning to Wal-Mart around 5:00 A.M. *Id.* Again, Beaudion entered the store and walked the aisles without an apparent purpose. *Id.* Shortly after Beaudion arrived, Badi was leaving. *Id.* at 30. Badi walked to her vehicle and Beaudion followed. *Id.* Beaudion approached Badi's vehicle, and after a short exchange between the two, Beaudion entered the passenger side door of Badi's vehicle. *Id.* Beaudion recognized Badi as his girlfriend's friend. SR2 778 (Factual Basis Statement).

Law enforcement continued investigating Badi's disappearance and tracked the vehicle's movement using traffic cameras and data obtained from Badi's cell phone. ST 30-31. Badi's vehicle departed from Wal-Mart and traveled westbound to an address on Conklin Avenue in Sioux Falls. *Id.* It remained parked at that location for approximately 30 to 40 minutes. *Id.* at 31. Next, the vehicle traveled to a U.S. Bank branch located on Sycamore Avenue in Sioux Falls. *Id.* at 31. At 6:06 A.M., video surveillance showed Beaudion driving Badi's vehicle while Badi remained in the passenger seat. *Id.* Beaudion exited the vehicle and used the ATM to withdraw a total of \$110 from Badi's bank account. *Id.* at 16, 31-32.

From there, the vehicle traveled to a rural location in Lincoln County and remained parked at that location for approximately 8 to 11 minutes. *Id.* at 32. According to the written factual basis, Beaudion and Badi engaged in sexual intercourse while parked on the gravel road in rural Lincoln County. SR2 778 (Factual Basis Statement). Badi became angry and discharged pepper spray at Beaudion. *Id.* Because some of the pepper spray contacted Beaudion's privates, he pushed her out of the car. *Id.* at 779. Beaudion was mad and began fighting with Badi. *Id.* In his anger, he hit her multiple times, including on her head. *Id.* Beaudion held Badi on the ground by her throat, choking her until she stopped fighting back and appeared to be unconscious. *Id.*

Beaudion left in Badi's vehicle, then returned to check on her. *Id.* He saw that she was not moving but did not try to help her and instead drove away. *Id.* Beaudion returned to Sioux Falls in Badi's vehicle. *Id.* While he was driving back to Sioux Falls, he threw Badi's phone out of the vehicle's window into the ditch. *Id.* Once Beaudion was back in Sioux Falls, he tried to burn Badi's vehicle to hide any evidence of the incident. *Id.*

After reviewing the surveillance footage connecting Badi's disappearance to Beaudion, law enforcement attempted to locate him. ST 33. Beaudion was taken into custody on January 6, 2020, and Dunn conducted an interview. *Id.* at 34. During his investigation, Dunn learned that Beaudion was the suspect in an attempted kidnapping at a Hy-Vee in Sioux Falls on January 1, 2020. *Id.* at 37. Dunn provided testimony related to the details of the Hy-Vee incident. *Id.* at 38.

He also testified that multiple women reported that Beaudion had watched and approached women as they were loading groceries at either Hy-Vee or Wal-Mart. *Id.* at 38. Dunn also testified that while Beaudion was incarcerated at the Minnehaha County Jail, he assaulted a female correctional officer. *Id.* at 40.

On cross-examination, Dunn agreed that when Beaudion approached Badi in the parking lot, Badi was inside her vehicle and the vehicle was running. *Id.* at 42. Dunn also agreed that approximately 15 seconds elapsed from the time Beaudion approached Badi's vehicle until he entered it. *Id.* When Beaudion entered the vehicle, the door was unlocked. *Id.* Dunn agreed that Beaudion did not use any force or violence to gain entry into Badi's vehicle, rather, it appeared he was invited to do so. *Id.* at 43.

Mertes reviewed cell phone data from Beaudion and Badi's phone. *Id.* at 48. In reviewing the records obtained from Beaudion and Badi's social media accounts, Beaudion and Badi were friends on Facebook, but no other connections were found. *Id.* at 56-57. Mertes also provided testimony detailing Beaudion's incident reports while at the Minnehaha County Jail, which included possession of illicit contraband and inappropriate behavior with female correctional staff. *Id.* at 62-65.

The factual basis states that Beaudion "did not intend to effect Ms. Badi's death, but in the heat of passion, [he] hit and choked her and then left her in the ditch by the side of the road, which resulted in her death." SR2 779 (Factual Basis

Statement). Beaudion further agreed that his actions were cruel and unusual. *Id.*

At the time of the offense, Beaudion was 19 years and 7 months old.

ARGUMENT

I. THE CIRCUIT COURT ABUSED ITS DISCRETION BY IMPOSING A LIFE WITHOUT PAROLE SENTENCE.

Standard of Review

“We generally review a circuit court's sentencing decision for an abuse of discretion.” *State v. Caffee*, 2023 S.D. 51, ¶ 26, 996 N.W.2d 351, 359-60 (quoting *State v. Manning*, 2023 S.D. 7, ¶ 51, 985 N.W.2d 743, 758). “An abuse of discretion is a fundamental error of judgment, a choice outside the range of permissible choices, a decision, which, on full consideration, is arbitrary or unreasonable.” *Id.*

Of course, circuit courts “have broad discretion in sentencing.” *State v. Klinetobe*, 2021 S.D. 24, ¶ 28, 958 N.W.2d 734, 741. In exercising that discretion, circuit courts should consider “the traditional sentencing factors of retribution, deterrence – both individual and general – rehabilitation, and incapacitation” without affording one factor preeminence over another. *Id.* “The factors are to be weighed ‘on a case-by-case basis’ depending on the circumstances of the particular case.” *Id.* (quoting *State v. Toavs*, 2017 S.D. 93, ¶ 10, 906 N.W.2d 354, 357).

A. Beaudion’s Background

Because a sentencing court must consider the person appearing before them by “studying a defendant’s general moral character, mentality, habits,

social environment, tendencies, age, aversion or inclination to commit crime, life, family, occupation, and previous criminal record[.]" Beaudion will provide a brief summary of his background below. *State v. Mitchell*, 2021 S.D. 46, ¶ 29, 963 N.W.2d 326, 333 (citing *State v. Cepelcha*, 2020 S.D. 11, ¶ 64, 940 N.W.2d 682, 699).

The record contains multiple sources of information recounting Beaudion's social, educational, and criminal history. The presentence investigation report (PSI), and Dr. Rivka Olley's psychological report appended to the PSI, provide extensive detail. SR2 832-42, 873-927 (sealed).

Beaudion was born in Alexandria, Louisiana on May 11, 2000. SR2 837. At sentencing, Beaudion's defense outlined his tragic childhood colored by abuse and neglect. ST 131. Beaudion's mother and father were both poverty stricken – his father was emotionally and physically abusive while his mother suffered from substance abuse issues. *Id.* As the defense stated at sentencing, "to say that [Beaudion] had a traumatic childhood would be an understatement." ST 133.

Beaudion is intellectually disabled. SR2 873-927 (PSI: Expert Report of Dr. Rivka Olley). Beaudion's IQ testing showed results indicating an IQ of 51, significantly lower than average. *Id.* at 925. While Beaudion was in the Louisiana school system, he repeated Kindergarten, 4th grade, and 9th grade before dropping out of high school. ST 134. And although Beaudion's intellectual disability seemed apparent, he was never placed on an individualized education plan. *Id.* Beaudion was also diagnosed with schizophrenia in October of 2023. *Id.* at 137.

Before his arrest for this offense, Beaudion had been convicted of one prior felony offense and was placed on probation.¹ SR2 836. In May of 2019, while on probation, Beaudion was charged with aggravated assault on law enforcement, aggravated eluding, possession of marijuana, and other traffic offenses.² *Id.* On January 7, 2020, Beaudion was charged with attempted first-degree kidnapping stemming from the incident at Hy-Vee on January 1, 2020. *Id.* While incarcerated, Beaudion was charged with aggravated assault on law enforcement and possession of unauthorized articles in jail stemming from the incident at the Minnehaha County Jail on November 14, 2021. *Id.* at 836-37.³ Throughout the pendency of the case, the State also filed multiple, separate charges alleging possession of illicit contraband in the jail and one charge alleging simple assault on law enforcement.⁴ *Id.*

¹ 49CRI18-8628.

² See 49CRI19-3978 (this case was dismissed pursuant to the plea agreement in 49CRI20-158 and 49CRI21-8217).

³ See 49CRI20-158 and 49CRI21-8217 (On April 2, 2025, Beaudion entered a guilty plea to first-degree attempted kidnapping, aggravated assault on law enforcement, and possession of unauthorized articles in jail. Beaudion was sentenced by the Honorable Jon Sogn, Circuit Court Judge of the 2nd Judicial Circuit, on June 30, 2025. On the first-degree attempted kidnapping and aggravated assault on law enforcement convictions, the circuit court imposed two 25-year penitentiary sentences and ordered the sentences run consecutive to each other, and consecutive to his LWOP sentence).

⁴ These cases were dismissed pursuant to the plea agreement in 49CRI20-158 and 49CRI21-8217.

B. The circuit court should have imposed a term of years sentence due to Beaudion's youth and intellectual disability.

South Dakota law is explicit: a sentence of life imprisonment means life *without parole* ("LWOP"). See SDCL 24-15-4 (restricting parole eligibility for an inmate sentenced to life imprisonment to the compassionate parole provisions provided in SDCL 24-15A-55 to SDCL 24-15A-68, inclusive). Even if an inmate sentenced to LWOP has shown extraordinary rehabilitative progress, the traditional channels of release through the Board of Pardons and Paroles are unavailable.

Beaudion acknowledges that federal caselaw and South Dakota statutory protections against LWOP sentences are limited to juvenile offenders. See *Graham v. Florida*, 560 U.S. 48 (2010) (holding the Eighth Amendment categorically prohibits LWOP sentences for juvenile nonhomicide offenders); *Miller v. Alabama*, 567 U.S. 460 (2012) (holding mandatory LWOP sentences for juvenile homicide offenders violates the Eighth Amendment); *Jones v. Mississippi*, 593 U.S. 98 (2021) (clarifying that *Miller* only requires a discretionary sentencing process to be constitutionally sufficient); SDCL 22-6-1.3 (categorically prohibiting life imprisonment for juvenile offenders).

In addition, Beaudion recognizes that the categorical prohibition in *Atkins v. Virginia* is limited to intellectually disabled individuals facing capital cases. 536

U.S. 304 (2002) (holding the Eighth Amendment prohibits the death penalty for intellectually disabled persons).

While the cases referenced above are expressly limited to juvenile offenders and intellectually disabled persons facing capital punishment, the conceptual framework underpinning these categorical prohibitions is relevant in analyzing whether the circuit court's LWOP sentence was an abuse of discretion. In *Miller*, the United States Supreme Court reiterated that "*Roper* and *Graham* emphasized that the distinctive attributes of youth diminish the penological justifications for imposing the harshest sentences on juvenile offenders, even when they commit terrible crimes." *Miller*, 567 U.S. at 472. But as the *Roper* court recognized, the characteristics that diminish the culpability of a juvenile offender do not vanish when the offender turns 18-years old:

The qualities that distinguish juveniles from adults do not disappear when an individual turns 18. By the same token, some under 18 have already attained a level of maturity some adults will never reach. For the reasons we have discussed, however, a line must be drawn.

Roper v. Simmons, 543 U.S. 551, 574 (2004).

Regarding Beaudion's youth, testimony from Dr. Laurence Steinberg elicited at the March 20, 2023 motions hearing is informative. SR1 4936. Steinberg, a professor of psychology and neuroscience, provided extensive testimony related to the development of the late adolescent brain.⁵ See SR1 4495-

⁵ "Adolescence" includes the approximate period of time from when an individual is age 10 and ends at age 20. "Late adolescence" includes the

4576 (Curriculum Vitae of Laurence Steinberg). Steinberg served as the lead scientist in amici briefs filed by the American Psychological Association in *Roper*, *Graham*, and *Miller*. *Id.* at 4939-40. At the motions hearing, Steinberg was qualified as an expert in adolescent psychological development. *Id.* He opined that:

[W]hen we think about the parts of the brain that are for advanced control and the advanced thinking abilities, those take much longer to mature and aren't really fully mature until probably age 22 or 23 or so. If what you mean by the question is, at what point is the brain at an adult level of maturity in ways that affect behavior that are relevant for legal matters? I would say probably not until 22 or 23. There's some disagreement among scientists as to how late that is. Some would say it's even later than that, but I don't know too many that would say it's earlier than that. Certainly, no credible neuroscientist would say that the brain is mature by the time people are 18 years old.

SR1 4947. When the defense asked about the high end of that range, Dr.

Steinberg indicated:

Well, I would say that the research that goes beyond age 22 or 23 is just beginning to accumulate, and so I'm a little more cautious in saying that I'm confident that there is maturation after age 18, up until 22 or so. I'd like to see more research after that age to feel confident saying that there's still maturation going on after that. But there's some scientists who think that there's enough that's been established they can confidently say that the brain is still maturing at around age 25 or so.

approximate period of time when an individual is age 18 up to, and not including, age 21. SR1 4941, 4946.

SR1 4948. According to Steinberg, scientific studies have concluded that the same characteristics ascribed to juvenile offenders in *Roper* and *Graham* apply to individuals who are 18, 19, and 20 years old. SR1 4963.

Regarding Beaudion's intellectual disability, the same characteristics that underpin the prohibition of capital punishment for that class of offenders are relevant in determining whether a sentence of LWOP was appropriate in this case:

[Intellectually disabled] defendants may be less able to give meaningful assistance to their counsel and are typically poor witnesses, and their demeanor may create an unwarranted impression of lack of remorse for their crimes.

Atkins, 536 U.S. at 321.

At the sentencing hearing, the circuit court did reference Beaudion's age as a mitigating factor. ST 152. The circuit court also commented on Beaudion's intellectual disability but stated the deficits in his education and intellect "don't mitigate the decision-making that was done for this criminal activity." *Id.* at 159. Also, the circuit court found that "regardless of that intellectual disability that is verified," Beaudion did not want to get caught, which demonstrated his behavior was "thought out." *Id.*

Here, however, the circuit court failed to give adequate weight to Beaudion's youth and intellectual disability as constitutionally recognized mitigating factors that cut against the propriety of a LWOP sentence. As the circuit court noted, "the report and evidence shows that Mr. Beaudion likely

functions at a grade level lower than the 9th grade.” *Id.* at 153. And although a LWOP sentence for a young and intellectually disabled defendant is not categorically prohibited, it is exceedingly harsh.

To be sure, Beaudion is not asking this Court to find LWOP sentences to be categorically prohibited for late adolescent offenders. Instead, Beaudion asserts that the rationale supporting the seminal decisions in *Roper*, *Graham*, *Miller*, and *Atkins* is relevant in determining if the circuit court abused its discretion in imposing LWOP for Beaudion, who was 19-years old at the time of the offense, suffered from an intellectual disability, and was diagnosed with schizophrenia during his pretrial incarceration.

C. The circuit court’s determination that rehabilitation was unlikely demanded a more rigorous analysis.

During the sentencing hearing, the circuit court briefly addressed rehabilitation as a sentencing factor, stating:

I can’t rehabilitate Mr. Beaudion’s past and based on the whole of the record here unfortunately, I believe there’s *only a very slim chance for rehabilitation* for Mr. Beaudion. The other factors of *punishment, deterrence, and incapacitation to protect the community are greater than the likelihood of rehabilitation*; therefore, I’m balancing all of those factors into the sentence of the Court that Mr. Beaudion be sentence to life in prison without the possibility of parole.

ST 160 (emphasis added).

This Court has emphasized the severity of a LWOP sentence and its inverse relationship with the goal of rehabilitation: “A life sentence ‘completely eschews the goal of rehabilitation.’” *State v. Ramos*, 1996 S.D. 37, ¶ 17, 545 N.W.2d

817, 821 (quoting *Bult v. Leapley*, 507 N.W.2d 325, 327 (S.D. 1993) (*Bult II*)). This Court has also recognized that “a term of years allows for rehabilitation and allows [the defendant] hope.” *Ramos*, 1996 S.D. 37, ¶ 17, 545 N.W.2d 817, 821 (citation modified) (quoting *State v. Ferguson*, 519 N.W.2d 50, 54 (S.D.1994)). Moreover, this Court has advised sentencing courts that LWOP may be appropriate when the sentencing court:

Can determine from the facts of the principal offense and the previous convictions that rehabilitation is so unlikely as to be removed from consideration in sentencing; that the interests of society demand that the convict be kept off the streets for the rest of his life ... and that the life sentence not constitute excessive retribution.

State v. Milk, 2000 S.D. 28, ¶ 18, 607 N.W.2d 14, 19-20 (citing *State v. Pulfrey*, 1996 SD 54, ¶ 18, 548 N.W.2d 34, 38). In *Milk*, this Court clarified, however, that this “is not a bright-line rule, which must be considered in every case before a life sentence can be imposed.” *Id.* ¶ 18, 607 N.W.2d at 19-20. Instead, it is addressed “only if we initially determine that there is a gross disproportionality in the sentence.” *Id.*

“Whether a defendant is capable of rehabilitation is a fact question to be decided by the sentencing court.” *State v. Talla*, 2017 S.D. 34, ¶ 13, 897 N.W.2d 351, 355 (citation modified) (quoting *Pulfrey*, 1996 S.D. 54, ¶ 20, 548 N.W.2d at 39). For an individual who was 19 years old at the time of the offense, intellectually disabled, and recently diagnosed with a severe mental illness, finding there is “only a very slim chance of rehabilitation” requires a more

rigorous factual analysis which examines the entire clinical picture. To ensure the LWOP sentence in this case did not constitute excessive retribution, the circuit court should have engaged in a thorough analysis which addressed the specific reasons it deemed Beaudion's chances of rehabilitation to be unlikely.

In consideration of these mitigating factors, and without a finding that rehabilitation is so unlikely that it can be disregarded as a sentencing factor, the circuit court's LWOP sentence is the product of "a fundamental error of judgment, a choice outside the range of permissible choices, a decision, which, on full consideration, is arbitrary or unreasonable." *Caffee*, 2023 S.D. 51, ¶ 26, 996 N.W.2d at 359-60. A significant term of years sentence would have achieved the necessary penological goals of retribution, incapacitation, deterrence, *and* rehabilitation.

II. BEAUDION'S SENTENCE CONSTITUTES CRUEL AND UNUSUAL PUNISHMENT.

Standard of Review

"When the question presented is whether a challenged sentence is cruel and unusual in violation of the Eighth Amendment, we conduct a de novo review." *Caffee*, 2023 S.D. 51, ¶ 16, 996 N.W.2d at 357-58 (quoting *Manning*, 2023 S.D. 7, ¶ 47, 985 N.W.2d at 757). The Eighth Amendment of the federal constitution prohibits cruel and unusual punishment, and this sentencing restriction is applied to the states through the Fourteenth Amendment. *Id.*

A. Gross Disproportionality

To determine if a sentence violates the Eighth Amendment, this Court must analyze whether the sentence is “grossly disproportionate to its corresponding offense.” *Id.* ¶ 17, 996 N.W.2d at 358 (quoting *Manning*, 2023 S.D. 7, ¶ 48, 985 N.W.2d at 757). To make that determination, this Court compares the gravity of the offense to the harshness of the penalty. *Id.* If gross disproportionality is not found, the analysis ends. *Id.* “If the penalty does appear to be grossly disproportionate to the gravity of the offense, then we will compare the sentence to those imposed on other criminals in the same jurisdiction as well as those imposed for commission of the same crime in other jurisdictions.” *Id.* (citation modified) (quoting *Manning*, 2023 S.D. 7, ¶ 48, 985 N.W.2d at 758).

Beaudion was convicted of first-degree manslaughter. SDCL 22-16-15. Certainly, the gravity of this offense is high, as “homicide has long been considered the highest crime against the law of nature, that man is capable of committing.” *Caffee*, 2023 S.D. 51, ¶ 18, 996 N.W.2d at 358 (citation modified) (quoting *State v. Cepelch*, 2020 S.D. 11, ¶ 59, 940 N.W.2d 682, 698). There is no question that Beaudion’s offense had a tremendous impact on Badi’s family and friends. Beaudion also acknowledges that the substance of the other-acts testimony detailed at the sentencing hearing served as an aggravating factor which increased gravity of Beaudion’s conduct. Regarding that information, the circuit court stated:

The information presented makes it clear that the defendant has a history of at least watching women. Detective Dunn called it predatory behavior and that appears to have somewhat happened in this case. Watching or

approaching women in parking lots, asking for money, asking for rides, things like that. And other than the Hy-Vee incident from a few days before this one, it didn't appear that Mr. Beaudion had ever actually used force against anyone. He had simply kept approaching them.

From what we know, all of those other women either said no or denied his request for help. Based on the information, we know Ms. Badi may have been presented with the same opportunity. It's largely disputed whether the defendant was planning this event when he entered the motor vehicle. The actions before and after the event show, however, that regardless of what he planned when he entered Ms. Badi's motor vehicle, the intentions were not good.

ST 155.

But here, Beaudion admitted to killing Badi “without any design to effect death . . . and in a heat of passion, but in a cruel and unusual manner.” SDCL 22-16-15(2). While the State asserted that Beaudion’s actions demonstrated conduct that could have been prosecuted as first-degree murder, both the evidence and the factual basis reflect actions that were properly adjudicated to support a first-degree manslaughter conviction. Nothing in the record establishes that Beaudion set out with a premeditated plan to kill Badi. *See* ST 127-31 (Beaudion’s defense specifying evidence to support the version of events described in the Factual Basis Statement).

“With only a death sentence above it, a life sentence is undoubtedly at the higher end of the spectrum of all permitted punishments.” *Caffee*, 2023 S.D. 51, ¶ 25, 996 N.W.2d at 359. Beaudion’s LWOP sentence, which was the maximum allowed by statute for a Class C felony, is inarguably harsh. SDCL 22-16-15; SDCL 22-6-1(3).

As discussed in Issue I above, the gravity of Beaudion's offense and the harshness of the penalty must be contextualized with his youth, his intellectual disability, and his severe mental illness. In light of these important mitigating factors, Beaudion requests this Court find the harshness of his LWOP sentence to be grossly disproportionate to the gravity of his offense.

CONCLUSION

For the aforementioned reasons, Beaudion respectfully requests this Court reverse the circuit court's life without parole sentence and remand Beaudion's case for a new sentencing hearing.

CERTIFICATE OF COMPLIANCE

- I. I certify that the Appellant's Brief is within the limitation provided for in SDCL 15-26A-66(b) using Book Antiqua typeface in 12-point type. Appellant's Brief contains 4,892 words.
- II. I certify that the word processing software used to prepare this brief is Microsoft Word for Microsoft 365 MSO (Version 2508).

Dated this 21st day of April, 2026.

/s/ Christopher Miles
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CERTIFICATE OF SERVICE

The undersigned hereby certifies that true and correct copies of the Appellant's Brief were electronically served upon:

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IN THE SUPREME COURT
STATE OF SOUTH DAKOTA

No. 31160

STATE OF SOUTH DAKOTA,

Plaintiff and Appellee,

v.

AMIR HASAN BEAUDION, JR.,

Defendant and Appellant.

APPEAL FROM THE CIRCUIT COURT
2nd JUDICIAL CIRCUIT
LINCOLN COUNTY, SOUTH DAKOTA

THE HONORABLE RACHEL R. RASSMUSSEN
Circuit Court Judge

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CHART: Manslaughter Defendants < Age 27 Sentenced To LWOP	001
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JURISDICTIONAL STATEMENT

This Court has jurisdiction pursuant to SDCL 23A-32-2.

STATEMENT OF LEGAL ISSUES AND AUTHORITIES

IS BEAUDION'S LIFE WITHOUT PAROLE SENTENCE AN ABUSE OF THE SENTENCING COURT'S DISCRETION?

State v. Bear Robe, 2024 SD 77, 15 N.W.3d 460

State v. Klinetobe, 2021 SD 24, 958 N.W.2d 734

State v. Manning, 2023 SD 7, 985 N.W.2d 743

State v. Talla, 2017 SD 34, 897 N.W.2d 351

The trial court found that factors relating to Beaudion's age, intellectual ability and mental status did not mitigate against a life without parole sentence.

IS BEAUDION'S LIFE WITHOUT PAROLE SENTENCE CRUEL AND UNUSUAL IN VIOLATION OF THE EIGHTH AMENDMENT?

State v. Diaz, 2016 SD 78, 887 N.W.2d 751

State v. Bear Robe, 2024 SD 77, 15 N.W.3d 460

State v. Klinetobe, 2021 SD 24, 958 N.W.2d 734

State v. Talla, 2017 SD 34, 897 N.W.2d 351

The trial court determined that the gravity of Beaudion's offense warranted a sentence of life without parole.

STATEMENT OF THE CASE AND FACTS

Even before Amir Hasan Beaudion, Jr. kidnapped, raped and murdered Pasqalina Badi, he was a fully formed sexual predator.

Beaudion stalked women in retail store parking lots with the apparent intent to get into their cars to kidnap, rape and murder them as he eventually did to Pasqalina Badi. RECORD at 1316, 1321, 1395, 1398.

Beaudion had kidnapped, raped and nearly killed a former girlfriend employing the same basic *modus operandi* that he used in Badi's murder.

RECORD at 1309-1310. Beaudion accessed hardcore online pornography fetishizing violent, non-consensual sex. RECORD at 2317-2324.

Beaudion was a walking, talking homicidal sex offender at large when it was 20-year-old Pasqualina Badi's misfortune to encounter him in a WalMart parking lot. And because Beaudion remains a sexual predator and continuing threat to women, the trial court properly sentenced him to life without parole.

Pasqualina Badi hoped to attend school to become a phlebotomist. She worked extra-long shifts at WalMart in order to save money to attend school in Iowa where she could live with relatives while completing her studies. RECORD at 1277. Badi's sister described her as a "homebody." RECORD at 1257. When she was not working, Badi stayed at home with family. She was not a partier, she did not drink or use drugs, she did not have a boyfriend, and she was not the type of person to engage in casual sex. RECORD at 1255, 1277, 1311. Badi was focused on her future.

Work colleagues remember Badi as a "smart, friendly, funny and warm person." RECORD at 1363. She was "a very good employee" who was "willing to work, understood things and completed her tasks properly and quickly." RECORD at 1345, 1363. Though already working the 4:00 a.m. to 3:00 p.m. shift, Badi "want[ed] more hours at work" so she could "further her education, or go to college." RECORD at 1363. She was "a polite young lady . . . who was helpful to others," "always on time" and "was always putting her best effort forward." RECORD at 1363, 1366,

1367. Badi's supervisor said "I wish I had more people like Pasqalina."
RECORD at 1263.

On the day that would be her last, Badi showed up for work at 4:00 a.m. for an 11-hour shift despite being sick with the flu and menstruating. After less than an hour at work, Badi asked her supervisor if she could go home. RECORD at 1255. Colleagues could see from "her face she appeared to be sick" and that her voice was "raspy." RECORD at 1364, 1366. Badi was "a hard worker" who wanted to "pick up extra shifts" whenever she could so passing up on a shift "was out of the ordinary for Pasqalina." RECORD at 1364, 1366, 1367. Badi's work ethic suggests that she had to be feeling pretty lousy to give up a shift.

Parking lot camera footage captured Badi walking to her vehicle as she left WalMart. Beaudion is behind her, weaving in and around parked cars to stay out of her direct line of vision so he can approach her car from the passenger side. RECORD at 1399; SENTENCING at 29/3. At the passenger window, Badi raises his right arm like he is waving at Badi. RECORD at 1399. The passenger side window opens a little and Beaudion and Badi appear to converse through the window for about 15-20 seconds. RECORD at 1399. Beaudion then enters the car through the passenger door and the car leaves the WalMart lot with Badi driving. RECORD at 1399. Badi was loosely acquainted with Beaudion's girlfriend, and through her Beaudion was acquainted with Badi on Facebook though they had never met or spoken in person. This is

probably how Beaudion initially talked his way into Badi's car, a Facebook friend asking for a ride. RECORD at 1311.

Through traffic cameras and cell phone location tracing, law enforcement was able to track Badi's vehicle after it left the WalMart parking lot. It drove around Sioux Falls for a while before parking on Conklin Avenue for approximately 40 minutes, which is where Badi was raped. SENTENCING at 30/10. She fought back, clawing, kicking and spitting at Beaudion and attempting to douse him with pepper spray. SENTENCING at 44/4, 106/1, 128/8. The car is picked up on camera stopping at an ATM where Beaudion, now driving, withdrew \$110 dollars from Badi's account using her debit card. RECORD at 1302, 1305; SENTENCING at 31/1. The phone is then traced to the location of the murder on a gravel road east of County Road 275 where it remained between 8 and 11 minutes. SENTENCING at 31/11. Once at the gravel road, Beaudion apparently wasted no time in commencing to murder Badi given it would have required at least 3 to 5 of those minutes to strangle Badi to death even if she had not been desperately fighting him for her life. SENTENCING at 44/4, 91/14, 106/1. The car then drove north on I-29 to the 41st Street exit where Beaudion threw Badi's phone out of the window of the car. SENTENCING at 31/17.

Exactly what happened after Badi's car parked on Conklin Avenue and out on the gravel road only Beaudion knows. But it is not hard to piece together what occurred in Badi's painful final minutes from

similarities between Badi's murder and Beaudion's known *modus operandi*:

- **The HyVee Incident** Four days before Badi's murder, A.H. was loading groceries into her car when Beaudion approached her brandishing a knife and told her if she did not do what he told her to do he would kill her. RECORD at 1321; SENTENCING at 36/8. Beaudion forced A.H. into the vehicle and attempted to drive it away but the vehicle would not move due to a remote start safety feature. RECORD at 1316. Thwarted and spooked, Beaudion got out of the car and ran away. RECORD at 1316.
- **WalMart Incidents Days Before Badi's Murder** A WalMart employee interviewed after Badi's murder told law enforcement that Beaudion would come into the store at between 3:00 and 4:00 a.m. and walk around "staring at other people and just watching them." RECORD at 1364. Beaudion, loitered around the cash registers apparently preparatory to stealing donation cups for the Children's Miracle Network. RECORD at 1298, 1364. Prior to this, more than one female customer had reported that Beaudion was lingering around them staring. RECORD at 1365. R.A. described a "strange" encounter with Beaudion at WalMart at 1:30 a.m. four days before the murder. RECORD at 1324. Beaudion stalked R.A. through the store with "no emotion" on his face. RECORD at 1324. After Beaudion's arrest, police received tips from several females

who had seen Beaudion's picture on the news that he had stalked them at the HyVee or WalMart and approached them as they loaded their groceries into their cars. SENTENCING at 37/2.

- **The WalMart Incident One Hour Before Badi's Abduction** S.K.

was Beaudion's first intended victim on the day he murdered Badi.

Surveillance video showed S.K. leaving WalMart at 3:57 a.m.

followed 18 seconds later by Beaudion. RECORD at 1396.

Beaudion approached her while she was loading her groceries into

her car and asked for a ride, saying his girlfriend had taken all his money. RECORD at 1395. S.K. refused. S.K. drove home and

Beaudion followed her in his car and pulled up behind her after she parked at her apartment. RECORD at 1395. Seeing she had been

followed, S.K. ran inside and called 911 at 4:18 a.m. Beaudion

drove away and returned to WalMart. At 5:04 a.m. he is seen on

surveillance video prowling the sales floor stalking Badi. RECORD

at 1398. Badi exited the store at 5:05 a.m. followed 21 seconds

later by Beaudion. RECORD at 1398.

- **Beaudion's Violent, Deviant Fetishes** Beaudion's cellphone

revealed that he has accessed online pornography sites fetishizing

punitive, violent, non-consensual sex. Beaudion accessed sites on

www.punishtube.com like: "b·ch gets f·ed in a· while sleeping,"

"Big Booty Bies getting f·ed in they a· while sleep," "Submissive

porn – Submission Sex – Submisived.com," "Punish Teens – I will

make you love ANAL!” [“http://ipunishteens.com,”](http://ipunishteens.com) “we treat teens the way they should be treated in the smut business . . . we use them and abuse them the harsh way. **I PUNISH TEENS** . . . We got them handled by big stunt c·cks and what is sometimes surprising these sl·s love it,” “Punish Teens – Ebony Teen Tied Punished and F··ed in the Forest,” “Callie Calypso Gags on Boyfriends D·k,” “Tight Asian gets Groped hogtied and F··ed Hard,” “Naughty Rachel Madori gets Punished & Gagged by Stepfather,” “Missing Teen Gets Found And F··ed.” RECORD at 2317-2324.

- **The G.B. Incidents** G.B. was Beaudion’s girlfriend and mother to his two children. When they lived together, Beaudion’s principal occupation was “stealing from WalMart.” RECORD at 1308. Their apartment was full of “all sorts of items” that Beaudion had shoplifted. RECORD at 1308. G.B. did not question Beaudion’s activities because she was afraid to instigate a disagreement that would lead to another beating. RECORD at 1308. Beaudion often bragged that “he was a boxer and he would hit her from all angles and everywhere on her body” if she provoked him. G.B. said that Beaudion “would hit her very hard” and that choking her with both hands was a “go-to thing” for him. RECORD at 1308, 1311. Once Beaudion told G.B. he had approached a woman at an ATM as she withdrew her money, brandished a knife and told her to give her all her money or he would kill her. RECORD at 1308. Beaudion often

threatened G.B. with a knife. RECORD at 1312. Beaudion beat G.B. even when she was pregnant. RECORD at 1309. She described sex with Beaudion as always “violent,” “always rough,” and that he “like[d] to choke.” RECORD at 1311. Beaudion would force G.B. to have anal sex, which she did not like but Beaudion told her “he would take it from her” even if “she didn’t want it.” RECORD at 1311. Beaudion demanded sex upward of six times a day whether G.B. wanted to or not; she eventually learned to “give in because it’s just easier than getting hit.” RECORD at 1311. Once, when G.B. was sitting in the car with him, Beaudion locked her in and started punching, choking and threatening to kill her. He drove her out onto a gravel road, assaulted her and told her “the only reason I’m not going to kill you is that your family would wonder where you are.” RECORD at 1310, 1311.

- **The Robbinsdale Incident** G.B. left Beaudion and moved to Robbinsdale, Minnesota, to live with an aunt. Once Beaudion drove from Sioux Falls to Robbinsdale and showed up at her work. G.B. came out to his car expecting to have a conversation but he locked her in and drove off. Over the next several hours, Beaudion beat G.B. (though she was 7 months pregnant with their second child), told her he would kill not just her but her family members, forced her to perform oral sex on him, and demanded her debit card but she did not have it with her. RECORD at 1309-1310. At

one point G.B. tried to exit the vehicle but Beaudion took off with her half in and half out of the vehicle, dragging her down the street until he pulled her back inside. RECORD at 1310. Beaudion drove around with G.B. in the car for a couple hours then parked the car in a Motel 6 parking lot around 3:00 a.m. RECORD at 1310. Beaudion eventually fell asleep and G.B. was able to escape. RECORD at 1310. G.B. is “absolutely terrified” of Beaudion, for herself, her children with Beaudion, and her parents. RECORD at 1310, 1312.

- **The Minnehaha County Jail Incident** On the pretext of needing a refill of some cleaning fluid he was using to clean the cell block, Beaudion accompanied a female correctional officer, E.F., to the supply closet. RECORD at 3203; SENTENCING at 38/24. Beaudion then shut himself in the closet with the correctional officer and started beating E.F. in the head, choking her and trying to pull her down to the floor. RECORD at 3203, 3192, 3203; SENTENCING at 39/9. When officers responded to aid E.F., Beaudion attempted to jam the door handle with a pencil so they could not get it. RECORD at 3203; SENTENCING at 39/12. When searched afterward, Beaudion was found to be armed with a shank. RECORD at 3193. Beaudion was written up and/or prosecuted for a whopping 150 infractions while in the Minnehaha County Jail, including an inordinate number of major violations like assault and

possession of a weapon. SENTENCING at 60/21-61/25; RECORD at 3090-3093. On several occasions, Beaudion has exposed himself to female officers and performed sex acts on himself in their presence. SENTENCING at 62/10; RECORD at 3221. Graffiti was found on the wall of a cell recently vacated by Beaudion consistent with his handwriting which read "I MASTERED THE MURDER GAME. I MURDER LAMES." RECORD at 3094.

Beaudion's established *modus operandi* suggests that Badi met a death similar to what he had had in mind for G.B. (and A.H. and S.K. and E.F.) had he not felt constrained from killing her for fear of getting caught. RECORD at 1310, 1311. Like G.B., A.H. and S.K., the first step was to get into the car with Badi. RECORD at 1310, 1316, 1395. Like G.B., A.H. and the unknown female at the ATM, Beaudion likely brandished a knife after he got into the car and threatened to kill Badi if she did not do as he said. RECORD at 1308, 1312, 1321. Like he tried to do with G.B. (and the unknown female at an ATM), Beaudion appropriated Badi's debit card. RECORD at 1310. Like G.B. and E.F., Beaudion likely hit Badi "very hard" in the head and choked her to bring her into submission. RECORD at 1308, 1309, 3192. Once he had Badi under his control, Beaudion felt he could "take [sex] from her" even if "she didn't want it" like he had with G.B. RECORD at 1309, 1311. Like he did with G.B., Beaudion drove Badi out to some remote gravel road where he hit and choked her more until she died. RECORD at 1310.

The autopsy findings support this conclusion. The autopsy found multiple abrasions consistent with blunt force injury to Badi's face, brain swelling and brain bleeding, as well as burst capillaries in her eyeballs, internal bleeding in the cartilage structures of the throat, and abrasions about her neck consistent with strangulation. RECORD at 1242-1245; SENTENCING at 83-91. The autopsy concluded that Badi died of a combination of manual strangulation and blunt force trauma to the head consistent with Beaudion's "go-to" methods of choking and "hard" blows to the head described by G.B. and E.F. RECORD at 1308, 1311; SENTENCING at 1242, 1308, 1309, 3192, 3203.

There is no dispute that Beaudion killed Badi. Though Beaudion claims it was an accident, as the sentencing court found, Beaudion's version of Badi's killing – where a homebody and conscientious worker like Badi, "while feeling too sick to stay at work, decided to go out instead, smoke marijuana, withdraw \$200 and some dollars from her account that she was trying to save, [and] have intercourse with someone she never talked to" – is "just not plausible." SENTENCING at 154/17-23, 155/7. The court sentenced Beaudion to life without parole. Beaudion now appeals.

ARGUMENT

Beaudion argues that his life without parole sentence was an abuse of the sentencing court's discretion and is cruel and unusual under the Eighth Amendment.

A. Beaudion's Life Sentence Is Not An Abuse Of Discretion

Beaudion first challenges his sentence as an abuse of discretion. “An abuse of discretion is a fundamental error of judgment, a choice outside the range of permissible choices” which “on full consideration is arbitrary and capricious.” *State v. Manning*, 2023 SD 7, ¶ 51, 985 N.W.2d 743, 758; *Argus Leader v. Hagan*, 2007 SD 96, ¶ 7, 739 N.W.2d 475, 478 (“abuse of discretion refers to discretion exercised to an end and purpose not justified by, and clearly against, reason and evidence”). “Circuit courts have broad discretion in sentencing.” *State v. Klinetobe*, 2021 SD 24, ¶ 28, 958 N.W.2d 734, 741. Consequently, “a sentence within the statutory maximum [generally] will not be disturbed on appeal.” *Klinetobe*, 2021 SD 24 at ¶ 44.

A sentencing court must acquaint itself with the defendant’s “general moral character, mentality, habits, social environment, tendencies, age, aversion or inclination to commit crime, life, family, occupation, and previous criminal record.” *State v. Bear Robe*, 2024 SD 77, ¶ 12, 15 N.W.3d 460, 465. To this end, a court “may consider an extremely broad range of evidence in order to familiarize itself with a particular defendant,” including uncharged conduct. *State v. McKinney*, 2005 SD 74, ¶ 17, 699 N.W.2d 460, 466.

“Courts should consider the traditional sentencing factors of retribution, deterrence – both individual and general – rehabilitation, and incapacitation.” *Klinetobe*, 2021 SD 24 at ¶ 28. Courts may determine

“which theory is accorded priority” in a particular case. *Bear Robe*, 2024 SD 77 at ¶ 15. The sentencing transcript reflects that the court took these considerations into account and that the court “was well-informed about [Beaudion’s] character and history, including his mentality, habits, social environment, tendencies, age, aversion or inclination to commit crime, life, family occupation and previous criminal record.” *Bear Robe*, 2024 SD 77 at ¶ 13; SENTENCING at 8/7-9/3.

On the mitigating side of the equation, the court found that Beaudion’s young age was “obviously a mitigating factor” in his case. SENTENCING at 151/15; *State v. Ceplecha*, 2020 SD 11, ¶67, 940 N.W.2d 682, 699 (sentencing court accounted for defendant’s youth when noting his age in fashioning sentence). The court noted Beaudion’s “unfortunate upbringing” in a home environment where he “was exposed to substance abuse, physical, emotional, sexual abuse, domestic violence, and very unstable parents.” SENTENCING at 151/20. The court allowed that this traumatic childhood may have had a role in shaping or “contribut[ing]” to Beaudion’s subsequent lawless conduct. SENTENCING at 151/17, 158/15. The court also noted that “Beaudion did not get the support he needed in the school system,” going so far as to find that the education system had “completely failed” to assist him in meeting the challenges of his abusive, dysfunctional home life and his intellectual impairments. SENTENCING at 151/24, 152/4. Despite reason to question the extent of Beaudion’s claimed intellectual

disability, the court accepted that Beaudion operates on some level of intellectual impairment. SENTENCING at 152/9.

The court further noted that Beaudion “always tried to keep getting jobs” and maintain employment but that he had been unsuccessful in doing so, possibly for reasons related to his intellectual limitations. SENTENCING at 152/13. Also, the court recognized that, at the time of sentencing, Beaudion had only one prior felony conviction at age 18 for possession of a firearm with an altered serial number. SENTENCING at 152/17.

But these mitigators were outweighed in the court’s mind by egregious aggravating circumstances. Though Beaudion’s formal criminal record was limited to one conviction, there was a “terrifying pattern” of conduct reflected in pending charges and uncharged crimes – the attempted kidnapping of A.H. at the HyVee, the assault on E.F. in the Minnehaha County Jail, the kidnapping and rape of G.B. in Minnesota, following S.K. home from WalMart with the probable intent to kidnap and rape her, and other “predatory behavior” – that at a minimum placed Beaudion at “the higher end of the manslaughter sentencing continuum.” SENTENCING at 152/21, 154/2, 156/2.¹

¹ Subsequent to sentencing in this case, Beaudion was convicted of aggravated assault and attempted kidnapping of A.H. (49CRI20-000158) and aggravated assault on E.F. (49CRI21-008217). During his incarceration, Beaudion was also charged and/or administratively disciplined for possession of unauthorized articles in jail (weapon) (49CRI22-000468), possession of unauthorized article in jail (weapon)

The sentencing court reviewed each of the traditional sentencing factors and found that they did not weigh in Beaudion's favor. *Klinetobe*, 2021 SD 24 at ¶ 28. With respect to the retribution factor, the court looked at sentences imposed in other manslaughter cases in comparison to Beaudion's age, culpability and role in Badi's killing. SENTENCING at 25. The court noted that even under Beaudion's self-serving, sanitized version of Badi's death, he admittedly repeatedly punched her, choked her and left her "unconscious" in a ditch in freezing winter temperatures. RECORD at 157/2. Whether by strangulation, brain hemorrhaging secondary to blunt force trauma to her head, or exposure to deadly cold, Beaudion was the sole agent of Badi's death. SENTENCING at 157/2. Badi died an "appalling," violent death not for any justifiable reason but because Beaudion was only "thinking of himself." SENTENCING at 157/1-5. As this court has observed, "the unjustified killing of another human being" warrants the highest degree of punishment. *Bear Robe*, 2024 SD 77 at ¶ 22.

(49CRI24-008641), and setting fire within a jail (49CRI25-001376). SENTENCING at 153/11. Prior to his incarceration, Beaudion was the object of a protective order arising out of five or six altercations with a neighbor in the apartment building where he lived. Beaudion repeatedly harassed the neighbor, his two daughters and his dog threatening to "beat your punk ass and your dog," calling the neighbor "a punk nigger," "retarded," "loser," and on one occasion brandished a knife and punched the neighbor. In the petition for protective order, the neighbor described Beaudion as "seriously temperamental, easily enraged and physically violent" (49TPO19-608).

With respect to deterrence, the sentencing court recognized the need for a sentence that would deter both Beaudion and “others who even have the slightest inkling of thinking about committing a crime of this nature.” SENTENCING at 157/11. When, as of sentencing, Beaudion had not been deterred by his arrest and incarceration from committing an assault on a female correctional officer, the deterrence factor weighed in favor of a strong sentence. *Bear Robe*, 2024 SD 77 at ¶ 17 (affirming life sentence with individual and “general deterrence as a significant consideration”).

Likewise, with respect to incapacitation, the assault on E.F., in combination with “over a hundred instances of major violations and informal disciplines” while incarcerated, reflected an “inability to comply” with rules even in an institutional setting much less in society at large. SENTENCING at 155/15-156/6; *Ceplecha*, 2020 SD 11 at ¶ 68 (incapacitation appropriate consideration when defendant’s “disregard for the law” and “cold blooded and ruthless behavior . . . posed a great risk to public safety”). The court found that ensuring that Beaudion would “not have the ability to harm others in the community” likewise weighed in favor of a sentence at the higher end of the manslaughter continuum. SENTENCING at 157/15.

With respect to rehabilitation, the sentencing court noted that Beaudion is “a high risk to reoffend,” as the fact that he had reoffended even while incarcerated showed. SENTENCING at 158/7; *Manning*, 2023

SD 7 at ¶ 53 (likelihood of reoffending justified 120-year sentence). The court concluded that there was “only a slim chance for [Beaudion’s] rehabilitation” and that, because the weight of the retribution, deterrence and incapacitation factors was “greater than the likelihood of rehabilitation,” a life sentence was warranted in Beaudion’s case. SENTENCING at 159/11.

According to Beaudion, his youth and intellectual disability “demanded a more rigorous analysis” of the rehabilitation factor. APPELLANT’S BRIEF at 16, 17. But the record reflects that the sentencing court gave Beaudion the benefits of these doubts; it found that the educational system had failed him, it found that Beaudion operated at the approximate level of a 9th grader, it found that Beaudion had a “verified” intellectual disability. SENTENCING at 152/4-9, 158/20. But, the mere presence of a mitigating factor like intellectual disability does not entitle a defendant to a diminished sentence. *Klinetobe*, 2021 SD 24 at ¶ 41.

Consistent with this maxim, the sentencing court found that “at the end of the day” Beaudion’s intellectual disability did not “mitigate the decision-making that was done for this criminal activity.” SENTENCING at 158/13. Stated succinctly, the sentencing court believed that “[h]aving an intellectual disability should not result in someone else’s death.” SENTENCING at 158/14. Stated another way, intellectual disability does not explain the sociopathic excesses of Beaudion’s conduct. Beaudion

repeatedly demonstrated an ability to plan and execute criminal behavior in a manner intended to avoid “get[ting] caught” that is incompatible with the level of intellectual disability Beaudion claims. SENTENCING at 158/19-159/2. As in *Klinetobe*, Beaudion’s intellectual disability was not so severe as to prevent him from conceiving, planning, committing and attempting to cover up a premeditated murder. *Klinetobe*, 2021 SD 24 at ¶¶ 34, 35. While Beaudion produced evidence that diminished impulse control and capacity to appreciate consequences are generally associated with intellectual disability, he did not present evidence that the recurring violent and homicidal impulses exhibited in the months prior to the murder are a feature of intellectual disability.

Ultimately, though Beaudion believes that his youth and intellectual disability required a more rigorous analysis, he overstates the significance of rehabilitation in the sentencing calculus. Rehabilitation is not the “preeminent” or “sole permissible goal of incarceration.” APPELLANT’S BRIEF at 17; *State v. Talla*, 2017 SD 34, ¶ 14, 897 N.W.2d 351, 355. Retribution, deterrence and incapacitation are co-equal, permissible goals. *Talla*, 2017 SD 34 at ¶ 14. Indeed, “prospects for rehabilitation need not be considered each time a defendant receives a life sentence.” *Ceplecha*, 2020 SD 11 at ¶ 67.

Here, considering the impulse to violence represented by his “terrifying pattern” of stalking, assaulting, kidnapping, raping and killing women, his “high risk to reoffend,” his pride in having “mastered the

murder game,” and his transparently cynical and insincere expression of remorse at sentencing – insisting that he “wasn’t out there hurting nobody” before the murder, professing to “love everybody” but not acting anything like it – the sentencing court was allowed to give equal or overriding consideration to the penological objectives of retribution, deterrence and incapacitation in fashioning Beaudion’s sentence. *Talla*, 2017 SD 34 at ¶ 14; *Ceplecha*, 2020 SD 11 at ¶ 68 (“there are some acts of such a criminal magnitude that they justify a life sentence whether the perpetrator is capable of rehabilitation or not”).

Beaudion’s life sentence falls within the range of permissible choices in cases of first-degree manslaughter, which is punishable by up to life in prison. In truth, Beaudion’s conviction for manslaughter understates his actual criminal culpability. While Beaudion stresses that his conviction rests on a factual basis of killing Badi “without design to effect death,” a court’s sentencing determination is “not limited to the information contained in a stipulated factual basis statement used to support a defendant’s guilty plea.” *Klinetobe*, 2021 SD 24 at ¶ 36 n. 6. “A circuit court can accept [a] reduced manslaughter plea as provident and still rely upon additional evidence adduced at sentencing to determine the actual level of culpability in order to formulate an appropriate sentence.” *Bear Robe*, 2024 SD 77 at ¶ 13. The “additional evidence adduced at sentencing” here pointed to first-degree murder, which is punishable by mandatory life. SDCL 22-6-1(1). Because Badi’s

killing was premeditated murder in all but name, and when even first-degree manslaughter is punishable by life without parole, the sentencing court did not abuse its discretion in fashioning a sentence consistent with the “true nature of [Beaudion’s] offense.” *Klinetobe*, 2021 SD 24 at ¶ 36. (court acted within its discretion sentencing manslaughter defendant to life when circumstances of killing satisfied a factual basis for murder).

B. Beaudion’s Life Sentence Is Not Cruel And Unusual

“Under the Eighth Amendment to the United States Constitution, ‘a criminal sentence must be proportionate to the crime for which the defendant has been convicted.’” *State v. Diaz*, 2016 SD 78, ¶ 51, 887 N.W.2d 751, 766. Strict proportionality is not required; the constitution “forbids only extreme sentences that are ‘grossly disproportionate’ to the crime.” *Diaz*, 2016 SD 78 at ¶ 51, 887 N.W.2d at 766. The standard for gross disproportionality is “relatively straightforward.” *State v. Chipps*, 2016 SD 8, ¶ 31, 874 N.W.2d 475, 486. A court simply compares the “gravity of the offense against the harshness of the penalty” and the “conduct relevant to the crime.” *Diaz*, 2016 SD 78 at ¶¶ 51, 52, 887 N.W.2d at 766, 767. “This comparison rarely leads to an inference of gross disproportionality and typically marks the end of [this court’s] review.” *Chipps*, 2016 SD 8 at ¶ 38. A defendant must meet the threshold of gross disproportionality before any comparison to other

sentences imposed on defendants convicted of the same crime is made. *Diaz*, 2016 SD 78 at ¶ 51, 887 N.W.2d at 766.

The gravity component of the test examines whether “the penalty imposed appears to be grossly disproportionate to the gravity of the offense.” *Chipps*, 2016 SD 8 at ¶ 38. Considerations when judging the gravity of the offense include the defendant’s conduct relative to the crime, whether the crime is one of violence to a person, the level of intent, the defendant’s motive, and (if the sentence is being enhanced for recidivism) the defendant’s past record. *State v. Traversie*, 2016 SD 19, ¶ 16, 877 N.W.2d 327, 332; *Chipps*, 2016 SD 8 at ¶¶ 35, 36, 40.

The harshness component likewise refers to “the penalty’s relative position on the spectrum of all criminality,” not the maximum sentence permitted by statute for the crime in question. *State v. Rice*, 2016 SD 18, ¶ 19, 877 N.W.2d 75, 82. This court has said that it:

[E]mploy[s] very limited principles in [its] constitutional review of sentences. These principles include giving substantial deference to the legislature’s broad authority to determine the types and limits of punishment; and the notion that the Eighth Amendment does not mandate adoption of any one penological theory. Consequently, a sentence within the statutory maximum will rarely be disturbed.

State v. Iannarelli, 2008 SD 121, ¶ 12, 759 N.W.2d 122, 125. Since the harshness of penalties relative to the gravity of an offense rarely leads to an inference of gross disproportionality under contemporary sentencing schemes, the proportionality review typically ends with this comparison. *Chipps*, 2016 SD 8 at ¶ 38. “It is a rare case in which the threshold

comparison of the crime committed and the sentence imposed leads to an inference of gross disproportionality.”² *Iannarelli*, 2008 SD 121 at ¶ 12. Beaudion’s is not one of those “rare cases.”

With regard to the gravity of the offense, Beaudion’s first-degree manslaughter conviction ranks high in its “relative position on the spectrum of criminality.” *Diaz*, 2016 SD 78 at ¶ 52, 887 N.W.2d at 766. Homicide is the “highest crime” against a person and society. *Rice*, 2016 SD 18 at ¶ 14; *Ceplecha*, 2020 SD 11 at ¶ 59 (“homicide has long been considered ‘the highest crime against the laws of nature that man is capable of committing’”).

² This court performs an intra-jurisdictional analysis of a sentence only if it appears grossly disproportionate on its face. Though no such review is required here because Beaudion’s sentence is proportionate on its face, other reported cases challenging sentences for first-degree manslaughter reveal that life and life equivalent sentences are common when, as here, a homicide which would support a factual basis for murder is pled down to first-degree manslaughter: *State v. Talla*, 2017 SD 34, 897 N.W.2d 351 (affirming life sentence in plea to first-degree manslaughter where defendant killed ex-girlfriend during attempt to murder her new boyfriend); *State v. Caffee*, 2023 SD 51, 996 N.W.2d 351 (affirming life sentence in first-degree manslaughter conviction for “inadvertently” shooting elderly lady during home invasion); *State v. Ceplecha*, 2020 SD 11, 940 N.W.2d 682 (affirming life sentence in first-degree manslaughter conviction where evidence reflected premeditated intent to kill victim); *State v. Jumping Eagle*, 921 N.W.2d 687 (table)(summarily affirming 100-year sentence in first-degree manslaughter conviction for stabbing wife to death); *State v. Henry*, 2024 SD 30, 7 N.W.3d 907 (affirming 75-year sentence in first-degree manslaughter conviction for stabbing boyfriend to death); *State v. Toavs*, 2017 SD 93, 906 N.W.2d 354 (affirming 110- and 100-year sentences in first-degree manslaughter conviction for shooting and killing ex-girlfriend and her new boyfriend).

Indeed, as noted above, the factual basis for this case is sufficient to satisfy the elements of first- or second-degree murder, punishable by mandatory life imprisonment. SDCL 22-6-1(1), -1(2). Beaudion's plea agreement afforded him a significant sentencing break by allowing him to be eligible for a term of years. But eligibility is not the same as entitlement, and such leniency is undeserved here considering the gravity and depravity of Beaudion's conduct.

The second portion of the inquiry – the harshness of the penalty – requires consideration of “the penalty's relative position on the spectrum of permitted punishments.” *Diaz*, 2016 SD 78 at ¶ 54, 887 N.W.2d at 767. Per SDCL 22-6-1(3), first degree manslaughter is punishable by up to life imprisonment without the possibility of parole. This places Beaudion's sentence at the harshest end of permitted punishment, which is generally reserved for “the most serious combination of criminal conduct and background of the offender.” *State v. Bruce*, 2011 SD 14, ¶ 39, 796 N.W.2d 397, 409. But, “[w]hen . . . statutory ranges are established, the legislative intent is that ‘the more serious commissions of the crime deserve sentences at the harsher end of the spectrum.’” *Bruce*, 2011 SD 14 at ¶ 32. Consistent with this principle, the sentencing court found that, in the context of Beaudion's “terrifying pattern” of abducting/attempting to abduct women for the purpose of beating, choking, raping and killing them, Badi's killing fell in the more

serious class of commissions warranting a sentence at the harshest end of the spectrum. SENTENCING at 156/5.

According to Beaudion, “nothing in the record establishes that [he] set out with a premeditated design to kill Badi.” APPELLANT’S BRIEF at 20. This ignores G.B.’s statement in which she described being abducted in an automobile, beaten, choked, taken out to a gravel road and raped by Beaudion (just like Badi) and Beaudion’s admission that the only reason he did not kill G.B. was because he knew he would not get away with it. RECORD at 1310, 1311.

Unlike G.B., Badi was Beaudion’s ideal victim. Beaudion’s Facebook connection to Badi was apparently enough to talk his way into her car but not enough to immediately implicate himself for her murder. So Beaudion believed that he could get away with killing Badi (and A.H. and S.K. had he been able to talk his way into their cars) because, unlike G.B., there was no immediate connection between him and her. RECORD at 1395; SENTENCING at 37/2. Also, Beaudion was armed with a shank when he isolated E.F. in the supply closet and may well have killed her because he is a master of “the murder game” and he likes to “murder lames.” RECORD at 3094; SENTENCING at 159/1. So, contrary to Beaudion’s minimization of his intentions, there is ample evidence in the record that Beaudion got into Badi’s car and drove her

out to that gravel road with a “design to effect death.”³ A sentence of life is appropriate for a crime proportional to murder even though it was pled down to manslaughter. *Klinetobe*, 2021 SD 24 at ¶¶ 36, 43 (gravity of contracting for girlfriend’s murder warranted life sentence for manslaughter); *Bear Robe*, 2024 SD 77 at ¶ 13.

And while Beaudion argues that his life sentence fails to adequately account for his youth and rehabilitative potential, as with a sentencing court’s exercise of discretion “the Eighth Amendment does not mandate adoption of any one penological theory.” *Iannarelli*, 2008 SD 121 at ¶ 12. Beaudion’s youth alone does not make his sentence disproportional or unusual in South Dakota where murder is often pled down to manslaughter due to the fact that second-degree murder is punishable by mandatory life. Many youthful offenders like Rangler Ceplecha, who shot Moses Red Bear point blank between the eyes with a .22 pistol, and Rocky Blair, who abducted, raped and strangled 22-year-old T.S. under circumstances functionally identical to this case, have received life sentences for murders that were pled down to manslaughter.

CHART: MANSLAUGHTER DEFENDANTS < AGE 27 SENTENCED TO

³ In a 3000+ page PSI, it is understandable that the sentencing court overlooked the incident in which Beaudion robbed a woman at an ATM at knifepoint. RECORD at 1308. It also appears that the sentencing court was not fully acquainted with the extreme force Beaudion used in the G.B. incidents. RECORD at 1309-1311; SENTENCING at 35/1. Thus, the sentencing court’s belief that “Beaudion had [not] ever actually used force against anyone” gave Beaudion more credit than he deserved. SENTENCING at 7.

LWOP, Appendix at 001. Considering the sociopathic depths of Beaudion's conduct when loose in society and the gravity of his offense, his life sentence is neither cruel nor unusual.

CONCLUSION

Beaudion has not actually accepted responsibility for killing Pasqualina Badi. Instead, he continues to peddle an "accident" narrative that is at odds with a "terrifying pattern" of violent, predatory behavior in the months, weeks and days leading up to Badi's murder. Beaudion's minimizing does not commend his rehabilitative potential. Beaudion's homicidal impulses and extreme self-absorption do not clinically correlate to intellectual disability . . . though they are typical of the sociopath. But even if Beaudion is both, and his impaired sentience of the value of life and the suffering of others stems more from intellectual disability than sociopathic indifference, neither is curable or preclusive of a life sentence. Beaudion very obviously is and will remain a danger to others for the duration of his natural life.

Expecting Beaudion to rehabilitate – when he thinks he "wasn't out there hurting nobody" before the murder, when he continues to prey on women even while incarcerated – places others at an unacceptable risk of injury or death in the future. The court's authority to fashion a sentence designed to punish Beaudion for a "terrifying" and "appalling" murder, to deter him and other sexual aggressors from acting on their violent impulses, and to incapacitate him from further sexual violence was not

“exercised to an end and purpose not justified” by the evidence in this case or in derogation of Eighth Amendment norms. Accordingly, this court should affirm the life sentence imposed in this case.

Dated this 27th day of May 2026.

Respectfully submitted,

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CERTIFICATE OF COMPLIANCE

1. I certify that Appellee's Brief is within the limitation provided for in SDCL 15-26A-66(b) using Bookman Old Style typeface in 12-point type.

Appellee's Brief contains 6,360 words.

2. I certify that the word processing software used to prepare this brief is Microsoft Word 2010.

Dated this 27th day of May 2026.

Paul S. Swedlund

Paul S. Swedlund
SOLICITOR GENERAL

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing brief was served on Christopher Miles via Odyssey file and serve.

Dated this 27th day of May 2026.

Paul S. Swedlund

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June 26, 2026

Ms. Shirley Jameson-Fergel
Clerk of the Supreme Court
500 E. Capitol Avenue
Pierre, SD 57501

RE: State of South Dakota v. Beaudion, Appeal No. 31160

Dear Ms. Jameson-Fergel,

Please be advised that upon reviewing the brief submitted by Appellee in the above-entitled matter, Appellant has decided not to reply to Appellee's Brief. Appellant requests this Court to rely on arguments and issues addressed in Appellant's Brief submitted to the Court on April 21, 2026.

Sincerely,

/s/ Christopher Miles

South Dakota Office of Indigent Legal Services