

IN THE SUPREME COURT
OF THE
STATE OF SOUTH DAKOTA

BRIAN PYLE,

Petitioner and Appellant,

v.

STATE OF SOUTH DAKOTA,
SOUTH DAKOTA DIVISION OF
CRIMINAL INVESTIGATION,
MARTY JACKLEY, SOUTH DAKOTA
ATTORNEY GENERAL, STEVE
COTTON, CHARLES MIX COUNTY
STATE'S ATTORNEY, AMY BARTLING,
GREGORY COUNTY STATE'S
ATTORNEY, CHARLES MIX SHERIFF'S
OFFICE, AND GREGORY COUNTY
SHERIFF'S OFFICE,

Respondents and Appellees.

APPEAL FROM THE CIRCUIT COURT OF
THE FIRST JUDICIAL CIRCUIT
CHARLES MIX COUNTY, SOUTH DAKOTA

THE HONORABLE BRUCE V. ANDERSON
Judge

MANUEL J. DE CASTRO, JR.
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appellees.

CONSIDERED ON BRIEFS
AUGUST 25, 2026
OPINION FILED 09/30/26

DEVANEY, Justice

[¶1.] Brian Pyle filed an application for a writ of mandamus seeking an order from the circuit court directing several law enforcement entities he named as respondents to provide him with reports and records related to the investigation of the death of his son, Ryan. The court issued a peremptory writ of mandamus directing the law enforcement respondents to answer the application. The respondents filed a motion to quash the peremptory writ along with a supporting brief arguing that Pyle had not asserted sufficient grounds to request such relief. Following a hearing, the court granted the State’s motion to quash the peremptory writ and denied Pyle’s application. Pyle appeals, asserting the circuit court abused its discretion when denying his application for a writ of mandamus. We affirm.

Factual and Procedural Background

[¶2.] On September 20, 2024, Brian Pyle filed an application seeking a writ of mandamus from the circuit court. He alleged that his son, Ryan, was reported missing in August 2020 and his remains were found in November 2020 near the Snake Creek Recreation Area near Platte, South Dakota. Pyle named, as respondents, the State of South Dakota, the South Dakota Division of Criminal Investigation (DCI), South Dakota Attorney General Marty Jackley, and the State’s Attorneys and Sheriff’s Offices in Charles Mix and Gregory counties, and alleged they were all involved in this missing person investigation. Pyle further alleged that he had “filed numerous requests for medical records, police, and investigative reports” related to his son’s disappearance and death, but the respondents ignored

his requests.¹ Pyle therefore sought a writ of mandamus from the circuit court ordering the respondents to provide him the requested records and reports. He cited South Dakota Constitution article VI, § 29(10) (Marsy's Law) as a basis for this relief.²

[¶3.] The circuit court issued a peremptory writ directing the respondents to file a return or answer. An attorney for the State thereafter filed a notice of appearance as counsel for all the respondents (collectively referred to hereafter as the State), along with a motion to quash the peremptory writ and a supporting brief.

[¶4.] In its brief to the circuit court, the State represented that law enforcement investigated the circumstances surrounding Ryan's disappearance and death to determine whether foul play or criminal conduct was involved. As such, the State maintained that the investigative reports contain confidential criminal justice information that is statutorily exempt from disclosure. The State therefore asserted Pyle could not show that he had a right to such reports or that the State had a legal obligation to provide them. The State further asserted that Pyle had not exhausted other remedies available under SDCL chapter 1-27, which governs public access to records maintained by government entities. The State took issue with Pyle's claim that he had "filed numerous requests" for the records at issue.

1. Pyle's allegations were not submitted via an affidavit, as required by SDCL 21-29-2.

2. Subsection 10 of Marsy's Law refers to the right of a victim to confer with the attorney for the government. S.D. Const. art. VI, § 29(10). However, Pyle's argument to the circuit court and to this Court on appeal refers only to subsection (1), a different right enumerated in Marsy's Law.

According to the State, the Attorney General's Office located only one prior request from Pyle—a letter written by his attorney, dated January 4, 2024, requesting medical records and investigative reports relating to Ryan's death. The State attached this letter to its brief as an exhibit and indicated that the requested records were not provided to Pyle.

[¶5.] At a hearing on the State's motion, neither party presented any testimony or evidence. However, counsel for both parties provided additional factual information during their oral arguments. Counsel for the State advised the circuit court that he had reviewed the records related to this investigation and understood that Pyle had been interviewed as part of the investigation and was informed that law enforcement did not suspect foul play. The State further represented that the investigation was complete and that there was no indication that any crime had been committed.

[¶6.] In support of its motion to quash, the State argued that because of the determination that no crime was committed, Pyle is not a "victim," as the term is defined under Marsy's Law, and therefore Marsy's Law is not applicable. The State further asserted that even if Pyle could be deemed a victim, nothing in Marsy's Law gives a victim the right to compel disclosure of law enforcement reports. The State maintained that because access to such reports is discretionary, mandamus relief is not available. The State also reiterated the argument from its brief that Pyle had not exhausted his administrative remedies when seeking access to the requested reports.

[¶7.] Pyle's counsel agreed that either Pyle or his private investigator had talked to DCI and the Gregory County Sheriff and were told that Ryan had died of hypothermia. Pyle was not satisfied with this determination, and he hired private investigators and a medical examiner to further investigate the circumstances of his son's death. Pyle and his private investigators suspected foul play may have led to Ryan's death. According to Pyle's counsel, Ryan's abandoned vehicle and his dog were found in a cornfield on August 12 on the west side of the Missouri River in Gregory County, but his remains were found east of the river three months later, in a bog near Snake Creek Recreation Area in Charles Mix County, and his belongings were scattered and found in a nearby cornfield. Counsel informed the circuit court that Ryan was found in a fetal position with no clothes or shoes on, his knee was hurt, and he had a broken nose.

[¶8.] Pyle argued that he is a victim under Marsy's Law and is therefore entitled to access the requested reports. When asked by the circuit court whether there was a ministerial duty under Marsy's Law to provide law enforcement records to a victim, Pyle cited Article VI, § 29(1) of Marsy's Law and asserted that the right to "be treated with fairness and respect" includes access to these investigative records regarding his son's death. Pyle claimed that the State therefore has a legal duty to provide this investigative information to him.

[¶9.] Following the hearing, the circuit court issued a memorandum decision granting the State's motion to quash the peremptory writ and denying Pyle's application for a writ of mandamus. The court determined that Pyle is not a "victim" as defined in Marsy's Law because the State had determined that no crime

had been committed against Pyle’s son. The court also observed that Marsy’s Law does not impose a mandatory duty on the State to allow Pyle access to the State’s investigative records. As a further basis for its ruling, the court noted that SDCL chapter 1-27 and SDCL 23-5-11 exempt such investigative records from public disclosure requirements. Lastly, the court ruled that Pyle failed to exhaust all potential administrative remedies available to those seeking access to public records. For these reasons, the court determined that Pyle was not entitled to mandamus relief.

[¶10.] Pyle appeals, asserting the circuit court abused its discretion when denying his application for a writ of mandamus.

Standard of Review

[¶11.] We review a circuit court’s decision to grant or deny a writ of mandamus under an abuse of discretion standard. *Puffy’s, LLC v. Dep’t of Health*, 2025 S.D. 10, ¶ 26, 18 N.W.3d 134, 142 (citation omitted). “An abuse of discretion refers to a discretion exercised to an end or purpose not justified by, and clearly against reason and evidence.” *Id.* (quoting *Krsnak v. S.D. Dep’t of Env’t & Nat. Res.*, 2012 S.D. 89, ¶ 8, 824 N.W.2d 429, 433). “A [circuit] court abuses its discretion when it makes an error of law.” *Id.* (alteration in original) (citation omitted). “Underlying questions of statutory interpretation and application in the mandamus action ‘are questions of law that we review de novo.’” *Id.* (quoting *Bohn v. Bueno*, 2024 S.D. 6, ¶ 12, 3 N.W.3d 441, 447).

Analysis and Decision

[¶12.] Under South Dakota law, circuit courts may “issue a writ of mandamus where no plain, speedy, and adequate remedy exists in the ordinary course of law.” *Krsnak*, 2012 S.D. 89, ¶ 9, 824 N.W.2d at 433–34 (citation modified) (citing SDCL 21-29-1 and -2). “A writ of mandamus is an extraordinary remedy that will issue only when the duty to act is clear.” *Bohn*, 2024 S.D. 6, ¶ 13, 3 N.W.3d at 447 (citation omitted). Therefore, “[t]o prevail on a writ of mandamus or prohibition, a petitioner must show a clear legal right to performance of the specific duty sought to be compelled and the respondent must have a definite legal obligation to perform that duty.” *Id.* (citation modified). “Mandamus may only be used to compel ministerial duties, not discretionary duties.” *Krsnak*, 2012 S.D. 89, ¶ 10, 824 N.W.2d at 434.

[¶13.] Pyle’s assertion that he is entitled to mandamus relief is based solely on his claim that, under Marsy’s Law, he is a victim to whom the State owes a clear duty to provide investigative records regarding his son’s death. The term “victim” is defined in Marsy’s Law as “a person against whom a crime or delinquent act is committed.” S.D. Const. art. VI, § 29. The definition also includes certain close relatives of the victim, including a parent, in cases involving “a victim who is killed or incapacitated as a result of the crime or delinquent act.” *Id.* Thus, under the plain language in Marsy’s Law, a crime must have occurred for one to invoke the constitutional rights afforded to victims therein.

[¶14.] Here, the record before us contains only the representations from counsel that law enforcement officials had determined that Ryan died from

hypothermia and no crime was committed, and that Pyle disagrees with this determination because he and his investigators believe Ryan's death resulted from foul play. However, no evidence was presented to the circuit court on which a determination could be made as to whether a crime had been committed. Pyle cannot, therefore, invoke the rights afforded to victims under Marsy's Law as a basis for his request for mandamus relief.

[¶15.] But even if Pyle had established that a crime had been committed against his son, Marsy's Law does not identify a "clear legal right" of victims to have access to investigative information or a definite obligation of law enforcement to provide it. Pyle cites subsection (1) of Marsy's Law, which states that a victim has "the right to due process and to be treated with fairness and respect for the victim's dignity." S.D. Const. art. VI, § 29(1). But he fails to explain how the general concepts of due process, fairness, and dignity equate to a "definite obligation" to provide victims copies of law enforcement's investigative records and reports. Instead, these general concepts align with the overarching explanatory statement in Marsy's Law that the rights enumerated therein are granted to "ensure the victim has a meaningful role throughout the criminal and juvenile justice systems[.]" S.D. Const. art. VI, § 29. When reviewing this explanatory language, along with all the rights enumerated in Marsy's Law, we have determined that "the predominant purpose of Marsy's Law is to ensure that crime victims are kept informed and allowed to meaningfully participate in the criminal justice system *throughout the time a crime is prosecuted and punished.*" *In re Essential Witness*, 2018 S.D. 16, ¶ 15, 908 N.W.2d 160, 166 (emphasis added). No prosecution has occurred here,

and the more specific rights set forth in Marsy's Law primarily relate to events occurring *after* a criminal proceeding has commenced.

[¶16.] Importantly, none of the nineteen enumerated rights in Marsy's Law direct or compel the State to disclose investigative reports or records. In fact, the only subsection of Marsy's Law that refers to the disclosure of reports or records is subsection (12), which states that a victim has a "right, upon request, to receive a copy of any pre-sentence report or plan of disposition, and any other report or record relevant to the exercise of a victim's right, *except for those portions made confidential by law*[" S.D. Const. art. VI, § 29(12) (emphasis added). Even if the reference in subsection (12) to other reports or records could be deemed applicable here, which we do not hold, the qualification that follows demonstrates that a victim has no right to obtain reports or records that are made "confidential by law."

[¶17.] As noted by the circuit court, multiple statutes exempt investigative reports from public disclosure. Relevant here, SDCL 1-27-1.5(5) sets forth one of the categories of records that are not open to inspection or copying by the public. This provision exempts "[r]ecords developed or received by law enforcement agencies and other public bodies charged with duties of investigation or examination of persons . . . if the records constitute a part of the examination, investigation, intelligence information, citizen complaint or inquiry, [or] informant identification[.]" *Id.* Moreover, under SDCL 23-5-11, "confidential criminal justice information" is "specifically exempt from disclosure pursuant to §§ 1-27-1 to 1-27-1.15, inclusive, and may be withheld by the lawful custodian of the records."

"Confidential criminal justice information" is defined in SDCL 23-5-10(1) to include

“criminal investigative information” which is, in turn, defined in part as “information associated with an individual, group, organization, or event compiled by a law enforcement agency in the course of conducting an investigation of a crime or crimes.” SDCL 23-5-10(4).³

[¶18.] This Court has previously noted that records of law enforcement’s investigation of a death “to determine whether the death was the result of criminal activity or foul play” constituted “confidential criminal justice information as defined by statute.” *Mercer v. S.D. Att’y Gen. Off.*, 2015 S.D. 31, ¶ 20, 864 N.W.2d 299, 304 (citing SDCL 1-27-1.5(5) and SDCL 23-5-11 when affirming the denial of a media representative’s request for access to DCI’s investigative records regarding the death of a public figure). *Mercer* did not involve a request for mandamus relief. Instead, it involved our review of determinations made by the State Office of Hearing Examiners in an administrative appeal of the Attorney General’s denial of Mercer’s request for records. When addressing Mercer’s claim that the Attorney General’s Office exceeded statutory authority by imposing conditions on the disclosure of the requested records, we recognized that although the records sought were exempt from public disclosure requirements, the Attorney General’s Office, as

3. Pyle contends the State’s claim that he cannot be deemed a victim because there was no crime committed is inconsistent with the State’s reliance on SDCL 23-5-11 and the definition in SDCL 23-5-10 which deems, as confidential, information associated with an “investigation of a crime.” However, this phrase logically includes investigations in which law enforcement is attempting to determine *whether* a crime was committed. Moreover, SDCL 1-27-1.5(5), which exempts law enforcement records from public disclosure, includes investigations of a citizen complaint or inquiry. This broader phrase would certainly encompass a missing person inquiry.

custodian of the records, nevertheless has *discretion* under SDCL 1-27-37 to disclose them. *Id.* ¶ 21, 864 N.W.2d at 305.

[¶19.] Based on the above analysis, it is clear that under Marsy's Law and the statutes governing access to public records and information that is deemed confidential, the State had no duty to disclose criminal investigative information, nor did Pyle have a clear right to access such information. Therefore, the circuit court did not abuse its discretion when granting the State's motion to quash the peremptory writ and denying Pyle's application for a writ of mandamus.⁴

[¶20.] Affirmed.

[¶21.] JENSEN, Chief Justice, and SALTER, MYREN, and GUSINSKY, Justices, concur.

4. For the reasons expressed above, we need not address the circuit court's additional determination that Pyle had other plain, speedy, and adequate remedies that he could have pursued.