
February 24, 2017

Press Release - For Immediate Release

Defendant's Name: Tanner Gries
Age: 21
City and State of residence: Elk Point, SD
Criminal File Number: 16-391
Date of Offense: August 29, 2016
Date of Indictment: November 2, 2016
Offense(s) Charged: Ct.1, Perjury, (F5)
Ct.2, Forgery, (F5)
Arrest: December 5, 2016
Change of Plea Date: February 13, 2017
Convicted of: Ct.1, Perjury, (F5)
Date of Sentencing: February 13, 2017
Officer: Officer Kyle Frye – Elk Point Police Department
Defense Attorney: Andrew Twinamatsiko
Prosecutor: Alexis A. Tracy & Jerry A. Miller

Case Synopsis:

On August 28, 2016 law enforcement was called to an Elk Point, SD residence for a report that Tanner Gries was hitting walls and that he was going to hurt himself. GRIES was reported to be intoxicated and driving away from his residence. The reporting party indicated that GRIES had returned to his residence prior to law enforcement arriving. The reporting party explained that GRIES had hit something and that they needed someone there immediately. The caller was very upset about what they were reporting and that the reporting party was indicating what was occurring as it events were occurring. Upon arrival, the law enforcement officer attempted to detain GRIES but he resisted and attempted to run from the officer in an attempt to enter a residence. The officer tackled GRIES in an attempt to prevent his escape, for officer safety, and to further the investigation. Friends of GRIES that were present at the time instructed GRIES to comply with the officer, however GRIES was to combative and intoxicated to be rational. Back up was called as GRIES continued to struggle and fight against the officer. GRIES was told that he was under arrest and still GRIES resisted and fought. GRIES was able to get away from the officer and was detained by another person near the location. The officer again attempted to gain control of GRIES which was only accomplished after a second officer was able to arrive and assist. A blood sample was secured which showed a BAC of .172% by weight.

A plea agreement in this case and in file 16-391 resulted in GRIES pleading guilty to the class one misdemeanor offense of resisting arrest in this file. The main officer in this case was bitten by GRIES. The State had to seek permission to obtain a sample of GRIES' blood to test for possible pathogen transfer to the officer. The officer was relieved that the test showed no issues with GRIES' blood.

While GRIES was in jail, he reported to the jailers at the time he was booked in that he was employed locally. However, on August 29, 2016, when GRIES filled out his application for a court-appointed attorney, GRIES indicated that he was unemployed and among other false statements, that he had no income to report for 2016 or for 2015. Later, the jail advised law enforcement that the jail was in possession of a recorded phone call between GRIES and his mother, Amy PEARSON. In this phone call, PEARSON advised her son, GRIES, to put zeros in all the questions on the court-appointed attorney application and to indicate that he was unemployed in order to qualify for a court-appointed attorney. GRIES subsequently submitted a signed document to the court with multiple false statements. A court-appointed attorney was appointed to GRIES and after a couple of weeks, GRIES retained his own attorney. Both GRIES and PEARSON were charged with perjury and forgery for their part in making and filing a fraudulent statement for government assistance with the court. GRIES admitted to the class 5 felony perjury charge.

Original Sentencing Synopsis:

On February 13, 2017, the Court addressed the class 1 misdemeanor for a resisting arrest charge in file 16-316. The Court considered the arguments of the State and the Defense prior to sentencing GRIES. The Court Ordered that GRIES serve 180-day sentence to the Union County Jail with 170-days suspended. The Court then gave GRIES credit for the 1 days he spent incarcerated prior to the sentencing hearing. The Court Further Ordered that GRIES shall pay the following monetary obligations: \$84 in Court Costs; \$100.50 in prosecution costs; \$1165.37 to the City of Elk Point for restitution for officer's medical bills and testing; \$250 in fines; and Court-Appointed Attorney Fees of \$368.

On February 13, 2017, the Court also addressed the class 5 felony for perjury charge that GRIES plead guilty to in file 16-391. The Court considered the arguments of the State and the Defense prior to sentencing GRIES. The Court ORDERED that GRIES shall receive suspended 2-year sentence to the South Dakota State Penitentiary with a requirement that he be on supervised probation for a term of two years. The Court Ordered that GRIES shall pay the following monetary obligations: \$104 in Court Costs; \$10 in prosecution costs; and \$250 in fines. The Court Further Ordered that all monetary obligations would be an obligation to his satisfying his supervised probation.

Criminal History:

These two felony files resulted in a plea agreement in which Tanner GRIES was convicted of his first career felony conviction and a class one misdemeanor conviction for resisting arrest. GRIES's criminal record includes convictions for possession of marijuana in Brown County and a previous DUI conviction in Union County. GRIES also has a pending file dealing with simple assault domestic in Clay county that has not been resolved at the time of this sentencing.