

STATE OF SOUTH DAKOTA)
: SS
COUNTY OF MINNEHAHA)

IN CIRCUIT COURT
SECOND JUDICIAL DISTRICT

AK

In the Matter of the Concealed Pistol
Permit of

042795

Civ. _____

ANTHONY YENET TONG, dob 4/17/75,
121 N. Cleveland Ave., #208
Sioux Falls, SD 57103;

**PETITION FOR REVOCATION
OF CONCEALED PISTOL PERMIT**

MINNEHAHA COUNTY STATE'S
ATTORNEY, Petitioner.

The undersigned prosecuting attorney respectfully petitions the Court pursuant to SDCL 23-7-8.4 for its Order directing ANTHONY YENET TONG to appear before the Court, then and there to show cause why his permit to carry a concealed pistol should not be revoked.

This Petition is based on the Affidavit in Support of Application for Revocation of Concealed Weapon Permit of Deputy Sheriff Marvin D. Thorstenson, dated August 16, 2004, which is attached hereto and incorporated herein by this reference.

WHEREFORE, Petitioner prays that the Court issue an Order to Show Cause why the concealed pistol permit of ANTHONY YENET TONG should not be revoked; and that after hearing on said Order to Show Cause, the Court order Mr. Tong to immediately surrender his permit to the Sheriff of Minnehaha County.

Dated this 16 day of August, 2004.

MINNEHAHA COUNTY STATES ATTORNEY



By: Deputy State's Attorney
415 N. Dakota Ave.
Sioux Falls, SD 57104
(605) 367-4226

FILED
AUG 16 2004
Minnehaha County, S.D.
Clerk Circuit Court

<p>STATE OF SOUTH DAKOTA</p> <p>Plaintiff</p> <p>ANTHONY YENET TONG DOB/04-17-1975</p> <p>Defendant</p>	<p style="text-align: right;">MV04-1795</p> <p>AFFIDAVIT IN SUPPORT OF ORDER FOR REVOCATION OF CONCEALED WEAPONS PERMIT</p>
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I, Marvin D. Thorstenson, being first duly sworn on oath, deposes and states that he is a Detective with the Minnehaha County Sheriff's Department, Sioux Falls, South Dakota, and has been a law enforcement officer for over twenty eight (28) years and that during that time has been involved in the investigations of violations of South Dakota Statutes, and other matters involving law enforcement responsibilities, to include the enforcement of statutes to include the procedures, for cause, involving the revocation of concealed weapons permit issued under authority of law, as written in SDCL 23-7-8.4.

1. Your Affiant states that on August 11, 2004, officers of the Sioux Falls Police Department were called by the management of 121 North Cleveland Avenue, Apartment 208, Sioux Falls, South Dakota, Minnehaha County, to assist in the investigation of a disabled fire alarm.
2. Sioux Falls Police Officers Brian Reinwald, and Eric Lewis responded and were advised by Steve Painter, management of this apartment complex, that Midwest Alarm Company had notified him that the fire alarm was inoperative due to someone disconnecting a horn, which is the actual fire alarm located in each apartment. It was further determined that the disconnected horn was in Apartment 208, which is occupied by the defendant in this case.
3. Your Affiant further states that when the Officers arrived they spoke with the defendant, who admitted that he had disconnected the fire alarm, but would not let them into his apartment. The officers felt that the defendant was acting very odd.
4. The Officers were advised by supervisory personnel that they should enter the apartment, due to public safety concerns, The defendant was re-approached and did allow officers to enter his apartment.
5. Officers did notice that devices in the apartment of the defendant had been dismantled, to include the ceiling fans, ceiling lights, smoke detectors, and things attached to the walls, or ceilings, that are electrically powered.
6. Defendant did tell these Officers that the reason he had disabled these aforementioned devices was because the people in the apartment below him were eavesdropping on him. Defendant also was acting abnormal by taking several minutes to answer simple questions. The defendant was quite defensive when he did answer the officers inquiries.

7. Your Affiant also states that the defendant exhibited unusual behavior to the officers when he was asked several times if there was anyone else in the apartment. Defendant was asked by Officer Reinwald if he could check the other rooms at which time the defendant did back toward a closed door to a bedroom, thereby blocking the entrance for the officers. Officers felt that the defendant was acting paranoid and that defendant was delusional.

8. It was at this time that the officers did handcuff the defendant for their own safety, and while doing so, Officer Reinwald did feel something on the defendant's back, at which time his shirt was lifted and a 40 caliber, Model 239 Sig Sauer handgun with a double magazine pouch was located on his belt. The handgun was fully loaded with a round in the chamber. Also located on the defendant was a canister of pepper spray, a pocket knife and a folding spider cone knife.

9. Your Affiant further states that as Officer Lewis entered the bedroom he discovered a Colt AR-15 rifle with an large amount of ammunition. Defendant was very evasive in his answers to officers' questions and would only state that he had the weapons and ammunition for protection.

10. Defendant was asked if he would consider shooting somebody else, to which the defendant would not answer, instead placing his head between his knees, refusing to answer. Officers did feel at this time there was a danger to the public. Defendant made statements that there were people at work that were talking bad about him, but would not elaborate.

11. Officers, after finding the large assortment of ammunition and the weapons, and with the behavior of the defendant, placed a mental hold on him where he was transported to the Mental Health Unit at McKennan Hospital on a 24 hour mental hold.

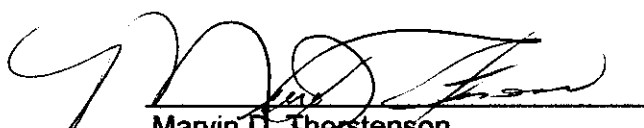
12. Your Affiant further states that in addition to the 2 weapons seized by the officers, that also taken into police custody were: 15-50 round boxes of Black Hills .223 caliber ammunition, 2-30 round AR-15 magazines loaded with .223 ammunition, 50 rounds of black Hills 40 S & W ammunition, 100 rounds of Winchester 40 caliber S & W ammunition, a 50 round box of Speer Lawman 40 caliber S & W ammunition, a 10-round AR-15 magazine loaded with Speer Gold-Dot 40 caliber S & W ammunition, 2-30 round AR-15 magazines loaded with .223 caliber ammunition, 20 rounds of Federal 40 caliber S & W ammunition, and 15 round of Speer Gold-Dot 40 caliber ammunition (in box)

13. Defendant has a South Dakota Concealed weapons permit number 011016, issued October 5th, 2001, and valid until October 5th, 2005. This permit was issued out of Minnehaha County.

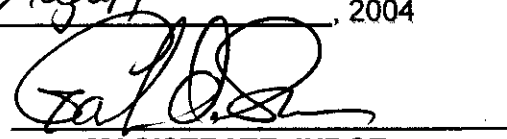
04-1745

Based on the foregoing information, your Affiant believes that probable cause has been shown to provide sufficient cause to make application to the Circuit Court for an order to show cause why the defendant's permit to carry a concealed permit should not be revoked, and would pray for the Circuit Court to further make such order.

Dated at Sioux Falls, South Dakota, this 16 day of August, 2004


Marvin D. Therstenson
Deputy Sheriff

Subscribed and sworn to before me this 16 day of August, 2004


~~MAGISTRATE JUDGE~~
~~NOTARY~~

GORDON D. SWANSON
Notary Public
Commission Expires August 12, 2008

FILED
AUG 16 2004
Minnehaha County, S.D.
Clerk Circuit Court

STATE OF SOUTH DAKOTA)
: SS
COUNTY OF MINNEHAHA)

IN CIRCUIT COURT
SECOND JUDICIAL DISTRICT

**In the Matter of the Concealed Pistol
Permit of**

**ANTHONY YENET TONG, dob 4/17/75,
121 N. Cleveland Ave., #208
Sioux Falls, SD 57103;**

**MINNEHAHA COUNTY STATE'S
ATTORNEY, Petitioner.**

Civ. 04-1795

**ORDER TO SHOW CAUSE
ON PETITION FOR REVOCATION
OF CONCEALED PISTOL PERMIT**

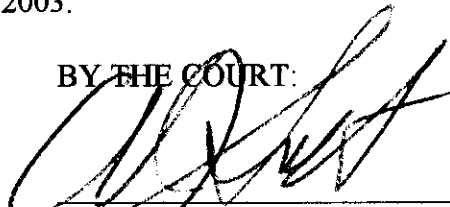
TO: Anthony Yenet Tong

The Court having reviewed the Petition for Revocation of Concealed Pistol Permit and Affidavit in support thereof, and good cause appearing, it is now hereby

ORDERED that you, Anthony Yenet Tong, shall appear before the undersigned Circuit Court Judge on the 4 day of October, 2004 at 9:30 o'clock A.m., in courtroom # 3C of the Minnehaha County Courthouse, 425 N. Dakota Ave., Sioux Falls, South Dakota; then and there to show cause why you should not have your concealed pistol permit revoked and be ordered to surrender the same to the Minnehaha County Sheriff.

Dated this 20th day of August, 2003.

BY THE COURT:



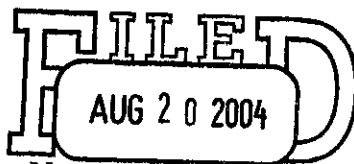
Circuit Court Judge **W. J. Srstka, Jr.**

Attest:

CHARLES M. FECHNER

Clerk/Deputy

By: [Signature] Deputy



Minnehaha County, S.D.
Clerk Circuit Court

**SHERIFF'S RETURN
And Day Book Entry**
STATE OF SOUTH DAKOTA, COUNTY OF YANKTON

CM 04-1795

IN THE MATTER OF THE CONCEALED PISTOL PERMIT OF
ANTHONY YENET TONG

Return No. 12721

vs.

MINNEHAHA COUNTY STATES ATTORNEY

I, DAVE HUNHOFF, Sheriff of Yankton County, South Dakota, hereby certify and return that the annexed:

ORDER TO SHOW CAUSE ON PETITION FOR REVOCAION OF CONCEALED PISTOL PERMIT
PETITION FOR REVOCATION OF CONCEALED PISTOL PERMIT
AFFIDAVIT IN SUPPORT OF ORDER FOR REVOCATION OF CONCEALED WEAPONS PERMIT

came into my hands for service on SEPTEMBER 10, 2004, for service on:
ANTHONY TONG (CIV. 04-1795)

That I served personally by delivering a true copy thereof with
ANTHONY TONG AT 3515 BROADWAY AVE. YANKTON SD at 1025 AM
substituted service at his/her dwelling, in the presence of and with a member of his/her family over the
age of fourteen years, to-wit:
_____ at _____
returned unserved for the following reason:

in Yankton County, State of South Dakota, on SEPTEMBER 13, 2004

SHERIFF'S FEES	
Service of Process	
Same Time Service	
Subpoena	
Execution	
Levy	
Certified Mail	
Publication	
Sheriff's Sale	
Commission	
Miles @ _____	
Total	

By: *Brad Swenson*
Brad Swenson, Deputy

FILED
SEP 17 2004

Received From
Minnehaha County, S.D.
Clerk Circuit Court
MINNEHAHA CO. STATES ATTORNEY
415 NORTH DAKOTA AVENUE
SIOUX FALLS, SD 57104

SHERIFF'S RETURN

No. 2004- 9015

04-1795

STATE OF SOUTH DAKOTA,

COUNTY OF MINNEHAHA

SEND TO: MINNEHAHA COUNTY STATES ATTY
415 N DAKOTA AVE

SIOUX FALLS, SD
57102

ENTRY

ST OF SD CONCEALED PISTOL PERM Plaintiff

ANTHONY YENET vs TONG Defendant

041795

AFFIDAVIT OF SERVICE:

I, LARSON, BARB CIVIL OFFICE ASST III, Sheriff of Minnehaha County, South Dakota, hereby certify and return that the annexed ORDER TO SHOW CAUSE ON PETITION FOR REVOCATION OF CONCEALED PISTOL PERM IT came into my hands for service on the 25TH day of AUGUST, 2004. That I served the same on TONG ANTHONY YENET by delivering and leaving a true copy thereof with RETURN SENT TO YANKTON HOSPITAL in Minnehaha County, State of South Dakota, on the 1ST day of SEPTEMBER, 2004.

PAYMENT INSTRUCTIONS

RETURN PAGE 2, ALONG WITH YOUR CHECK OR MONEY ORDER TO:

MINNEHAHA COUNTY SHERIFF DEPARTMENT
320 W 4TH STREET
SIOUX FALLS, SOUTH DAKOTA 57104-2435

**RETURN
UNABLE TO LOCATE**

Deputy's Initial

SHERIFF

By Barb Larson
DEPUTY SHERIFF

SHERIFF'S FEES

MILEAGE 1.20

TOTAL FEES \$

FILED
SEP 03 2004

Minnehaha County, S.D.

Clerk Circuit Court Magistrate Division

STATE OF SOUTH DAKOTA)
: SS
COUNTY OF MINNEHAHA)

IN CIRCUIT COURT
SECOND JUDICIAL DISTRICT

**In the Matter of the Concealed Pistol
Permit of**

**ANTHONY YENET TONG, dob 4/17/75,
121 N. Cleveland Ave., #208
Sioux Falls, SD 57103;**

**MINNEHAHA COUNTY STATE'S
ATTORNEY, Petitioner.**

Civ. 04-1795

**ORDER REVOKING PERMIT TO
CARRY CONCEALED PISTOL**

This matter came on for hearing before the Court on the 1st day of November, 2004, on the petition filed by the Minnehaha County States Attorney's Office on behalf of the Minnehaha County Sheriff for revocation of the pistol permit that had been issued to Mr. Anthony Yenet Tong. Proper notice of the petition and hearing were served on Mr. Tong, as evidenced by the Sheriff's Return in the court file. Gordon Swanson appeared on behalf of the Petitioner at the hearing, and Mr. Tong did not appear. Based on the entire file in this matter, and good cause appearing, it is now hereby

ORDERED, pursuant to SDCL 23-7-8.4, that the Permit to Carry Concealed Pistol which was originally issued by the Minnehaha County Sheriff to Mr. Anthony Yenet Tong, dob 4/17/75, is hereby revoked; and Mr. Tong shall immediately surrender the permit to the Minnehaha County Sheriff, who shall destroy the same and update his records accordingly.

Dated this 1st day of November, 2004.

BY THE COURT:


W. J. Srszka, Jr.
Circuit Court Judge

Attest: **CHARLES M. FECHNER**


Clerk/Deputy

