

FILED

SEP 11 2023

STATE OF SOUTH DAKOTA

IN CIRCUIT COURT

COUNTY OF CLAY

)
: *Jessica Basse*
: *Clay County Clerk of Courts*
1st Judicial Circuit Court of South Dakota

FIRST JUDICIAL CIRCUIT

STATE OF SOUTH DAKOTA,

13 Cri. 23-

Plaintiff,

INDICTMENT FOR:

v.

COUNT 1

OBTAINING POSSESSION OF A
CONTROLLED SUBSTANCE BY
THEFT, MISREPRESENTATION,
FORGERY, OR FRAUD

JENNY MICHELLE LOEPP,
DOB: 02/19/1988,

Class 4 Felony
SDCL 22-42-8

Defendant.

COUNT 2

PERJURY

Class 6 Felony

SDCL 22-29-9.1 & 22-29-5

COUNT 3

PERJURY

Class 6 Felony

SDCL 22-29-9.1 & 22-29-5

COUNT 4

SOCIAL SERVICES FRAUD

SDCL 22-29-11 & 22-29-16

Class 6 Felony

COUNT 5

SOCIAL SERVICES FRAUD

SDCL 22-29-12 & 22-29-16

Class 6 Felony

COUNT 6

FAILURE TO KEEP NECESSARY

RECORDS

SDCL 22-45-6

Class 1 Misdemeanor

THE CLAY COUNTY GRAND JURY CHARGES:

COUNT 1

That on or about March 15, 2023, in the County of Clay, State of South Dakota, Jenny Loepp did commit the public offense of **OBTAINING POSSESSION OF A CONTROLLED SUBSTANCE BY THEFT, MISREPRESENTATION, FORGERY, OR FRAUD** in violation of SDCL 22-42-8, a Class 4 Felony, in that she knowingly obtained possession of a controlled drug or substance; to wit: Alprazolam, and the Alprazolam was obtained by theft, misrepresentation, fraud or deception;

COUNT 2

That on or about February 18, 2022, in the County of Clay, State of South Dakota, Jenny Loepp did commit the public offense of **PERJURY**, in violation of SDCL 22-29-9.1 & 22-29-5, a Class 6 Felony, in that she submitted an application for the purpose of obtaining benefits or any other privilege from the State of South Dakota and verified, under oath, or in lieu of verification under oath, signed a statement that such application was true and correct, and knew the statement to be false or untrue, in whole or in part; to wit: on a nursing renewal application dated February 18, 2022, the Defendant indicated that she was unemployed as of June 21, 2021, and providing 0% direct patient care since unemployed. However, she was prescribing medications to patients during that same timeframe in September 2021, October 2021, November 2021, December 2021, January 2022, and February 2022; and as to

COUNT 3

That on or about July 25, 2021, in the County of Clay, State of South Dakota, Jenny Loepp did commit the public offense of **PERJURY**, in violation

of SDCL 22-29-9.1 & 22-29-5, a Class 6 Felony, in that she submitted an application for the purpose of obtaining benefits or any other privilege from the State of South Dakota and verified, under oath, or in lieu of verification under oath, signed a statement that such application was true and correct, and knew the statement to be false or untrue, in whole or in part; to wit: on an application for public assistance dated July 25, 2021, the Defendant indicated that she had only worked 40 hours per month while employed at Matrix Medical. However, on a nursing renewal application dated February 18, 2022, the Defendant indicated she had worked a total of 1110 hours for the same employer during the same timeframe; and as to

COUNT 4

That on or about July 25, 2021, in the County of Clay, State of South Dakota, Jenny Loepp did commit the public offense of **SOCIAL SERVICES FRAUD**, in violation of SDCL 22-29-11 & 22-29-16, a Class 6 Felony, in that she knowingly made or executed a false statement, instrument, document, or representation, or used any other fraudulent device, and thereby obtained money, property, or other assistance to which she was not entitled, from any program provided for by Title 26, 27A, 27B, or 28, of the South Dakota Codified Laws, or otherwise administered by the South Dakota Department of Social Services; to wit: on an application for public assistance dated July 25, 2021, the Defendant indicated her expected total income for the year was \$20,000. However, at the time she submitted that application, she had already earned \$118,864.63 for the year; and as to

→ With Value
over \$200
MM

COUNT 5

That on or about June 21, 2022, in the County of Clay, State of South Dakota, Jenny Loepp did commit the public offense of **SOCIAL SERVICES FRAUD**, in violation of SDCL 22-29-11 & 22-29-16, a Class 6 Felony, in that she knowingly made or executed a false statement, instrument, document, or representation, or used any other fraudulent device, and thereby obtained money, property, or other assistance to which she was not entitled, from any program provided for by Title 26, 27A, 27B, or 28, of the South Dakota Codified Laws, or otherwise administered by the South Dakota Department of Social Services; to wit: on an application for public assistance dated June 21, 2022, the Defendant failed to report income she received from unemployment insurance benefits totaling \$6,524; and as to

with value over \$200

COUNT 6

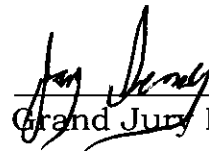
That on or about and between the dates of November 2, 2022 and March 6, 2023, in the County of Clay, State of South Dakota, Jenny Loepp did commit the public offense of **FAILURE TO KEEP NECESSARY RECORDS**, in violation of SDCL 22-45-6, a Class 1 Misdemeanor, in that she having submitted a claim for or received payment for a good or a service under the program, intentionally failed to maintain such records as are necessary to disclose fully the nature of all a good or a service for which a claim was submitted or payment was received, or such records as are necessary to disclose fully all income and expenditures upon which rates of payment was based, for a period of at least six years following the date on which payment was received; to wit: the Defendant submitted claims to the Medicaid program by prescribing controlled

substances to her boyfriend, A.R., DOB 05/05/1985, and she failed to maintain any documentation of the same; contrary to the statutes in such case made and provided against the peace and dignity of the State of South Dakota.

Dated this 11th day of September, 2023.

"A True Bill"
"A True Bill"

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


Grand Jury Foreman

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


Special Agent Corey J Dumdei, US Department of Health and Human Services
Office of Inspector General – Investigations, Assigned to DEA/TDS

Officer Mark Foley, Vermillion Police Department

STATE OF SOUTH DAKOTA)
 : SS REQUEST FOR WARRANT
COUNTY OF CLAY)

I, Mandy Müller, prosecuting attorney in the above matter do hereby request a Warrant to be issued against the above Defendant.

Dated this 11th day of September, 2023.

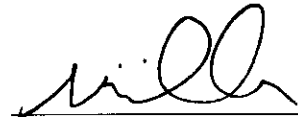

Mandy Müller
Prosecuting Attorney

STATE OF SOUTH DAKOTA)
 : SS
COUNTY OF CLAY)

NOTICE OF DEMAND

FOR ALIBI DEFENSE

I, Mandy Müller, prosecuting attorney in the above matter, hereby state that the alleged offense was committed on or about and between the dates of July 25, 2021 and March 15, 2023, at Vermillion, South Dakota. I hereby request that Defendant or their attorney serve upon me a written notice of their intention to offer a defense of alibi within ten days as provided in SDCL 23A-9-1. Failure to provide such notice of an alibi defense may result in exclusion of any testimony pertaining to an alibi defense.



Mandy Müller
Prosecuting Attorney