

Union County State's Attorney

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Press Release - For Immediate Release

Elk Point, S.D. – State's Attorney Jerry A. Miller said today that Trent Hemmingsen, 37, Elk Point, SD, was sentenced on November 8, 2010 in the 1st Circuit Court, on one count of sexual contact with a child under sixteen, a class 3 felony; and one count of first degree rape, a class C felony. The maximum sentence on a class 3 felony is 15 years in the penitentiary and / or a \$30,000 fine. The maximum sentence on a class C felony is life imprisonment in the state penitentiary and / or a \$50,000 fine.

Hemmingsen plead guilty but mentally ill on August 23, 2010. The Court reserved taking Hemmingsen's plea until he completed a mental health evaluation. The court also sealed the terms and conditions of the plea agreement until Hemmingsen was sentenced by the court. On November 8, 2010, Hemmingsen changed his plea from guilty but mentally ill to guilty based upon the results of the mental health evaluation.

Hemmingsen was sentenced to 15 years on the class 3 felony charge of sexual contact with a child under sixteen. Hemmingsen was sentenced to 70 years with 40 years suspended on the class C felony of first degree rape. Both sentences were ordered to run concurrently. The sentence was consistent with the plea agreement that was reached between the Defendant, the State of South Dakota, and the State of Montana, where the Defendant also had charges pending. Hemmingsen will have to serve 65% of the remaining 30 years or about 19.6 years before Hemmingsen is eligible for parole.

Hemmingsen was ordered to pay for his Court Appointed Attorney; Court Costs; and Prosecution costs to include the costs of the psychosexual evaluation and the mental health evaluation, as well as the medical and counseling costs to his victims. The Court also ordered a protection order against Hemmingsen protecting the victims for 70 years.