

# Union County State's Attorney

209 East Main Street ~ Suite 140  
Elk Point, South Dakota 57025  
Telephone (605) 356-2666 / Facsimile (605) 761-0199

**Jerry A. Miller**  
State's Attorney  
JerryMiller@UCSA.US

**Alexis A. Tracy**  
Deputy State's Attorney  
AlexisTracy@UCSA.US

**Tamara P. Nash**  
Deputy State's Attorney  
TamaraNash@UCSA.US

---

November 23, 2015

## Press Release - For Immediate Release

Defendant's Name: Jonary Graciano  
Age: 18  
City and State of residence: South Sioux City, NE  
Criminal File Number: 15-242  
Arrest Date: July 21, 2015  
Indictment Date: July 29, 2015  
Arraignment Date: August 3, 2015  
Change of Plea Date: October 15, 2015  
Convicted of: Poss of Marijuana w/ the Intent to Distribute, SDCL 22-42-7 (F6)  
Sentencing Date: July 20, 2015

### Case Synopsis:

Jonary Graciano was the passenger of a vehicle that was pulled over by a North Sioux City police officer. The vehicle was stopped for failing to drive within its lane and turning from an improper lane. As the officer was visiting with the occupants, a glass water bong was observed in plain view. The driver, who was identified as South Sioux City Juvenile, was questioned about where they were going. The driver did not know where they were going as he reported that he was following navigation directions from a phone app. The driver admitted that he had smoked marijuana earlier in the day and also admitted that he had used the water bong in that was observed in the vehicle.

At this time a Trooper with the SD Highway Patrol had stopped to assist the North Sioux City officer, each officer had contact with Jonary Graciano and both could smell the odor of marijuana coming from Graciano. A search of the vehicle recovered additional evidence including 6 individually wrapped baggies of marijuana. It was determined that both individuals in the vehicle were working together to find a specific party that they had heard about in North Sioux City, and that they intended to sell marijuana at this party. Graciano provided a urine sample which tested positive for 26 ng/ml of marijuana.

### Sentencing Synopsis:

Following Jonary Graciano admission to the felony charge, the Court granted a suspended imposition of sentence and ordered that Graciano serve a three-year term of supervised probation. Graciano was ordered to serve thirty days in the Union County Jail and given credit for the thirteen days that he spent incarcerated prior to this sentencing. Graciano was taken into custody immediately following his sentencing to serve the balance of this jail sentence. The Court ordered Graciano to do and / or pay the following:

- \$104.00 in Court Costs;
- \$10.00 in Prosecution Costs;

- \$153.00 in fees to the lab for testing the substances found during the stop;
- \$300.00 in fines; and
- \$535.50 in Court-Appointed Attorney Fees.

**Criminal History:**

In order for Jonary Graciano to have been eligible for a suspended imposition disposition by the court, this offense had to be Graciano's first felony offense and Graciano could not have ever previously used a suspended imposition or another state's equivalent previously. Therefore, if Graciano satisfies his probation, this felony offense will be removed from his public record as if he had never been arrested for this offense at all. If Graciano violates his probation, he could be resentedenced by the Court. The Court, in this situation, could revoke his suspended imposition of sentence and issue a sentence that would remain on his public record.