

---

December 15, 2017

## Press Release - For Immediate Release

Defendant's Name: Michael Harris  
Age: 21  
State of residence: St. Louis, MO  
Criminal File Number: 17-296  
Incident Date: August 3, 2017  
Indictment Date: September 6, 2017  
Arraignment Hearing: October 16, 2017  
Change of Plea Date: October 16, 2017  
Convicted of: Ct1: Possession of Marijuana with the Intent to Distribute, more than 1 ounce but less than 1/2 pound, SDCL 22-42-7, a class 5 felony;  
Ct 2: Possession of a Schedule I or II Controlled Substance, SDCL 22-42-5, a class 5 felony; and Count 6: Possession of Marijuana, more than 2 ounces but less than 1 pound, SDCL 22-42-6, a class 6 felony  
Date of Sentencing: October 16, 2017  
Arresting Officer: Trooper Cody Jansen  
Defense Attorney: David King  
Prosecution Attorney: Jerry Miller

### Case Synopsis:

On August 3, 2017, Trooper Cody Jansen stopped Michael Harris for speeding on Interstate 29. Trooper Jansen noticed that Harris was very nervous. Harris was helping his brother, David Harris, move. Most of what was in the vehicle driving by Michael Harris belonged to David Harris. Another Trooper responded to the location where Michael Harris was stopped and deployed their drug-trained-canine partner around the vehicle. The drug dog alerted and indicated to the vehicle driven by Michael Harris. A search of the vehicle revealed marijuana, marijuana wax, and THC infused edibles throughout the vehicle. A safe was located that Michael Harris indicated belonged to his brother David Harris. David Harris, who was stopped at a different location, provided the combination for the safe. The safe contained a large amount of cash and some ecstasy. Michael Harris admitted to the marijuana, marijuana wax, and THC infused edibles found in the vehicle. David Harris was found to be in knowing possession of the ecstasy that was found in the safe. The large amount of money was seized by SD as a matter of drug related assets. Before David Harris was arrested he indicated that there was about \$30,000 in cash in the safe. Michael Harris' urine tested positive for 120 ng/ml of THC and 1,458 ng/ml of amphetamine.

### Sentencing Synopsis:

The Court being satisfied that the ends of Justice and the best interests of the public as well as the Defendant will be served thereby and the Court receiving a plea of GUILTY to a crime that is not punishable by life in prison and the Defendant never before having been convicted of a crime

which would constitute a felony in this State, this Court exercises its judicial clemency under SDCL 23A-27-13 and with the consent of the Defendant suspends the imposition of the sentence, based on the following terms and conditions set forth by this Court. It is therefore ordered,

AS TO THE CHARGE in Count 1: Possession of Marijuana with the Intent to Distribute, more than 1 ounce but less than 1/2 pound, SDCL 22-42-7, a class 5 felony; IT IS ORDERED that the Defendant shall be placed on **supervised probation** for a period of One (1) year, based on the following terms and conditions:

1. The Defendant shall be placed under the supervision of the Chief Court Officer, or his representative, for a period of One (1) year. The Defendant shall sign and comply with all terms of Adult Probation Agreement.
2. The Defendant's supervision may be transferred to the State of Missouri for supervision.
3. The Defendant shall obey all federal, state and local laws.
4. That the Defendant shall not possess or use any alcoholic beverages, or use or possess any controlled drugs or illegal substances, including marijuana, while on probation with the exception of medications lawfully prescribed and ingested according to the doses prescribed by a licensed physician.
5. The Defendant shall waive his/her Fourth Amendment right against warrant-less random search and seizure by his/her Probation Officer and/or any law enforcement officer upon request, to include the Defendant's person, vehicle, and residence. This waiver shall include the Defendant submitting to a UA, breathe or other bodily substance upon request. The Defendant shall remain responsible for the costs of all UA's or any other substance tests.
6. Court Services shall have the discretion to require the Defendant to participate in the CBISA program, MRT program or other classes and programming as Court Services may direct during the term of probation.
7. Court Services shall have the discretion anytime during the term of probation to require the Defendant to participate in the Drug Patch Program and/or SCRAM or 24/7 Programs.
8. The Defendant shall pay all monetary obligations as Ordered by this Court as a term of satisfying Defendant's probation. The Defendant shall work with his probation officer and establish a minimum monthly payment plan and forward payments to the Clerk of Courts.

IT IS ORDERED, ADJUDGED, AND DECREED that the Defendant shall serve a sentence of Thirty (30) Days in the Union County Jail. It is FURTHER ORDERED that the Defendant shall receive credit for One (1) day that the Defendant spent incarcerated prior to disposition.

IT IS FURTHER ORDERED that the Defendant shall turn himself in to the Union County Jail on December 16, 2017 at 9:00 a.m.

IT IS FURTHER ORDERED that the Defendant shall pay the following amounts to the Union County Clerk of Courts (209 East Main Street, ~ Suite 230, Elk Point, SD 57025): Court Costs of One Hundred and Four (\$104.00) Dollars; Prosecution Costs in the amount of Ten (\$10.00) Dollars; Costs payable to (South Dakota Drug Control Fund, 1302 East Highway 14, Suite 5, Pierre, SD 57501) in the amount of Forty-Five (\$45.00) Dollars; and a Fine in the amount of Five Hundred (\$500.00) Dollars.

AS TO THE CHARGE in Count 2: Possession of a Schedule I or II Controlled Substance, SDCL 22-42-5, a class 5 felony; IT IS ORDERED that the Defendant shall be placed on **supervised probation** for a period of One (1) year, based on the following terms and conditions:

1. The Defendant shall be placed under the supervision of the Chief Court Officer, or his representative, for a period of One (1) year. The Defendant shall sign and comply with all terms of Adult Probation Agreement.
2. The Defendant's supervision may be transferred to the State of Missouri for supervision.
3. The Defendant shall obey all federal, state and local laws.
4. That the Defendant shall not possess or use any alcoholic beverages, or use or possess any controlled drugs or illegal substances, including marijuana, while on probation with the exception of medications lawfully prescribed and ingested according to the doses prescribed by a licensed physician.
5. The Defendant shall waive his/her Fourth Amendment right against warrant-less random search and seizure by his/her Probation Officer and/or any law enforcement officer upon request, to include the Defendant's person, vehicle, and residence. This waiver shall include the Defendant submitting to a UA, breathe or other bodily substance upon request. The Defendant shall remain responsible for the costs of all UA's or any other substance tests.

6. Court Services shall have the discretion to require the Defendant to participate in the CBISA program, MRT program or other classes and programming as Court Services may direct during the term of probation.
7. Court Services shall have the discretion anytime during the term of probation to require the Defendant to participate in the Drug Patch Program and/or SCRAM or 24/7 Programs.
8. The Defendant shall pay all monetary obligations as Ordered by this Court as a term of satisfying Defendant's probation. The Defendant shall work with his probation officer and establish a minimum monthly payment plan and forward payments to the Clerk of Courts.

IT IS FURTHER ORDERED that the Defendant shall pay the following amounts to the Union County Clerk of Courts (209 East Main Street, ~ Suite 230, Elk Point, SD 57025): Court Costs of One Hundred and Four (\$104.00) Dollars; and a Fine in the amount of Four Hundred (\$400.00) Dollars.

AS TO THE CHARGE in Count 6: Possession of Marijuana, more than 2 ounces but less than 1 pound, SDCL 22-42-6, a class 6 felony; IT IS ORDERED that the Defendant shall be placed on **supervised probation** for a period of One (1) year, based on the following terms and conditions:

1. The Defendant shall be placed under the supervision of the Chief Court Officer, or his representative, for a period of One (1) year. The Defendant shall sign and comply with all terms of Adult Probation Agreement.
2. The Defendant's supervision may be transferred to the State of Missouri for supervision.
3. The Defendant shall obey all federal, state and local laws.
4. That the Defendant shall not possess or use any alcoholic beverages, or use or possess any controlled drugs or illegal substances, including marijuana, while on probation with the exception of medications lawfully prescribed and ingested according to the doses prescribed by a licensed physician.
5. The Defendant shall waive his/her Fourth Amendment right against warrant-less random search and seizure by his/her Probation Officer and/or any law enforcement officer upon request, to include the Defendant's person, vehicle, and residence. This waiver shall include the Defendant submitting to a UA, breathe or other bodily

substance upon request. The Defendant shall remain responsible for the costs of all UA's or any other substance tests.

6. Court Services shall have the discretion to require the Defendant to participate in the CBISA program, MRT program or other classes and programming as Court Services may direct during the term of probation.
7. Court Services shall have the discretion anytime during the term of probation to require the Defendant to participate in the Drug Patch Program and/or SCRAM or 24/7 Programs.
8. The Defendant shall pay all monetary obligations as Ordered by this Court as a term of satisfying Defendant's probation. The Defendant shall work with his probation officer and establish a minimum monthly payment plan and forward payments to the Clerk of Courts.

IT IS FURTHER ORDERED that the Defendant shall pay the following amounts to the Union County Clerk of Courts (209 East Main Street, ~ Suite 230, Elk Point, SD 57025): Court Costs of One Hundred and Four (\$104.00) Dollars; and a Fine in the amount of Three Hundred (\$300.00) Dollars.

IT IS FURTHER ORDERED that Count 1, Count 2, and Count 6 shall all run concurrent to one another.

**Criminal History Synopsis:**

This is Michael Harris' first felony offense, and if he is successful throughout his supervised probationary status, the Court will seal this file and it will no longer be a public file.