
November 16, 2017

Press Release - For Immediate Release

Defendant's Name: Joshua Harvey
Age: 41
State of residence: Alcester, SD
Criminal File Number: 17-102
Incident Date: May 8, 2017
Indictment Date: April 19, 2017
Charges: Ct.1: Aggravated Assault, SDCL 22-18-1.1(8), (F3)
Arrestment Hearing: May 8, 2017
Change of Plea Date: July 31, 2017
Date of Sentencing: July 31, 2017
Convicted of: Ct1: Simple Assault (Domestic), SDCL 22-18-1(2), (M1)
Arresting Officer: Chief Chris Dotty – Alcester Police Department
Officer Dylan Nelson - Alcester Police Department
Defense Attorney: Katie Johnson
Prosecution Attorney: Jerry A. Miller

Case Synopsis:

On April 1, 2017, the Alcester Police Department was called to the Harvey residence for a domestic dispute call. Joshua Harvey had been drinking regularly for some time. Harvey was having issues which were compounded by the death of a close friend. Harvey started to argue with L.H.. Harvey behavior was erratic and unpredictable. Harvey would not allow L.H. to leave the residence. Harvey threw L.H. up against the wall and proceeded to strangled L.H.. L.H. reported that she could not breath and that she called for assistance but was restricted by Harvey's assault. Harvey's PBT was .152 two and half hours after the initial call to law enforcement. L.H. complained of lingering pain from the assault and the officer observed redness around L.H.'s neck.

Sentencing Synopsis:

AS TO THE CHARGE in Count 1: Simple Assault (Domestic), SDCL 22-18-1(2), a class 1 misdemeanor, IT IS ORDERED, ADJUDGED, AND DECREED that Joshua Harvey shall serve a sentence of Three Hundred and Sixty (360) Days in the Union County Jail. It is further ORDERED that Court shall SUSPEND the EXECUTION of the Three Hundred and Sixty (360) of Joshua Harvey's sentence upon Joshua Harvey satisfying the following terms and conditions. It is further ORDERED that Joshua Harvey shall be placed on un-supervised probation for Two (2) years and must satisfy the following terms and conditions:

1. Joshua Harvey shall obey all federal, state and local laws.
2. That Joshua Harvey 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.
3. Joshua Harvey shall be on the SCRAM program for a period of Sixty (60) days, and shall comply with all the rules of the program as a condition of probation. Joshua Harvey shall be responsible to pay all costs associated with the SCRAM program.

IT IS FURTHER ORDERED that Joshua Harvey shall receive credit for One (1) day that Joshua Harvey spent incarcerated prior to disposition.

IT IS FURTHER ORDERED that Joshua Harvey 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 Eighty-Four (\$84.00) Dollars; Prosecution Costs in the amount of One Hundred and Twenty-Five (\$125.60) Dollars and Sixty Cents; Domestic Violence Fee in the amount of Twenty-five (\$25.00) Dollars; and a Fine in the amount of Two Hundred and Fifty (\$250.00) Dollars.

IT IS FURTHER ORDERED that Joshua Harvey shall pay the following amounts Ordered by the Court – To the Union County Auditor (209 East Main Street, ~ Suite 200, Elk Point, SD 57025): Court Appointed Attorneys Fees in the amount of One Thousand Seven Hundred and Twenty-Nine (\$1,729.00) Dollars. It is further ORDERED that Union County is awarded a Judgment for said Court Appointed Attorney Fees in this matter.

IT IS FURTHER ORDERED that this sentence shall run concurrently with the sentences in files 63CRI17-117 and 63CRI17-124.

IT IS FURTHER ORDERED that the Court expressly reserves control and jurisdiction over Joshua Harvey for the period of his probation and that the Court may revoke the suspension at any time and reinstate the sentence without diminishment or credit for any of the time Joshua Harvey was on probation.

IT IS FURTHER ORDERED that the Court reserves the right to amend any or all of the terms of this Order at any time

Criminal History Synopsis:

Joshua Harvey had three files active at the same time. Mr. Harvey has agreed to plead guilty in file 17-102 to Count 1 in a Superseding Information and Complaint, charging a reduced

charge of Simple Assault (Domestic), a class 1 misdemeanor. Mr. Harvey further agreed to plead guilty in file 17-117 to Count 4: Violation of the No Contact Order, a class 1 misdemeanor. Mr. Harvey also agreed to plead guilty in file 17-124 to Count 3: Stalking, a class 1 misdemeanor, and Count 4: Violation of a No Contact Order, a class 1 misdemeanor. Joshua Harvey's previous criminal history includes a simple assault conviction in 1996, a disorderly conduct conviction in 2002, a disorderly conduct conviction in 2012, a simple assault and ingestion conviction in 2013, and another disorderly conduct conviction in 2016.