
November 1, 2017

Press Release - For Immediate Release

Defendant's Name: Barbara Lewis
Age: 41
State of residence: IA
Criminal File Number: 17-036
Incident Date: January 19, 2017
Indictment Date: February 2, 2017
Arraignment Hearing: February 6, 2017
Charges Filed: Ct. 1: Grand Theft by Receiving or Retaining Stolen Property, 22-30A-17 & 22-30A-7, (F6) 2/4
Ct. 2: Ingestion of a Schedule I or II Controlled Substance, SDCL 22-42- 5.1, (F5) 5/10
Ct. 3: Possession of Drug Paraphernalia While in a Motor Vehicle, SDCL 22-42A-3 & 32-12-52.3, (M2) 30/500
Change of Plea Date: February 13, 2017
Date of Sentencing: March 27, 2017
Convicted of: Ct. 2: Ingestion of a Schedule I or II Controlled Substance, SDCL 22-42- 5.1, (F5) 5/10
Arresting Officer: Officer Dustin Sharkey – NSCPD
Chief Rich Headid - NSCPD
Defense Attorney: Katie Johnson
Prosecution Attorney: Jerry A. Miller

Probation Violation # 1 Date: July – August of 2017
PV # 1 – Initial Appearance: October 23, 2017
PV # 1 – Change of Plea Date: October 23, 2017
PV # 1 – Disposition Date: October 23, 2017
PV # 1 – Violations: Failed to complete treatment;
Missed Appointments with CSO
Absconded from CSO
Defense Attorney: Katie Johnson
Prosecution Attorney: Jerry A. Miller

Original Case Synopsis:

On January 19, 2017, Officer Dustin Sharkey of North Sioux City Police Department, started an investigation in relation to a stolen vehicle reported out of Sioux City, IA, in which dispatch informed all officers that this vehicle was reported to be in route to North Sioux City, SD. Officer Sharkey located the stolen what he believed might be the stolen vehicle behind the Monaco Casino in North Sioux City, SD. The Plates did not match the vehicle

stolen, however the upon further investigation the Vin number did. Ms. Barbara Lewis, the Defendant was found to be in possession of the stolen vehicle and was found digging through trash in a nearby dumpster. Ms. Lewis claimed that the vehicle was given to her by her boyfriend. Ms. Lewis's belongings were found in the car, and she claimed she had the car for three days. Officer Sharkey searched the vehicle and located a Methamphetamine Pipe and Ms. Lewis admitted to using Methamphetamine. Ms. Lewis's UA came back positive for Methamphetamine at a level of 8836 ng/ml.

Original Sentencing Synopsis:

The Court held a sentencing hearing on March 27, 2016, and pronounced the following sentence on Count II, Ingestion of a Schedule I or II Controlled Substance, a violation of SDCL 22-42-5.1, a class 5 felony; The Court ordered a Five (5) year sentence to the South Dakota State Penitentiary and then SUSPEND the EXECUTION of the Five (5) years on terms and conditions that Ms. Lewis successfully complete **supervised probation** for Four (4) years:

- Ms. Lewis shall obey all federal, state and local laws;
- Ms. Lewis 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.
- Ms. Lewis 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.
- Ms. Lewis shall successfully complete any and all treatment and aftercare, and follow all the recommendations of the treatment provider.
- Ms. Lewis shall obtain a mental health evaluation and shall follow all recommendations for treatment by the mental health providers, including taking and following all recommendations for medications.
- Court Services shall have the discretion to require Ms. Lewis to participate in the CBISA program, MRT program or other classes and programming as Court Services may direct during the term of probation.

- Court Services shall have the discretion anytime during the term of probation to require Ms. Lewis to participate in the Drug Patch Program and/or SCRAM or 24/7 Programs.
- Ms. Lewis shall pay all monetary obligations as Ordered by this Court as a term of satisfying Defendant's probation. The Defendant shall work with her probation officer and establish a minimum monthly payment plan and forward payments to the Clerk of Courts.

Ms. Lewis shall serve a sentence of Fifty-five (55) Days in the Union County Jail. It is FURTHER ORDERED that the Defendant shall receive credit for Twenty-Five (25) days that the Defendant spent incarcerated prior to disposition.

Ms. Lewis shall serve a sentence of Ten (10) Days in the Union County Jail. Ms. Lewis 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 Four (\$104.00) 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 Prosecution Costs in the amount of Ninety (\$90.00) Dollars. And also Court Appointed Attorneys Fees in the amount of One Thousand Ninety Dollars and Forty (\$1090.40) Cents. It is further ORDERED that Union County is awarded a Judgment for said Court Appointed Attorney Fees in this matter.

Probation Violation # 1 Fact Synopsis

Ms. Lewis was recommended for intensive outpatient substance abuse treatment and she failed to complete the program and was discharged for her non-attendance issues. Ms. Lewis also violated her probation by missing her appointment on July 12, 2017, and thereafter Ms. Lewis was unable to be reached and Ms. Lewis' CSO violated her for the above infractions, but also, for absconding.

Probation Violation # 2 Sentencing Synopsis:

On October 23, 2017, the Court held a disposition hearing following Ms. Lewis' admission to the probation violation as it pertains to the one charge of Count II, Ingestion of a Schedule I or II Controlled Substance, a violation of SDCL 22-42-5.1, a class 5 felon. Ms. Lewis was re-sentenced to spend Five (5) years in the South Dakota State Penitentiary with the sentence to begin **immediately**. Three (3) years of the Defendant's sentence shall be SUSPENDED upon the following terms and conditions:

1. The Defendant shall follow all conditions of parole and any recommendations and orders made by his/her parole officer.
2. The Defendant shall obey all federal, state and local laws.
3. The Defendant shall pay all monetary obligations as Ordered by this Court as a term of satisfying Defendant's parole.

Ms. Lewis received credit for Forty (40) days that the Defendant spent incarcerated prior to disposition. She was ordered to pay the following amounts to the Union County Clerk of Courts (209 East Main Street, ~ Suite 230, Elk Point, SD 57025): **Previous** Court and Prosecution costs in the amount of Two Hundred Thirty-nine (\$239.00) Dollars. Ms. Lewis was also ordered to pay **New** Court Appointed Attorneys Fees in the amount of Two Hundred Six Dollars and Eighty (\$206.80) Cents; and Previous Court Appointed Attorneys Fees from the Judgment and Suspended Execution Sentence dated May 2, 2017 in the amount of One Thousand Ninety Dollars and Forty (\$1090.40) Cents. It is further ORDERED that Union County is awarded a Judgment for said Court Appointed Attorney Fees in this matter totaling One Thousand Two Hundred Ninety-Seven Dollars and Twenty (\$1,297.20) Cents.

Criminal History Synopsis:

This is Ms. Lewis's first probation violation on her first felony conviction.