
December 15, 2017

Press Release - For Immediate Release

Defendant's Name: Randy Markee
Age: 30
City and State of residence: Jefferson, South Dakota
Criminal File Number: 15-443
Date of Offense: 12/04/2015
Date of Indictment: 1/11/2016
Date of Arraignment: 1/25/2016
Date of Change of Plea: 3/14/2016
Date of Sentencing: 4/25/2016
Convicted of: Possession of a Schedule I or II Controlled Substance (F5) SDCL 22-42-5
Arresting Officer: Trooper Cody Jansen – South Dakota Highway Patrol
Court Appointed Attorney: Katie Johnson

Date of Probation Violation: June of 2017
Initial Appearance on PV: July 31, 2017
Probation Violation: Failed to abstain from alcohol, and/or drug use; and
Failed to complete treatment and/or aftercare.

Admission Date of PV: July 31, 2017
Disposition Date of PV: August 7, 2017
Defense Attorney: Katie Johnson
Prosecuting Attorney: Jerry Miller

Original Case Synopsis:

On December 4, 2015 at approximately 11:00 p.m. Trooper Jansen was stationary in his patrol car on I-29 when a northbound vehicle went past with an obviously malfunctioning exhaust system. He also noticed that the rear window of the vehicle was completely fogged over and was unable to see through it. Trooper Jansen pursued the vehicle, which was weaving within its own lane. The vehicle took an unusually long time to stop. When Trooper Jansen asked the driver for license, registration and insurance, all three occupants of the car frantically tried to locate them. When the driver did produce his license, he was shaking almost uncontrollably, was breathing rapidly, and his carotid artery was noticeably pulsating in his neck. He frequently rubbed his face and legs. All of the occupants avoided direct eye contact. Trooper Jansen brought the driver, Randy Markee, back to the patrol car. Markee was overly nervous and continued to frequently rub his legs and face, his hands were shaky and his carotid artery continued to pulsate during questioning. The trooper also observed a green leafy substance on his pants. Markee refused to consent to a search of the vehicle, so Trooper Jansen radioed for a canine unit, which arrived three minutes later. The dog alerted to the stopped vehicle. All three passengers were handcuffed and detained (not arrested) in the trooper's patrol cars while the Markee vehicle was searched. The search turned up 2 marijuana pipes, a bottle of visine, a bic lighter, and a black case containing a clear methamphetamine pipe with residual methamphetamine, 2 snort tubes with methamphetamine

residue, and baggies containing crystal methamphetamine. All three were arrested and transported to the Union County Jail.

Probation Violations:

On June 16, 2017, Defendant was arrested on the following charges in Union County: Driving under the Influence, Possession of Two Ounces of Marijuana or less, Ingestion of Intoxicant Other than Alcoholic Beverage, Driving with Revoked (Not Suspended) License, and Use or Possession of Drug Paraphernalia. Also on June 19, 2017, Defendant relapsed and tested positive for THC, the active intoxicating agent in marijuana. Defendant was instructed by his Court Services Officer to obtain a chemical dependency evaluation and complete recommended treatment; however, Defendant has failed to complete both of these requirements.

Sentencing Synopsis:

AS TO THE CHARGE of Count I, Ingestion of a Schedule I or II Controlled Substance, a violation of SDCL 22-42-5.1, a class 5 felony, IT IS HEREBY ORDERED, ADJUDGED AND DECREED that the Defendant shall be sentenced to Five (5) years in the South Dakota State Penitentiary with the sentence to begin immediately. It is further ORDERED that the EXECUTION of the Five (5) year SENTENCE shall be SUSPENDED upon the Defendant satisfying continued supervised probation for Four (4) years under 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 Four (4) years. The Defendant shall sign and comply with all terms of Adult Probation Agreement.
2. The Defendant shall obey all federal, state and local laws.
3. 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.
4. 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.
5. The Defendant shall successfully complete any and all treatment and aftercare, and follow all the recommendations treatment provider.
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 Eighty-Nine (89) days in the Union County Jail. IT IS FURTHER ORDERED that the Defendant shall receive credit for Twenty-Nine (29) days that the Defendant spent incarcerated prior to this disposition, thus leaving Sixty (60) to serve in the Union County Jail and that sentence to begin immediately following this dispositional hearing.

IT IS FURTHER ORDERED that the Defendant shall pay the following amounts **previously** ordered to the Union County Clerk of Courts (209 East Main Street, ~ Suite 230, Elk Point, SD 57025): Prosecution costs in the amount of Ten (\$10.00) Dollars; and Fine in the amount of Four Hundred (\$400.00) Dollars.

IT IS FURTHER ORDERED that the Defendant shall pay the following amounts Ordered by the Court – To the Union County Auditor (209 East Main Street, ~ Suite 200, Elk Point, SD 57025): **New** Court Appointed Attorneys Fees in the amount of Three Nineteen Dollars and Sixty Cents (\$319.60); and **previous** Court Appointed Attorneys Fees in the amount of Two Hundred Ninety-One Dollars and Fifty (\$291.50) Cents, thus totaling Six Hundred and Eleven Dollars and Ten (\$611.10) Cents. It is further ORDERED that Union County is awarded a Judgment for said Court Appointed Attorney Fees and Prosecution Costs in this matter.

Criminal History Synopsis:

Mr. Markee has some driving, drugs and theft issues on his criminal history record. However, this is Mr. Markee's first probation violation on his first career felony conviction.