
December 15, 2017

Press Release - For Immediate Release

Defendant's Name: Jessica Martinez
Age: 28
State of residence: Sioux City, IA
Criminal File Number: 17-068
Incident Date: March 3, 2017
Indictment Date: March 29, 2017
Arraignment Hearing: April 24, 2017
Charges Files: Ct. 1: Possession of Unauthorized Articles in Jail, SDCL 24-11-47(2), F4 10/20
Ct. 2: Possession of Schedule I or II Controlled Substance, SDCL 22-42-5, F5 5/10
Ct. 3: Ingestion of Schedule I or II Controlled Substance, SDCL 22-42-5.1, F5 5/10
Ct. 4: Ingestion, SDCL 22-42-15, M1 1/2
Ct. 5: Possession of Drug Paraphernalia While in a Motor Vehicle, SDCL 22-42A-3 & 32-12-52.3, M2 30/500
Change of Plea Date: April 24, 2017
Date of Sentencing: June 26, 2017
Convicted of: Ct. 2: Possession of Schedule I or II Controlled Substance, SDCL 22-42-5, F5 5/10
Ct. 3: Ingestion of Schedule I or II Controlled Substance, SDCL 22-42-5.1, F5 5/10
Arresting Officer: Deputy Stephanie Ryan - UCSO
Defense Attorney: Katie Johnson
Prosecution Attorney: Jerry A. Miller

Case Synopsis:

On March 3, 2017, Deputy Stephanie Ryan pulled over a vehicle for speeding over the 15-mph zone. The vehicle was operated by the defendant, Jessica Martinez. Ms. Martinez admitted that she was driving between 20 or 30 mph in a 15-mph zone. During the traffic stop Ms. Martinez, admitted to smoking marijuana the prior evening and methamphetamine two days prior. Deputy Ryan conducted a search of the vehicle and located a syringe used for methamphetamine in her bag. Ms. Martinez was arrested for methamphetamine use and drug paraphernalia and taken to the Union County Jail. Upon arrival at the jail, Deputy Ryan observed a white crystal substance on the seat of her Patrol Vehicle, later to be identified as methamphetamine, while in the jail, the jailers located more methamphetamine on Ms. Martinez's person. Ms. Martinez was then charged additionally with bringing methamphetamine into the jail (almost 4 grams worth of methamphetamine). Ms. Martinez's urine tested positive for THC with a level of 82 ng/ml and Methamphetamine with a level of 202,227 ng/ml.

Sentencing Synopsis:

IT IS HEREBY ORDERED ADJUDGED AND DECREED that pursuant to SDCL § 22-6-11, the sentencing Court set out orally on the record, the aggravating circumstances that exist at the time of sentencing in which the Defendant poses a significant risk to the public and in which

requires a departure from presumptive probation. Furthermore, as required by statute, those aggravating circumstances are further memorialized in this dispositional order as:

- i. The Defendant has prior misdemeanor and felony convictions.
- ii. The Defendant has a significant drug addiction past.
- iii. The Defendant while out on bond tested positive for methamphetamine several times while participating in the drug patch program.
- iv. The Defendant failed to attend in-patient treatment at Manning Family Recovery.
- v. The Defendant failed to appear at her Court ordered sentencing hearing on June 5, 2017, and a bench warrant was issued. Therefore,

Due to the above stated issues the Court finds aggravating circumstances exists that causes a significant risk to the public rebutting the presumption of probation.

AS TO THE CHARGE in Count II, Possession of a Schedule I or II Controlled Substance, a violation of SDCL 22-42-5, a class 5 felony; IT IS HEREBY ORDERED ADJUDGED AND DECREED that the Defendant shall serve Thirty (30) months in the South Dakota State Penitentiary with sentence to begin **immediately**.

IT IS FURTHER ORDERED that the Defendant shall receive credit for Twenty (20) days that the Defendant spent incarcerated prior to disposition.

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 Four (\$104.00) Dollars; Prosecution Costs in the amount of One Hundred Thirty-Seven Dollars and Eighty (\$137.80) Cents; and Costs payable to South Dakota Drug Control Fund (1302 East Highway 14, Suite 5, Pierre, SD 57501) in the amount of Three Hundred Twenty-Four (\$324.00) 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): Court Appointed Attorneys Fees in the amount of Seven Hundred Sixty-One Dollars and Forty (\$761.40) Cents. It is further ORDERED that Union County is awarded a Judgment for said Court Appointed Attorney Fees in this matter.

AS TO THE CHARGE in Count III, 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 serve Thirty (30) months in the South Dakota State Penitentiary with sentence to begin **immediately**.

IT IS FURTHER ORDERED that the Defendant shall receive credit for Twenty (20) days that the Defendant spent incarcerated prior to disposition.

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 Four (\$104.00) Dollars.

IT IS FURTHER ORDERED that the Defendant shall comply with all conditions of parole and any recommendations and orders made by his/her parole officer.

IT IS FURTHER ORDERED that the Defendant shall pay all monetary obligations as ordered by this Court as at term of satisfying parole.

IT IS FURTHER ORDERED that the Defendant's Count III sentence shall run **concurrent** to her Count II sentence.

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:

This will be Ms. Martinez, 5th felony arrest for Possession of Controlled substance in the last 10 years. Ms. Martinez has two pending felony files dealing with drugs in the state of Iowa. One charge in Woodbury County and one charge in Polk County. Ms. Martinez may now have issues with a previous felony file that she received a deferred sentence on in an IA jurisdiction. Ms. Martinez was required to wear a drug patch as part of her bond conditions. Ms. Martinez failed four drug patches prior to sentencing.