

March 30, 2018

## Press Release - For Immediate Release

Defendant's Name: Jerald LeClair  
Age: 48  
State of residence: Sioux Falls, SD  
Criminal File Number: 16-378  
Incident Date: October 18, 2016  
Indictment: November 20, 2017  
Superseding Indictment: July 19, 2017  
Arraignment Hearing: November 6, 2017  
Charges Filed: Ct. 1: Aggravated Criminal Entry of a Motor Vehicle, SDCL 22-32-19, (F6) 2/4K  
Ct. 2: Criminal Entry of a Motor Vehicle, SDCL 22-32-20, (M1) 1/2K  
Ct. 3: Ingestion, SDCL 22-42-15, (M1) 1/2K  
Ct. 4: Petty Theft in the 1<sup>st</sup> Degree by Receiving or Retaining Stolen Property, (M1) 1/2K  
Ct. 5: Possession of Paraphernalia, SDCL 22-42A-3 (M2) 30/500  
Ct. 6: Intentional Damage to Property, SDCL 22-34-1(2), (M2) 30/500  
Change of Plea Date: November 20, 2017  
Convicted of: Ct 1: Ingestion of a Schedule I or II Controlled Substance, a violation of SDCL 22-42-5.1, a class 5 felony;  
Ct 3: Criminal Entry of a Motor Vehicle, a violation of SDCL 22-32-19, a class 1 misdemeanor; and  
Ct 6: Possession of Drug Paraphernalia, a violation of SDCL 22-42A-3, a class 2 misdemeanor.  
Sentencing Date: January 19, 2018  
Arresting Officer: Officer Samantha Close – NSC PD  
Defense Attorney: Katie Johnson  
Prosecution Attorney: Jerry A. Miller

### Case Synopsis:

On the 18<sup>th</sup> day of October, 2016, Officer Close, responded to Beano & Sherry's of a report of a person breaking out window out of a vehicle. The male was seen near the VIP Gaming Lounge. Officer Close and Chief Headid made contact with Jerald LeClair. LeClair was searched and a pocket knife was found in LeClair's pocket. Also found two cell phones, and a marijuana pipe and a glass methamphetamine pipe. LeClair was found to be on supervised probation out of the State of Iowa. LeClair admitted that he had these items in his possession and that he brought it into the VIP lounge. LeClair's urine tested positive for THC at 56 ng/ml and positive for methamphetamine at 6,057 ng/ml.

### Sentencing Synopsis:

IT IS HEREBY ORDERED that as to the crime of **Count 1: Ingestion of a Schedule I or II Controlled Substance, a violation of SDCL 22-42-5.1, a class 5 felony**, that the Defendant

shall be imprisoned in the Union County Jail for the term of **180** days, with **180** days credit for time served.

IT IS FURTHER ORDERED, that the Defendant shall pay court costs of **\$104.00**; grand jury transcript fees of **\$10.00**; a Fine of **\$500.00**; Transportation costs of **\$327.18**; Prosecution costs in the amount of **\$74.50**; and UA and Testing fees of **\$45.00** to the South Drug Control Fund; to the Union County Clerk of Courts (209 East Main Street, ~ Suite 230, Elk Point, SD 57025); it is further

IT IS HEREBY ORDERED that as to the crime of **Count 3: Criminal Entry of a Motor Vehicle, a violation of SDCL 22-32-19, a class 1 misdemeanor**, that the Defendant shall serve **14** days in the Union County Jail. It is further ORDERED that Court shall SUSPEND the EXECUTION of the **10** days, upon the Defendant paying all costs over the next **360** days. The Defendant will receive credit for **4 (Four)** days for time served on Count 3.

IT IS FURTHER ORDERED that the Defendant shall pay restitution in the amount of **\$187.50** to (Margaret Bessman-Quintero, 4905 Glenn Ave. Sioux City, IA 51106).

IT IS HEREBY ORDERED that as to the crime of **Count 3: Criminal Entry of a Motor Vehicle, a violation of SDCL 22-32-19, a class 1 misdemeanor**, that the Defendant shall pay Fine of **\$300.00** and Court Costs of **\$84.00** to the Union County Clerk of Courts (209 East Main Street, ~ Suite 230, Elk Point, SD 57025).

IT IS HEREBY ORDERED that as to the crime of **Ct 6: Possession of Drug Paraphernalia, a violation of SDCL 22-42A-3, a class 2 misdemeanor**, that the Defendant shall serve **10** days in the Union County Jail. It is further ORDERED that Court shall SUSPEND the EXECUTION of the **10** days upon the Defendant paying all costs over the next **360** days.

IT IS HEREBY ORDERED that as to the crime of **Ct 6: Possession of Drug Paraphernalia, a violation of SDCL 22-42A-3, a class 2 misdemeanor**, that the Defendant shall pay Fine of **\$200.00** and Court Costs of **\$66.00** to the Union County Clerk of Courts (209 East Main Street, ~ Suite 230, Elk Point, SD 57025).

IT IS FURTHER ORDERED, that the Defendant shall pay all of the financial obligations within **360 (three-hundred and sixty)** days from the date of sentencing or by no later than 5:00 p.m. on January 15, 2019.

IT IS FURTHER ORDERED, that the Defendant shall pay the Defendant's Court-appointed attorney's fees of **\$996.89** directly to the Union County Auditor, (209 East Main Street, ~ Suite 200, Elk Point, SD 57025). It is further ORDERED that Union County is awarded a Judgment for said Court Appointed Attorney Fees in this matter.

**Criminal History Synopsis:**

This is Jerald LeClair's fourth career felony conviction. LeClair's criminal history starts in 1988. Since 1993, LeClair has been convicted of four felony offenses including a felony drug charge in 1993 and in 2017, and an additional felony conviction for a failure to appear in addition to this felony charge in this file. Other charges include misdemeanor offenses including OWI, Drugs, and Theft conviction.