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March 30, 2018

## Press Release - For Immediate Release

Defendant's Name: Mikayla Schuett  
Age: 20  
State of residence: Denver, Colorado  
Criminal File Number: 16-455  
Incident Date: December 26, 2016  
Indictment Date: January 10, 2016  
Arraignment Hearing: March 27, 2016  
Change of Plea Date: September 11, 2017  
Date of Sentencing: January 19, 2018  
Convicted of: Ct. 1: Possession of Schedule 1 or 2 Controlled Substance, SDCL 22-42-5,  
(F5) 5/10  
Arresting Officer: Officer Samantha Close, NSCPD  
Defense Attorney: James Redmond  
Prosecution Attorney: Jerry A. Miller

### **Case Synopsis:**

On December 26, 2016, Officer Close was traveling south on Streeter Drive in North Sioux City, SD behind a White Ford Fusion. When the White Ford Fusion stopped at the Intersection of River Drive, Officer Close noticed that the registration of the White Ford Fusion had expired tags. At this point Office Close initiated her emergency lights and initiated a traffic stop at the Clark Gas Station. The Driver of the Vehicle was Seth Snoozy and the Passenger/Owner of the vehicle was Mikayla Schuett. After making contact with Mikayla about the expired tags, Officer Close smelled the odor of Marijuana coming from the inside of the vehicle. Mikayla admitted to having Marijuana in the vehicle and that her and Seth had smoked Marijuana earlier that morning. Mikayla also stated that she had marijuana in the vehicle in her bag in the front seat. Seth admitted to smoking Marijuana within the last month after being asked by Officer Close. Officer Close then placed Mikayla and Seth in handcuffs for her safety, while she searched the vehicle. While searching the vehicle, Officer Close found a large pill bottle containing Marijuana and a clear bong in the driver's door. In the bag in the passenger's seat, Officer Close found, multiple drug paraphernalia items, another container containing Marijuana, Sour Strawberry Canna Puffs containing tetrahydrocannabinol (THC), Dutch Girl Caramel Waffles containing tetrahydrocannabinol (THC), and a Mountain High Caramel Apple sucker containing tetrahydrocannabinol (THC), two small containers with a brownish black substance, known to

Officer Close to be Marijuana Wax. Mikayla voluntarily provided UA samples that came back positive for THC in an amount of 365 ng/ml. Seth voluntarily provided UA samples that came back positive for THC in an amount of 1212 ng/ml.

**Suspended Imposition of Sentencing Synopsis:**

The Court being satisfied that the ends of justice and the best interests of the public as well as the Defendant will be served thereby and the Defendant having pled guilty to the crime of **Ct 1: Possession of a Schedule I or II Controlled Substance, a violation of SDCL 22-42-5, a class 5 felony**, which is not punishable by life imprisonment and the Court being satisfied that the Defendant has never before having been convicted of a crime which would constitute a felony in this state, this Court elects to exercise its judicial clemency under SDCL §23A-27-13, and with the consent of the Defendant, therefore,

AS to COUNT 1: IT IS HEREBY ORDERED, that the Defendant is placed on probation for **1 (One)** year. Defendant shall sign the standard probation agreement with court services and shall obey all conditions imposed by court services even though those conditions may not have been specifically set out by the court. Defendant shall execute a wage assignment form if requested to do so by court services.

IT IS FURTHER ORDERED, that the Defendant shall serve a term of imprisonment in the Union County Jail for **10** days with **10** days suspended on the following conditions:

IT IS FURTHER ORDERED, that the Defendant shall pay court costs of **\$104.00**; grand jury transcript fees of **\$94.50**; Prosecution cost of **\$10.00** a Fine of **\$1,000.00**; and UA fees of **\$99.00** 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 FURTHER ORDERED that the imposition of sentence is suspended upon the following terms and conditions:

1.  Defendant shall obey all federal, state, tribal and local laws and be a good law-abiding citizen in all respects.
2.  Defendant shall pay all fines, costs, restitution, and attorney's fees as ordered by the court. Defendant shall work out a payment schedule with court services, and if requested by court services, Defendant shall execute a wage assignment form.
3.  Defendant shall not consume nor possess any alcoholic beverages of any kind, and Defendant shall not enter establishments where the sale of alcoholic beverages is the primary business.
4.  Defendant shall not consume, purchase, possess, or distribute marijuana, nor controlled drugs or substances of any kind, and Defendant shall not be present where such substances are being used. Defendant shall also not possess drug paraphernalia. Verification of any prescribed medication must be provided by Defendant to court services.
5.  Defendant shall submit to urinalysis, breath or blood testing at any time

- requested to do so by Defendant's court services officer or law enforcement officer and Defendant shall be responsible for the costs of that testing.
6.  Defendant, and Defendant's person, residence, vehicles and personal property, shall be subject to random search and seizure by any court services officer or law enforcement officer upon reasonable suspicion that Defendant is violating any provision of this court's order or of any probation agreement.
  7.  Defendant shall obtain a chemical dependency evaluation and comply with the evaluator's and the court's services officer's recommendations for treatment and aftercare.
  8.  Throughout the entire period of probation, Defendant shall enroll in and comply with the terms of the 24/7 Sobriety Program as set up through the Union County Sheriff's office or another approved South Dakota county sheriff's office and submit to testing in the form of twice daily PBTs or by SCRAM equipment, and the Drug Patch, and Defendant shall pay all costs of such programs. Court services may discontinue or restart these programs at their discretion.
  9.  Defendant shall enroll in and successfully complete counseling , MRT, etc. as required by court services.
  10.  Defendant shall not participate in games of chance or enter establishments where gambling is present.
  11.  Defendant shall perform \_\_\_\_\_ hours of community service to be completed by \_\_\_\_\_.
  12.  Defendant shall have no contact with the victim, \_\_\_\_\_.
  13.  Defendant shall write a letter of apology to the victim, \_\_\_\_\_, which letter shall be approved by court services.

**Criminal History Synopsis:**

This is Mikayla Schuett's first felony offense that she admitted to before any court. In this case, the Court used its judicial clemency powers and granted a suspended imposition of sentence. Mikayla Schuett would not have qualified for this benefit if her criminal record had shown a previous felony conviction or a previous suspended imposition of sentence in any other jurisdiction. Misdemeanor convictions would not preclude Ms. Schuett from receiving this benefit. If Ms. Schuett is successful on probation, her official court file will be sealed from the public view. The Court will issue an order at that time advising all law enforcement agencies including the State's Attorney's Office to seal its files. If Ms. Schuett's file is sealed, no agency will be able to acknowledge this file.