
June 29, 2018

Press Release - For Immediate Release

Defendant's Name: Michael Vieira
Age: 28
City and State of residence: Omaha, NE
Criminal File Number: 18-045
Date of Offense: January 27, 2018
Date of Indictment: February 14, 2018
Date of Arraignment: February 14, 2018
Offense(s) Charged: **Count 1:** Possession of a Schedule I or II Controlled Substance, a violation of SDCL 22-42-5, a class 5 felony
Count 2: Possession of Drug Paraphernalia While in a Motor Vehicle, a violation of SDCL 22-42A-3 & 32-12-52.3, a class 2 misdemeanor
Count 3: Speeding, a violation of SDCL 32-25-4, a class 2 misdemeanor
Change of Plea: April 24, 2018
Convicted of: **Count 1: Possession of a Schedule I or II Controlled Substance, a violation of SDCL 22-42-5, a class 5 felony**
Date of Sentencing: April 24, 2018
Officer: Trooper Brian Schultz, SDHP
Deputy Stephanie Ryan, UCSO
Defense Attorney: Katie Johnson
Prosecutor: Jerry Miller

Original Case Synopsis:

On January 27, 2018, at around 10:52 p.m., Michael Vieira was stopped for going 77 in a 65-m.p.h. speed zone near mile marker 2 on Interstate 29. Vieira was identified by a Nebraska driver's license. There was one passenger in the vehicle, Sara Petersen, the vehicle's owner. Vieira was sweating profusely and fidgeting during the stop and he denied having any drugs in the car. Petersen gave permission to search the vehicle, and the search revealed a short red straw which contained a white substance in the cupholder. The white substance field tested positive for cocaine. Vieira denied ownership of the straw, insisting someone else must have left it there. He was arrested and transported to the Union County Jail. Vieira provided a urine sample after trooper Schultz obtained a search warrant. The UA was positive for THC-COOH at 1,805 ng/mL, Benzoylecgonine at 29,148 ng/mL, and hydrocodone at 588 ng/mL.

Original Sentencing Synopsis:

The Court Granted this Defendant a suspended imposition of sentence in this file after the Court received a verdict or plea of guilty for a felony not punishable by death or life imprisonment by a person never before convicted of a crime which at the time of conviction thereof would constitute a felony in this state, does suspend the imposition of sentence pursuant to SDCL § 23A-27-13 and the Defendant is placed on probation for a term of 3 years, upon the terms and conditions provided herein.

Pay a fine in the sum of \$1,000.

He shall make restitution to: \$45 UA, Grand Jury Transcriptionist Costs of \$10.

He shall repay this county for all of their court appointed attorney's fees to the County Auditor.

All financial obligations imposed herein shall be due by April 24, 2020.

Criminal History:

This is Michael Vieira's first felony conviction. Vieira has three prior misdemeanor drug convictions, all of them in Pennington County. If Vieira is successful through his 3 year's of supervised probation then the Court may seal this file from public view. When the Court does that, then the Clerk of Courts, nor the State's Attorney's Office, nor any law enforcement agency shall be allowed to acknowledge that this file ever existed.