

## Union County State's Attorney

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### Press Release - For Immediate Release

Elk Point, S.D. – State's Attorney Jerry A. Miller announced today that Avery Whitefeather, age 20, a North Sioux City, SD resident, received a suspended imposition of sentence on August 15, 2011 in the 1<sup>st</sup> Circuit Court on one count of Possession of Controlled Substance (Methamphetamine), a class four felony. Whitefeather received a sixty-day sentence in the Union County Jail and a five hundred dollar fine followed by five years of supervised probation. If Whitefeather successfully completes his probation, the Court will seal and clear the felony record from his file. On this class four felony, the maximum sentence Rasmussen faced was ten years in the South Dakota State Penitentiary or a fine up to twenty thousand dollars, or both. If Whitefeather fails to complete the terms and conditions of probation, once a probation violation is proved, he could be sentenced at that time. If this were to happen, the Court would have the discretion not to seal and expunge his record and could sentence Whitefeather up to the maximum sentence.

Sgt. Richard Headid of the North Sioux City Police Department was serving a warrant of arrest at a North Sioux City residence in which Whitefeather was a guest occupant of the residence at the time the arrest warrant was being served. Whitefeather admitted to the ingestion of an illegal substance just prior to the officer's arrival. Whitefeather's urine sample tested positive for methamphetamine as well as marijuana.