

# Union County State's Attorney

Jerry A. Miller  
State's Attorney  
JerryMiller@ucsa.us

209 East Main Street ~ Suite 140  
Elk Point, South Dakota 57025  
Telephone (605) 356-2666 / Facsimile (605) 761-0199

Alexis A. Tracy  
Deputy State's Attorney  
AlexisTracy@ucsa.us

Tamara Nash  
Deputy State's Attorney  
TamaraNash@ucsa.us

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## Press Release - For Immediate Release

Defendant's Name: Alexander Maclean  
Age: 37  
City and State of residence: Sioux Falls, SD  
Criminal File Number: 13-010  
Originally Convicted of: Possession of Controlled Substance, (F4) 22-42-5  
Driving Under the Influence, (M1) 32-23-1  
Date of Sentence: May 20, 2013  
Arresting Officer: Trooper Trent Heuertz – South Dakota Highway Patrol  
Probation Violation #1: 1) Violation of State laws (3<sup>rd</sup> Degree Burglary, and possession of Controlled Substance); 2) Violation of Probation terms (Continued use of CS, and failure to cooperate in drug testing).  
Date of Disposition: March 31, 2014  
Arresting Officer: Clinton Meadows – Court Service Officer  
Probation Violation #2: 1) Violation of State laws (3<sup>rd</sup> Degree Burglary, and possession of Controlled Substance); 2) Violation of Probation terms (Continued use of CS, and failure to cooperate in drug testing).  
Date of Disposition: December 22, 2014  
Arresting Officer: Lyndsey Dubbelde – Court Service Officer

### Case Synopsis:

On January 14, 2013 while trying to get gas at Coffee Cup Truck Stop at the intersection of SD Hwy 50 and I-29 Maclean was observed by an employee as being unable to figure out how to operate the gas pump. The employee offered Maclean assistance and in doing so smelled the odor of marijuana and saw marijuana on the seat in the car. The employee called law enforcement and South Dakota Highway Patrol Officer Heuertz responded. Officer Heuertz immediately detected the strong odor of marijuana coming from Maclean's person. Officer Heuertz conducted a probable cause search of Maclean's car and located marijuana and paraphernalia in the vehicle. Maclean was then escorted to the Union County Jail where a field sobriety test was administered, Maclean failed resulting in a DUI (under the influence of drugs) charge.

### PV # 1 Synopsis:

Alexander Maclean was arrested on October 28, 2013 for the offense of 3<sup>rd</sup> Degree burglary. During the burglary investigation Maclean was found to be in possession of a controlled substance, which is in violation of the terms and conditions of his probation. Law Enforcement required that Maclean submit to a drug testing, however Maclean refused to cooperate, which is another violation of his probation. Later, Maclean advised his court service officer that he had ingested methamphetamines. The Court found Maclean to be in violation of the terms and conditions of his probation.

### PV# 2 Synopsis:

Maclean has had the following issues while on probation since his last probation violation:

- On July 28, 2014, Maclean was arrested in Minnehaha County and charged with
  - Resisting Arrest,
  - Entering or Refusing to Leave, and
  - 2 counts of Disorderly Conduct.
- Maclean was also arrested on August 4, 2014, in Minnehaha County and charged with
  - Four (4) counts of Possession of a Controlled Substance,
  - Possession of Drug Paraphernalia, and for
  - Being a habitual offender.
- Then on August 13, 2014, in Minnehaha County, Maclean was charged with
  - One (1) count of Possession of a Controlled Substance and
  - Possession of Drug Paraphernalia.
- The Maclean has not provided his Court Service Officer any proof of any employment as required as a condition of his probation.
- Maclean has changed his phone number and residence without notifying his Court Services Officer.
- Maclean has missed several appointments scheduled with his Court Services Officer.

### **Sentencing Synopsis:**

Maclean plead guilty to one count of possession of controlled substance a class 4 felony and one count of driving under the influence a class 1 misdemeanor. On the charge of possession of a controlled substance Maclean was sentenced to a suspended seven years sentence with five years of supervised probation. Maclean was ordered to serve 90 days in the Union County Jail for the misdemeanor DUI charge. Maclean's Court Services Officer has the discretion to waive any of the 90 days in Union County Jail if the Maclean is successfully completing his probation.

### **PV # 1 Sentencing Synopsis:**

On the charge of possession of a controlled substance Alexander Maclean was resentenced to a suspended seven years sentence with four years of supervised probation. Maclean was ordered to serve 60 days in the Union County Jail with credit for the 20 days that Maclean spent in custody awaiting the final disposition of the probation violation. The court further ordered that Maclean pay all unpaid restitution, fines, court costs, and prosecution costs, as well as unpaid and new court-appointed attorney fees.

### **PV # 2 Sentencing Synopsis:**

Alexander Maclean admitted to violating his terms and conditions of probation on October 27, 2014. On December 22, 2014 Alexander Maclean appeared before the court for the disposition of his case. On the class 4 felony charge of Possession of Schedule I or II Controlled Substance, Alexander Maclean was re-sentenced to a suspended seven year sentence to the SD state penitentiary. The court ordered that Alexander Maclean satisfy five years of supervised probation and ordered that he spend one-hundred and eighty days in the union county jail with the balance of that time to be suspended on the terms and condition that he enters a treatment program. Alexander Maclean was financial obligations were re-imposed, as well as the additional financial obligations for the county having provided his legal representation throughout this process.

### **Criminal History:**

This is Alexander Maclean second probation violation on his first felony conviction, however he has now been charged with seven felonies in his career. Maclean admitted to violating his probation here in Union County and as part of a global plea agreement with Lincoln

and Minnehaha County, Maclean was to have plead guilty to at least one felony offense in each county and all county prosecutors would agree to a sentence that included treatment and / or a drug court component.