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January 26, 2015

## Press Release - For Immediate Release

Defendant's Name: Dustin Seney  
Age: 23  
Residence: Burbank, SD  
Criminal File Number: 13-019  
Original Conviction: Ct. 1: Possession of a Scheduled 1 or 2 Controlled Substance (F5)  
Ct. 3: Ingestion (M1)  
Date of Original Offense: January 13, 2013  
Date of Original Indicted: February 28, 2013  
Date of Original Arraignment: July 21, 2013  
Original Change of Plea Date: April 20, 2013  
Original Sentence: July 29, 2013  
Original Arresting Officers: Trooper Cody Jansen – SD Highway Patrol  
Probation Violation # 1: Failure to obey all laws; Possession or use of an alcoholic beverage and / or drug; Failure to pay financial obligations  
Date of Probation Violation: October 5, 2014  
Disposition of PV: December 22, 2014

### Original Case Synopsis:

Dustin Seney was stopped on January 13, 2014 by Trooper Jansen for his failure to stay in his lane. Mr. Seney was the driver of the vehicle and James Davies was his passenger. Trooper Jansen noticed furtive movement from inside the vehicle when it appeared that Mr. Davies was attempting to stuff an item under his passenger seat. Trooper Jansen could smell the strong odor of burnt marijuana coming from Mr. Seney. Both Seney and Davies admitted to the use of marijuana and were found to be in possession of marijuana and the paraphernalia used to store and use marijuana. Both agreed to provide a sample of their urine for testing. (See the State's Attorney's press release as it pertains Mr. Davies' charges.) Mr. Seney urine tested positive for 8,400 ng/ml of methamphetamine; 1,800 ng/ml of amphetamine; and 817 ng/ml of THC, which is the metabolite for marijuana.

### Original Sentencing Synopsis:

On July 22<sup>nd</sup>, 2013, the court originally sentenced Dustin Seney to a suspended 5 year sentence to the South Dakota State Penitentiary with 5 years of supervised probation. Seney was sentenced to spend 90 days incarcerated in the Union County Jail. Seney must also pay his court costs, prosecution costs, and repay Union County for providing him a court-appointed attorney.

### Probation Violation Synopsis:

Dustin Seney was arrested in Clay County, SD on October 5, 2014 for a DUI offense which also resulted in the discovery and arrest for the possession of marijuana, and for the possession of drug paraphernalia. Furthermore, even though Seney had been on probation for fourteen months, he only made three payments on his financial obligations. Seney owed \$902.40 out of the total amount of \$1,032.40 that he was ordered to pay. Seney paid only \$130 on his financial obligation in fourteen months.

**Probation Disposition Synopsis:**

On December 22, 2014, Dustin Seney was re-sentenced to start his five year suspended sentence and to restart his five years of supervised probation. Seney must now spend thirty days in the Union County Jail with work release privileges. The court also allowed Seney to serve his county jail time concurrent with his Clay County Sentence. An additional \$256.65 of additional financial obligation was ordered by the court to reimburse the county for his court-appointed attorney.

**Criminal History:**

While this is not Dustin Seney's first criminal matter, this conviction is Mr. Seney's first career felony conviction. This is also Seney's first probation violation on this felony offense.