
January 26, 2015

Press Release - For Immediate Release

Defendant's Name: Jose E. Rodriguez
Age: 39
Residence: Tyndall, SD
Criminal File Number: 14-449
Charges: Ct. 1: Possession of Marijuana with the Intent to Distribute (F4)
Ct. 2: Possession of Marijuana (F5)
Ct. 3: Possession of Drug Paraphernalia (M2)
Habitual Offender Info: Increase all felony offense by one level.
Date of Offense: December 12, 2014
Indicted: December 17, 2014
Arrestment Date: December 22, 2014
Change of Plea Date: January 5, 2015
Date of Sentence: January 5, 2015
Convicted of: Ct. 2: Possession of Marijuana (F5)
Arresting Officer: Trooper Brian Biehl – South Dakota Highway Patrol

Case Synopsis:

On December 12, 2014 Trooper Biehl observed Rodriguez's vehicle traveling Northbound on Interstate 29 over the posted speed limit. When Trooper Biehl made contact with the driver, Jose Rodriguez, he detected the overpowering odor of burnt marijuana. Rodriguez admitted that he had recently smoked a marijuana joint in the vehicle prior to the stop. Trooper Biehl also identified that Rodriguez had a valid warrant for his arrest from Charles Mix County. Following Rodriguez's arrest, and the search of Rodriguez's vehicle, assisting officer, Trooper Jensen of the SD Highway Patrol, found a half of pound of marijuana tightly wrapped. The above charges were the result of the evidence discovered during this contact.

Sentencing Synopsis:

On count two, Possession of Marijuana, Jose Rodriguez admitted to the possession of a half a pound of marijuana on December 12, 2014. The State dismissed the balance of the charges and the habitual offender information. The Court found that there were aggravating circumstances that existed at the time of sentencing in which the Defendant poses a significant risk to the public which requires a departure from presumptive probation.

The Court sentenced Rodriguez to the South Dakota State Penitentiary for eighteen months. Rodriguez received credit for the twenty nine days he was incarcerated prior to being sentenced.

Criminal History:

This is Jose Rodriguez's third career felony conviction.