

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

Union County State's Attorney

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

October 20, 2014

Press Release - For Immediate Release

Defendant's Name: Nicholas Godden
Age: 23
City and State of residence: Sioux City, IA
Criminal File Number: 14-022
Convicted of: Poss. of Schedule I or II Controlled Substance (two Counts), 22-42-5, (F5)
Date of Sentence: May 19, 2014
Arresting Officer: Eric Fay, North Sioux City Police Officer, & K-9 handler
Probation Violation # 1: Defendant possessed a Controlled Substance in violation of supervised probation; Defendant failed to follow the recommendation of his treatment provider; Defendant failed to waive his Search and Seizure rights as required by his term and condition of probation; Defendant violated State and Local laws; Defendant failed to make any payments on his financial obligations.
PV Initial Appearance: 9/15/2014
Status Hearing: September 29, 2014
Disposition Hearing: October 20, 2014
Arresting Officer / Agency: Clinton Meadows – Vermillion CSO

Case Synopsis:

In this case Nicholas Godden was driving a vehicle with substitute license plates. This is to say that the plates on the vehicle did not belong to the vehicle they were attached to. Godden did not possess a valid driver's license. Officer Fay deployed his canine partner around the vehicle. The narcotics trained canine alerted and indicated to Godden's vehicle. Godden was arrested and transported to the Union County Jail. While in custody, Godden called his mother and informed her to go the hotel that he was staying at and pick up the items that he left behind. When the Jailer at the Union County Jail heard what was going on, the jailer informed law enforcement, and law enforcement went to the hotel. After gaining consent from the hotel manager and the person whom the room was rented to the police were able to search the room and confiscate both the drug paraphernalia and methamphetamine.

Case Synopsis Probation Violation #1:

On August 19, 2014, the Defendant tested positive for methamphetamine during a random UA. On June 5, 2014, Godden completed a substance abuse evaluation at the Jackson Recovery Centers. He was recommended for Intensive Outpatient Treatment. The Jackson Recovery facility reported that Godden attended one session and stopped attending. On August 19, 2014 Godden admitted to methamphetamine usage to his CSO whom advised him to get an updated evaluation. As of August 26 2014, Mr. Godden has refused to follow through and completed a new substance abuse evaluation.

On August 21, 2014, the Godden eluded the North Sioux City Department and had contact with known felons. On this issue, Godden denied this allegation and the State moved

forward without further evidence on the issue. The Court was free to consider the police report at the time disposition.

August 26, 2014, during Godden's office appointment with his court services officer, Godden refused to admit to the contact information in the North Sioux City Police Department's report.

Due to the incident with the North Sioux City Police Department and Godden's recent drug usage his CSO requested to search his cell phone that he had on his person. Godden refused to provide a password to allow his court services officer to search Godden's cell phone.

Godden has failed to make any payment whatsoever toward his financial obligations in this case. As of September 3, 2014, Godden's total unpaid balance due at the office of the Union County Clerk of Courts is One Thousand Seven Hundred Nineteen Dollars and Seventy-five Cents (\$1,719.75).

Sentencing Synopsis:

On the Count III, Possession of Schedule I or II Controlled Substance (Meth), Nicholas Godden was sentenced to a five (5) year sentence with two (2) years suspended. On the Count IV, Possession of Schedule I or II Controlled Substance (Meth), Nicholas Godden was sentenced to a five (5) year sentence with two (2) years suspended. Both sentences are to run concurrent to one another. The Court further ordered that each sentence shall run concurrent to one another. On Count III, Godden will serve 25% of that sentence and on Count IV, Godden will serve 35% of that sentence. Godden will serve approximately 12 months including the 68 days that he served prior to being sentenced. Godden is to pay all of his financial obligations including fines, court costs, prosecution costs, and court-appointed attorney's fees as a condition of satisfying his supervised probation.

Criminal History:

This is Nicholas Godden's first probation violation on his first and second felony convictions.