

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: Michelle Tesarek
Age: 26
City and State of residence: Waterloo, NE
Criminal File Number: 14-234
Date of Offense: June 27, 2014
Charges: Ct. 1) Possession of unauthorized Articles in Jail (F4) 24-11-47(2)
Ct. 2) Possession of Schedule 1 or 2 CS (F5) 22-42-5
Ct. 3) Possession of Schedule 1 or 2 CS (F5) 22-42-5
Ct. 4) Ingestion of Schedule 1 or 2 CS (F5) 22-42-5.1
Ct. 5) Possession of Drug Paraphernalia (M2) 22-42A-3
Indictment: July 16, 2014
Arraignment: August 18, 2014
Change of Plea: August 18, 2014
Sentencing: November 3, 2014
Convicted of: Ct. 2) Possession of Schedule 1 or 2 CS (F5) 22-42-5
Ct. 3) Possession of Schedule 1 or 2 CS (F5) 22-42-5
Original Arresting Officer: Lt. Richard Headid – North Sioux City Police Department
Bond: 2,500 Cash and / or Surety
Defendant's Attorney: Mike McGill

Case Synopsis:

On June 27, 2014 at about 11:30 p.m. Lt. Headid responded to the Casey's General Store for a report of a woman who was 'strung out' on drugs. Lt. Headid made contact of with Michelle Tesarek who was extremely nervous and distracted. Tesarek was pre-occupied with a phantom smell of burnt rubber in the vehicle that she was driving. Lt. Headid noted that Tesarek displayed signs of drug use by her being overly nervous, being anxious, tense, scratching non-stop, talking continuously, sweat present between her nose and lip, and displaying signs of paranoia. Tesarek license was suspended She also admitted that she had taken Adderal and that she did not have prescription for it. Lt. Headid observed what he believed to be was paraphernalia that is consistent with the intravenous use of methamphetamine. Following an arrest of Tesarek, various items of paraphernalia and items containing powder with the officer believed was methamphetamine was taken into evidence. A lab test confirmed the powder seized from Tesarek to be methamphetamine. Tesarek's urine was tested and was found to be positive for Morphine @ 542 ng/ml; and Amphetamine @ 1,676 ng/ml; and Methamphetamine @ 8,056 ng/ml.

Sentencing Synopsis:

On the charge of ingestion of a schedule 1 or 2 controlled substance, Michelle Tesarek received a five (5) year suspended sentence and a requirement to successfully complete four (4) years of supervised probation. The court further ordered that Tesarek serve Forty-two (42) days in the Union County Jail and then gave Tesarek credit for the twelve (12) days she spent incarcerated prior to being sentenced. Tesarek was ordered to serve thirty (30) days in the Union County Jail starting on February 1, 2015, however these days may be suspended by his assigned court services officer if Tesarek is doing well on probation. Tesarek was ordered and required to

pay all, restitution, fine, court costs, and prosecution costs, as well as her court-appointed attorney fees.

Criminal History:

This is Michelle Tesarek's first and second career felony convictions on her record. However, she still has a pending charge in Minnehaha County for a felony Possession of a Schedule 1 or 2 Controlled Substance charge, which is also a class 5 felony offense.