

# Union County State's Attorney

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## Press Release - For Immediate Release

Defendant's Name: Simon Chieng  
Age: 22  
City and State of Residence: Sioux City, IA  
Criminal File Number: 12-467  
Originally Convicted of: Possession of Controlled Substance (Ecstasy), 22-42-5 (F4)  
DWI (of Marijuana) (M2) 32-23-21(2)  
Original Date of Sentence: July 15, 2013  
Original Arresting Officer: Trooper Boltjes – South Dakota Highway Patrol  
1<sup>st</sup> Probation Violation: 1) Failed to obey all laws;  
2) Used illegal substances; and  
3) Failed to complete treatment.  
Initial Appearance: August 25, 2014  
Arresting Officer: CSO Kelleen Gregg  
Status Hearing: September 29, 2014  
Disposition Hearing: October 20, 2014  
Defendant's Attorney: Rachel Rasmussen, appointed on 8/18/2014 (or until D can retain att)  
Bond: Modified down to \$500.00 Cash only.

### Original Case Synopsis:

On December 17, 2012 Trooper Tyler Boltjes observed a vehicle speeding 73 mph in a 65 mph zone near mile marker 2 traveling north bound on I-29. The driver was identified as Simon Chieng. The Trooper noted that Mr. Chieng was not wearing his seat belt and that when he spoke to Mr. Chieng, he could smell the odor of burnt marijuana coming from Mr. Chieng's vehicle. Mr. Chieng admitted to Trooper Boltjes that he last smoked marijuana in his car the day before the traffic stop. Mr. Chieng cooperated with field sobriety tests and exercises, in which the Trooper believed that Mr. Chieng was under the influence of marijuana. Mr. Chieng provided a sample of his urine for testing which tested positive for Ecstasy as well as marijuana.

### Original Sentencing Synopsis:

On the original charge of Possession of a Controlled Substance, The court granted Mr. Chieng request for a Suspended Imposition of Sentence. This means that if Mr. Chieng is successful on his 5 years of supervised probation, then Mr. Chieng felony and misdemeanor conviction in this file will be sealed from the public. Mr. Chieng will still have to make regular payments on his fines and court costs. Even though the Court granted a Suspended Imposition of Sentence, Mr. Chieng must still face some punishment which the Court ordered that he spend sixty days in the Union County with 50 days suspended. If Mr. Chieng violates his probation, the Court may, in its discretion, revoke the suspended 50 days of the county jail sentence and or the Suspended Imposition of Sentence and re-sentence Mr. Chieng at the conclusion of the probation violation proceedings. The revocation of the Suspended Imposition would make these violations a permanent part of his public record.

### Probation Violation Synopsis:

On June 30, 2014, Simon Chieng was arrested on an OWI 2<sup>nd</sup> charge and a possession of marijuana (2<sup>nd</sup> offense) charge. Chieng meet with his Court Services Officer on July 16, 2014

and his urine tested positive for the presence of marijuana. Records further show that Shimon Chieng has failed to follow through with his chemical dependency aftercare treatment.

**Re-sentencing on Probation Violation:**

On the charge of possession of a schedule 1 or 2 controlled substance, the Court revoked Simon Chieng suspended imposition of sentence and thereafter sentenced Simon Chieng to a five (5) year suspended sentence and a requirement to successfully complete four (4) years of supervised probation. The court further ordered that Simon Chieng serve twenty-five (25) days in the Union County Jail on January 2, 2015 and then gave Chieng credit for the nine (9) days he spent incarcerated prior to being sentenced. However the remaining sixteen (16) days may be suspended by his assigned court services officer if Chieng is doing well on probation. Chieng was ordered and required to pay all, restitution, fine, court costs, and prosecution costs, as well as his court-appointed attorney fees.

**Criminal History:**

This is Simon Chieng's first probation violation on his first felony conviction.