

# Union County State's Attorney

Jerry A. Miller  
State's Attorney  
UCSA@iw.net

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  
UCDSA@iw.net

March 18, 2014

## Press Release - For Immediate Release

Defendant's Name: John Clarey  
Age: 39  
City and State of residence: Elk Point, SD  
Criminal File Number: 14-008  
Convicted of: Aggravated Assault (Domestic) (F3) 22-18-1.1 (5)  
Date of Sentence: March 10, 2014  
Arresting Officer: Corey Trudeau – Elk Point Police Department

### Case Synopsis:

John Clarey was living with his girlfriend in Elk Point, SD on January 5, 2014. Clarey and his girlfriend were both on a rental agreement with the landlord. Clarey was on supervised probation out of the State of Iowa on a felony assault charge dealing with the same victim / girlfriend in this case. Pursuant to the terms and condition of the Iowa order, Clarey was not to leave the state of Iowa. During the evening hours of January 5, 2014, Clarey was engaged in a heated argument in which the victim felt that it was no longer safe to remain at the residence. The victim, contacted her mother for assistance in leaving the residence. Clarey took the victim's cell phone and texted the victim's mother and told her that she was no longer needed. The victim's mother texted that she was going to continue until she received a phone call and was able to hear this directly from her daughter's own voice.

Clarey escalated the situation by physically restraining the victim in the residence and assaulting the victim with a knife. With a knife to Clarey's throat, the victim made the phone call. After which, Clarey continued his verbal and physical assaults and shoved the victim into a window which caused the victim to go break the window and go through it causing the victim to be cut by the glass shards.

Clarey's previous felony charge relates to an incident in which the victim sustained a broken color bone. The victim in this case followed through with and cooperated in the prosecution of Clarey. This support continued through the fact that Clarey continued to contact the victim from jail which resulted in another plea agreement in which Clarey plead to two misdemeanor charges for calling the victim while incarcerated. On those two charges, Clarey received a county jail sentence leaving him no credit to be applied towards his penitentiary sentence.

### Sentencing Synopsis:

On the charge of Aggravated Assault (Domestic), the Court sentenced Clarey to ten years in the South Dakota State Penitentiary with five years suspended. The Court further ordered that Clarey must pay all, restitution, fines, court costs, prosecution costs, and court-appointed attorney fees. Clarey remained in custody until such time that he is transported to the South Dakota State penitentiary by the Union County Sheriff.

### Criminal History Synopsis:

This is John Clarey's third career felony.