

Union County State's Attorney

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Press Release - For Immediate Release

Defendant's Name: Andrew Procive
Age: 22
City and State of Residence: Belfield, ND
Criminal File Number: 13-129
Original Convicted of: Possession of Controlled Substance (Methamphetamine), 22-42-5 (F5)
Driving Under the Influence 32-23-1(2) (M1)
Original Date of Sentence: July 22, 2013
Arresting Officer: Trooper Jason Husby – South Dakota Highway Patrol
Trooper Trent Heuertz – South Dakota Highway Patrol
Deputy Dustin Sharkey – Union County Sheriff's Office
Deputy Jon Feller – Union County Sheriff's Office
Probation Violation #1: 1) Failure to comply with the terms of probation by absconding.
Disposition Date of PV #1: August 25, 2014

Case Synopsis:

On July 22, 2014, Andrew Procive was stopped at mile-marker number 2 on Interstate 29 at 1:03 in the morning because the vehicle he was driving only had one functioning headlight. Procive's vehicle did not have a functioning license plate light and it was also discovered that the vehicle's license plate was expired. Procive was also driving on a suspended driver's license. While Trooper Jason Husby was talking to the passenger the officer was able to see a baggie of methamphetamine in plain view. Procive later admitted that the baggie of methamphetamine was his along with the light-bulb pipe. Andrew Procive was arrested and consented to provide a urine sample that was tested and identified that Procive had 36 ng/ml of methamphetamine; 7.2 ng/ml of amphetamine; and 106 ng/ml of marijuana.

Procive was placed on supervised probation on July 22, 2013. Procive's family strongly supported Procive's path to sobriety and offered to assist him with a job on the family ranch in North Dakota; a place to live; structure, support, and transportation to treatment; a path way back to his religious roots which Procive told the court that he desired; as well as an opportunity to earn a part of the herd and ownership of the family ranch. Within a year of being placed on probation, Procive absconded from his probation and was arrested months later in the state of Montana. Procive made no attempt to reconnect with his probation officer, or to inform his probation officer of his desire to move, that he was going to change his address, or his phone. The Court found that Procive's actions indicated that he was not a good candidate for probation.

Sentencing Synopsis:

On the charge of Possession of a Controlled Substance (Methamphetamine) (F5), the court sentenced Procive to 5 years sentence with 2 years of suspended. Procive's sentence on this charge is to start immediately. Procive also received credit for the 120 days that he spent incarcerated on this file prior to this judgment and sentence. Procive was also ordered to pay all of his financial obligations previously ordered on the file and as it related to the Driving while Under the Influence charge. Procive was also ordered to obey all the terms and conditions of parole or he would be subject to having the 2 years that were suspended to be revoked.

Criminal History:

This is Andrew Procive's first probation violation on his first career felony conviction. However in 2012 Procive has several misdemeanor files on his record with include the following: Several charges involving the carrying of a loaded weapon; Theft of property; Theft of services; Driving under suspension; and two charge for Failure to Appear.