

Union County State's Attorney

209 East Main Street ~ Suite 140
Elk Point, South Dakota 57025
Telephone (605) 356-2666 / Facsimile (605) 761-0199

Jerry A. Miller
State's Attorney
JerryMiller@UCSA.US

Alexis A. Tracy
Deputy State's Attorney
AlexisTracy@UCSA.US

Tamara P. Nash
Deputy State's Attorney
TamaraNash@UCSA.US

November 16, 2015

Press Release - For Immediate Release

Defendant's Name: Dominic Lemcke
Age: 21
City and State of residence: Richland, SD
Criminal File Number: 15-163
Offense Occurred On: On or between December 19, through December 30, 2015
Indicted: May 20, 2015
Plead Guilty On: August 3, 2015
Convicted of: Ct. 1: Fourth Degree Rape, SDCL 22-22-1(5), (F3)
Sentencing Date: November 9, 2015

Case Synopsis:

On or between December 19, through December 30, 2015, law enforcement's investigation identified that Dominic Lemcke, age 20 was engaged in sexual relationship with a 15 year female co-worker. The victim in this case was not of the age of consent and there remains a five year difference in their ages. Lemcke admitted that he had carnal knowledge with the victim and that he knew her age. The victim admitted that the relationship had become physical and that Lemcke knew her age.

At sentencing, the Court identified that Lemcke had not been honest with his evaluators in the preparation of the pre-sentence report. The Court further noted that Lemcke diminished his involvement in previous events. While the State and the Defendant and his attorney had a plea agreement in place which required that all parties make a joint recommendation for Lemcke's sentencing to the Court, that agreement was not binding on the court. Much of the information detailed in the pre-sentence report was not available to the State at the time the plea agreement was reached. The Court deviated from the sentence that was recommended by all parties, and passed the following sentence.

Sentencing Synopsis:

On the charge of Fourth Degree Rape, Lemcke received a twelve years in the penitentiary. The Court then suspended eight years of Lemcke's sentence under the following terms and conditions:

- \$3,425.00 in Prosecution Costs;
- \$104.00 in Court Costs; and
- \$720.00 in Court Appointed Attorney Fees

Criminal History Synopsis:

This is Lemcke's first career felony conviction.