

December 2, 2015

## Press Release - For Immediate Release

Defendant's Name: Austin Case  
Age: 18  
Residence: Sioux City, IA  
Criminal File Number: 14-254  
Originally Convicted of: 2<sup>nd</sup> Degree Robbery (F4) 22-30-7  
Original Date of Offense: June 28, 2014  
Indictment Date: July 16, 2014  
Arraignment Date: July 21, 2014  
Change of Plea Date: September 15, 2014  
Date of Sentence: November 17, 2014  
Arresting Officer: Deputy Mike Bucholz – Union County Sheriff's Office  
SA Brian Schnabel – South Dakota Division of Criminal Justice  
Bond: \$25,000 c/s modified to \$10,000 C/S (on July 21, 2014)  
Court Appointed Attorney: Rachel Rasmussen

### **Probation Violation**

**Disposition Date: November 9, 2015**

**Probation Violation:**

- 1) Case tested positive for marijuana on July 15, 2015;**
- 2) Case admitted use of marijuana on July 1, 2015;**
- 3) Case was cited for underage consumption on May 23, 2015;**
- 4) Case admitted to underage consumption on May 23, 2015;**
- 5) Case failed to attend chemical dependency treatment;**
- 6) Case has failed to make regular payment on financial obligations.**

### **Original Case Synopsis:**

On June 28, 2014 it was reported that five individuals forced themselves into the apartment of the victim, who is a father and lives with his two children. Each of the five individuals had a mask over their face from the nose down. One or more of the five individuals held the victim up against the wall while others secured the doorway and others searched the residence for valuables. Victim described most of the individuals as being young, and the victim was able to identify the vehicle that they left with.

The investigations into this matter identified all five of the individuals that participated in the following offenses:

Ct 1:	2 <sup>nd</sup> Degree Kidnapping	F3 (For the victim - father)
Ct 2:	2 <sup>nd</sup> Degree Kidnapping	F3 (For the victim father's minor son)
Ct 3:	2 <sup>nd</sup> Degree Kidnapping	F3 (For the victim father's minor daughter)
Ct 4:	2 <sup>nd</sup> Degree Robbery	F4
Ct 5:	2 <sup>nd</sup> Degree Burglary	F3
Ct 6:	1 <sup>st</sup> Degree Petty Theft	M1

The investigation identified that Austin Case had some illegal dealings with the victim's (father's) adult son who does not live with the victim in this case. The victim's son apparently stole money from Austin Case in a failed drug transaction in Woodbury County Iowa. Case knew this and made several threatening statements to the person who had ripped him off and indicated that his father would suffer if he was not reimbursed the money that he was out. Case's threats were ignored and therefore, Case and his group made good on his threats against the father.

**Original Sentencing Synopsis:**

On count four, 2<sup>nd</sup> Degree Robbery, the charge that Austin Case plead guilty to, the Court sentenced Austin Case to a suspended ten year sentence to the South Dakota State Penitentiary with a term of five years of supervised probation. The Court further ordered that Austin Case must pay all fines, court costs, prosecution costs, and court-appointed attorney fees. The Court further ordered that Case pay One Hundred and Twenty days in the Union County Jail. Case has the opportunity to do well on probation and have the staggered jail sentence suspended. Case was required to serve sixty days immediately with credit for the twenty eight days that he had previously served.

**Probation Violation Disposition:**

On November 9, 2015, the Court re-sentenced Austin Case on Count 4) 2<sup>nd</sup> Degree Robbery, to a ten year sentence to the South Dakota State Penitentiary with seven years suspended. The Court further re-ordered that Austin Case must pay all fines, court costs, prosecution costs, and court-appointed attorney fees. The Court further ordered that Case receive credit for the One Hundred and Six days he spent in the Union County Jail prior to this sentencing. The Court further ordered that Case obey all terms and conditions of parole; obey all Federal, State and Local laws; and pay all his monetary obligations.

**Criminal History:**

This is Austin Case's first probation violation on his first career felony conviction.