

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

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Press Release - For Immediate Release

Defendant's Name: David Nagel
Age: 23
City and State of residence: North Sioux City, SD
Criminal File Number: 15-259
Incident Date: August 29, 2015
Arrest Date: January 5, 2015
Information Date: August 21, 2015
Arraignment Date: August 31, 2015
Change of Plea Date: September 14, 2015
Convicted of: Aggravated Assault – Strangulation; 22-18-1.1(8), (F3)
Sentencing Date: October 26, 2015

Case Synopsis:

On August 29, 2015, law enforcement was called to a North Sioux City residence for a report and request to remove an intoxicated subject. The victim reported that she wanted to call law enforcement due to David Nagel behavior while intoxicated. David Nagel and his victim / girlfriend struggled over the victim's phone. During the altercation, Nagel attempted to push the victim into the bedroom. At some point, Nagel had placed the victim in a headlock and strangled her which the victim complained that the strangulation affected her ability to breath and / or the circulation of blood flow. When the officer interviewed, Nagel, he was able to produce the victim's phone that he had possession of from his pocket. While Nagel denied any physical altercation took place, the victim complained about a shoulder injury and displayed injuries and marks consistent with an altercation. The victim was treated by ambulance personnel. Medical records indicate that the victim suffered a joint separation during the altercation.

Sentencing Synopsis:

On the charge of aggravated assault – strangulation, a class 3 felony, the Court sentenced David Nagel to a suspended seven year sentence to the South Dakota State Penitentiary with a term of supervised probation of four years. Nagel was ordered to serve Eighty-three days in the Union County Jail and gave Nagel credit for the Eighty-three days he was incarcerated prior to his sentencing on this file. The Court further ordered Nagel to do and / or pay the following:

- \$104.00 in Court Costs;
- \$25.00 in Domestic Violence Assessments;
- \$300.00 in fines; and
- \$326.39 in Court-Appointed Attorney Fees.

Criminal History:

While David Nagel has had several contacts with law enforcement that resulted in misdemeanor conviction, this offense is David Nagel's first career felony conviction.