

Union County State's Attorney

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Press Release - For Immediate Release

Defendant's Name: Fernando Hernandez-Velasco
Age: 27
City and State of residence: Oklahoma City, OK
Criminal File Number: 12-233
Offense Occurred On: April 25, 2012
Indicted: May 31, 2012
Plead Guilty On: July 6, 2015
Convicted of: Ct. 1: Possession of Controlled Substance, (F4), SDCL § 22-42-5
Sentencing Date: July 6, 2015

Case Synopsis:

On April 25, 2012, Deputy Ryan stopped for a vehicle assist on interstate 29 at mile marker 24. Hernandez-Velasco was the only occupant of the vehicle. Hernandez-Velasco indicated that he had friends who were getting him gas. He also told Deputy Ryan that they had been gone for 3 to 4 hours. Hernandez-Velasco admitted that he was alone and no one was assisting him. It was discovered that Hernandez-Velasco did not own the vehicle that he was driving, and that he had a revoked driver's license and that there was no insurance on the vehicle. Hernandez-Velasco was found to have possession of several items of marijuana paraphernalia. Hernandez-Velasco provided a urine sample for testing that tested positive for marijuana at 911 ng/ml and methamphetamine at 20 ng/ml. Immigration services placed a hold on Hernandez-Velasco. A warrant was issued on May 31, 2012 which was not served until May of 2015.

Sentencing Synopsis:

The Court Ordered a sentence of seventy-two days in the Union County Jail. Hernandez-Velasco received credit for the seventy-two days that he spent incarcerated prior to sentencing. Hernandez-Velasco was required to sit out two extra days at a credit of \$60.00 per day to address his prosecution costs of \$149.00.

The Court further ordered that Hernandez-Velasco pay the following:

- Prosecution Costs of \$149.00 (sat out at \$60.00 per day);
- Court Costs of \$104.00;
- \$45.00 to the South Dakota Drug Fund; and
- Court Appointed Attorney Fees of \$270.00.