

# Union County State's Attorney

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## Press Release - For Immediate Release

Defendant's Name: Marlitto Burnley  
Age: 25  
City and State of residence: Spokane, WA  
Criminal File Number: 15-041  
Offense Occurred On: February 13, 2015  
Indicted: February 25, 2015  
Plead Guilty On: April 13, 2015  
Convicted of: Ct. 3: Ingestion of Schedule 1 or 2 Controlled Substance, (F5), 22-42-5  
Sentencing Date: May 18, 2015

### Case Synopsis:

On February 13, 2015, Cody Jansen, a trooper with the SD Highway Patrol, along with Deputy Feller with the Union County Sheriff's Office conducted a traffic stop on a vehicle traveling 79 mph in a 75 mph zone. The vehicle was a rental car from Nebraska. Trooper Jansen noted the strong odor of marijuana, immediately upon the driver rolling down the window. The driver was a Corey Sprinkel from Nebraska. The Trooper also noted that all three occupants acted very nervous as each occupant was rubbing their legs and crossing their arms frequently. Sprinkel's carotid artery was pounding in his neck. Sprinkel denied smelling marijuana or why the trooper would be able to smell marijuana in his vehicle. Trooper Jansen advised that he would be searching the vehicle and Sprinkel himself. Trooper Jansen discovered marijuana wax on Sprinkel. Sprinkel admitted knowing possession of marijuana wax which he stated he would place the marijuana wax into an electronic vaporizer.

A search of the vehicle revealed methamphetamine. The back seat passenger was Marlitto Burnley as identified by his Washington license. Burnley refused to waive Miranda. Cody Walker was identified as a passenger by his Nebraska license. The officers also had to contend with the two dogs in the vehicle, which were taken to the vermilion dog pound. Burnley told Deputy Feller that that the cocaine in the car was his, however, no cocaine was found in the vehicle. Upon listening to the recording of Burnley and Walker were recorded in a conversation in the patrol car, in which Burnley laughed about throwing the officers off by admitting to something in the car that was not there.

The following items were found in the vehicle:

- One vacuum sealed bag of marijuana with a weight of 13.4 ounces;
- One vacuum sealed bag of marijuana wax with a weight of 1 pound 5.3 ounces;
- One plastic bag containing methamphetamine with a weight of 15 grams;
- One tub of Hemp Oil with a weight of .2 ounces;
- One container with marijuana wax with a weight of .0625 ounces;
- One E cigarette containing marijuana wax;
- One smoking device containing marijuana wax residue;

Special Agent John Barnes with the SD Division of Criminal Investigation, interviewed Corey Sprinkel at the Union County Sheriff's Office. Sprinkel admitted that the three of them

wanted to go to Washington State and get some stuff cheap and sell it for more in Omaha, NE. Sprinkel stated that he talked to both Burnley and Walker and they all agreed that the methamphetamine was Burnley's. Burnley submitted to a urine test, which showed a positive result for marijuana at 256 ng/ml.

**Sentencing Synopsis:**

The Court ordered the following sentence on the charge of Ingestion of Schedule 1 or 2 Controlled Substance, a class 5 felony: The Court set out on the record the aggravating circumstances the court departed from presumptive probation pursuant to SDCL 22-6-11. Burnley was sentenced to a 2 year sentence to the state penitentiary with the sentence to begin immediately. Burnley received credit for 93 days previously spent incarcerated prior to the disposition of this sentence.

The Court further ordered that Burnley pay the following:

- Prosecution Costs of \$10.00;
- Court Costs of \$104.00;
- SD Drug Control Fund Fee / Costs of \$99.00; and
- Court Appointed Attorney Fees of \$796.50.

**Criminal History:**

This is Burnley's second career felony conviction. Burnley was previously convicted of a class C felony for a charge of 'harassment or threat to kill'. Burnley's criminal history also shows 5 gross misdemeanor convictions as well.