

Union County State's Attorney

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Press Release - For Immediate Release

Defendant's Name: Brandon Miller
Age: 33
City and State of residence: Odessa, Texas
Criminal File Number: 15-342
Date of Offense: 9/25/2015
Date of Indictment: 11/18/2015
Date of Arraignment: 12/7/2015
Change of Plea Date: January 28, 2016
Date of Sentencing: April 25, 2016
Convicted of: Possession of Scheduled 1 or 2 Controlled Substance (F5) 22-42-5
Arresting Officer: Cody Jansen
Court Appointed Attorney: Rachel Rasmussen

Case Synopsis:

On September 25, 2015 officer Jansen observed a northbound vehicle with a cracked windshield that impaired the drivers vision. The vehicle pulled over and stopped prior to the officer overtaking it. The driver, Mr. Miller, stated that he would eventually get pulled over for not wearing his seatbelt. While Miller was seated in the patrol car the officer observed pinpoint pupils, slurred speech, and many symptoms of nervousness. Together with a possible marijuana pipe in plain view the officer suspected drug activity and asked Miller if he could search the car. Miller agreed. Miller admitted to having a marijuana pipe in the vehicle. A search of the vehicle revealed two marijuana pipes, two marijuana roaches, a package of zig zags, and a methamphetamine pipe with methamphetamine residue. Miller was arrested on drug related charges. Miller was asked if he would consent to a urine test to which he replied no. When the officer informed Miller that he would get a warrant, Miller agreed to the urine analysis. Miller's urine tested positive for methamphetamine at a level of 14,722 ng/ml.

Sentencing Synopsis:

On the charge of Possession of Scheduled 1 or 2 Controlled Substance, a violation of SDCL 22-42-5, a class 5 felony, Miller was sentenced to serve five years in the South Dakota State Penitentiary, which was suspended on the condition that he be placed on supervised probation for 5 years; obey all federal, state, and local laws; not possess or use any alcoholic beverages or controlled drugs or illegal substances; waive his Fourth Amendment right against warrant-less random search and seizure of his person, vehicle, or residence; pay Union County Court costs of \$104.00, Prosecution costs of \$10.00, \$45.00 to the South Dakota Drug Control Fund, and court appointed fees of \$697.40.

Criminal History Synopsis:

This is Brandon Miller's third career felony conviction.