

November 28, 2016

Press Release - For Immediate Release

Defendant's Name: Coda Christe
Age: 22
City and State of residence: Dickensen, ND
Criminal File Number: 13-130
Date of Offense: April 27, 2013
Date of Indictment: May 16, 2013
Date of Arraignment: May 20, 2013
Offense(s) Charged: Ct.1: Poss. of a schedule 1 or 2 Controlled Substance, 22-42-5, (F4)
Ct.2: Poss. of a schedule 1 or 2 Controlled Substance, 22-42-5, (F4)
Ct.3: Poss. of a schedule 1 or 2 Controlled Substance, 22-42-5, (F4)
Ct.4: Poss. of a schedule 1 or 2 Controlled Substance, 22-42-5, (F4)
Ct.5: Poss. of a marijuana, 22-42-6, (M1)
Ct.6: Poss. of Drug Paraphernalia, 22-42A-3, (M2)
Change of Plea Date: August 5, 2013
Convicted of: Ct.1: Poss. of a schedule 1 or 2 Controlled Substance, 22-42-5, (F4)
Ct.5: Poss. of a marijuana, 22-42-6, (M1)
Ct.6: Poss. of Drug Paraphernalia, 22-42A-3, (M2)
Date of Sentencing: August 5, 2013
Officer: Trooper Jason Husby – SD Highway Patrol
Defense Attorney: Katie Johnson
Prosecutor: Jerry Miller
Probation Violation Date: April 12, 2016
Initial Appearance on PV: June 27, 2016
Probation Violation(s): Possessed marijuana and paraphernalia; Arrested in ND; and
Absconded from treatment.
Date of Disposition: June 27, 2016
Defense Attorney: Jeff Myers
Prosecutor: Alexis Tracy

Original Case Synopsis:

On April 27, 2013, at 1:30 a.m., Trooper Jason Husby stopped a vehicle on interstate 29 milepost 2, due to the vehicle having an inoperable headlight. The vehicle's license plate light was also inoperable. Upon running the vehicle's plate, it was discovered that the plate has been expired for two month. The driver, Andrew Procive, admitted that his license was packed in his bag. Later it was determined that Andrew Procive could not produce any identification. A record check identified that Provice's license was suspended. The vehicle smelled of burnt marijuana and garbage. Provice demonstrated signs of nervousness and dilated pupils. The trooper noticed a baggie of methamphetamine beside Provice on the seat. Provice admitted after waiving his Miranda rights that he had made a methamphetamine pipe out of a light bulb and

that he had smoked methamphetamine recently. Provice admitted that the substance that was found was methamphetamine that he turned over the lightbulb pipe. Several more items were found in the vehicle following a search.

One of the passengers was identified as Code Christophe. He denied any knowledge of the meth in the vehicle originally but later admitted that he had smoked methamphetamine 3 hours prior to being stopped. In total 12 drug items and / or paraphernalia items were found. Code Christophe provided a urine sample that tested positive for methamphetamine at 5.4 ug/ml.

Probation Violation Synopsis:

On April 2016, Coda Christophe was arrested in North Dakota for being in possession of marijuana and drug paraphernalia. Christophe dropped out of his treatment program and advised his probation officer that he was not willing to go back and complete the program. Based upon Christophe's behavior, the North Dakota probation department determined that Christophe has exhausted the services that are available and have recommended that his probation be revoked and sent back to South Dakota.

Original Sentencing Synopsis:

On August 5, 2013, the Court sentenced Coda Christophe on the class 4 felony charge of possession of a schedule 1 or 2 controlled substance, a violation of SDCL 22-42-5. The Court considered the arguments of the State and the Defense, and determined that Coda Christophe should be sentenced to a suspended 7-year sentence to the penitentiary. Coda Christophe was ordered to complete a 5-year term of supervised probation along with a county jail sentence of 90 days with credit for 23-days previously spent incarcerated prior to the sentencing hearing. Coda Christophe was ordered to pay \$104 in Court Costs; \$10 in Prosecution Costs; \$301 to the SD Drug Fund; and \$764.40 to the county for his Court Appointed Attorney Fees.

The Court sentenced Coda Christophe on the class 1 misdemeanor charge of possession of a marijuana, a violation of SDCL 22-42-6. Coda Christophe was ordered to pay \$84 in Court Costs; and a \$300 fine.

The Court sentenced Coda Christophe on the class 2 misdemeanor charge of possession of a drug paraphernalia, a violation of SDCL 22-42A-3. Coda Christophe was ordered to pay \$66 in Court Costs; and a \$250 fine.

Probation Violation Disposition Synopsis:

On August 29, 2016, the Court resentenced Coda Christophe on the class 4 felony charge of possession of a schedule 1 or 2 controlled substance, a violation of SDCL 22-42-5. The Court considered the arguments of the State and the Defense, and determined that Coda Christophe should be sentenced to a suspended 7-year sentence to the penitentiary. Coda Christophe was ordered to complete a 7-year term of supervised probation along with a county jail sentence of 67 days with credit for 67-days previously spent incarcerated prior to the sentencing hearing. Coda Christophe was ordered to pay \$164 in unpaid Court costs; \$550 in unpaid fines; \$10 in unpaid prosecution costs; \$498.54 in new prosecution costs; \$301 in unpaid fees to the SD Drug Fund; \$764.40 to the county for his unpaid Court-Appointed attorney fees; and \$791.20 in new Court-Appointed attorney fees.

The Court sentenced Coda Christe on the class 1 misdemeanor charge of possession of a marijuana, a violation of SDCL 22-42-6. Coda Christe was ordered to pay \$84 in Court Costs; and a \$300 fine.

The Court sentenced Coda Christe on the class 2 misdemeanor charge of possession of a of drug paraphernalia, a violation of SDCL 22-42A-3. Coda Christe was ordered to pay \$66 in Court Costs; and a \$250 fine.

Criminal History:

This is Coda Christe's first career felony offense. Coda Christe has had other drug offenses that did not result in a felony conviction.