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Press Release - For Immediate Release

Defendant's Name: Nicholas Harris
Age: 22
City and State of residence: Sioux City, IA
Criminal File Number: 15-126
Offense Occurred On: April 20, 2015
Information Date: April 30, 2015
Plead Guilty On: August 3, 2015
Originally Convicted of: Ct. 1: Poss. of a Schedule 1 or 2 Controlled Substance, SDCL 22-42-5 (F5)
Original Sentencing Date: September 14, 2015
Defense Attorney: Rachel Rasmussen
Prosecution: Alexis Tracy

1st Probation Violation Date: January 6, 2016
Initial Appearance PV: March 14, 2016
Probation Violation(s): Failed to report to treatment on January 14, 2016; Meth use admitted to daily; Marijuana use regularly.
Admission to PV: March 14, 2016
Disposition Date of PV: May 9, 2016
Defense Attorney: Rachel Rasmussen & Jason Rumpca
Prosecution: Alexis Tracy

2nd Probation Violation Date: July 1, 2016
Initial Appearance PV: August 15, 2016
Probation Violation(s): Meth use; Absconding; Changed residence without prior permission; Quite employment without prior approval; and Failure to return a drug patch.
Admission to PV: August 15, 2016
Disposition Date of PV: August 29, 2016
Defense Attorney: Tom Frieberg
Prosecution: Alexis Tracy

Probation violation synopsis can be seen below.

Case Synopsis:

Law Enforcement was called to Zort's Casino to confront a suspicious person believed to be armed. The North Sioux City police officers responded to the office of the Casino and monitored the subject on the video surveillance system. The officers observed that there were two subjects that appeared to be casing the casino and acting suspicious. Each suspect was approached by an officer. Nicholas Harris advised the officer that he was in possession of a marijuana pipe. Harris was asked if he had anything else in his possession. Harris admitted that he had a bag of methamphetamine on his person. Harris was placed under arrest. Harris provided a urine sample that tested positive for methamphetamine at 68,191 ng/ml, amphetamine at 9,406 ng/ml, and marijuana (THC) at 1,567 ng/ml.

Sentencing Synopsis:

On the charge of Possession of a Schedule 1 or 2 Controlled Substance, the Court sentenced Harris to serve a suspended five-year sentence to the penitentiary on the terms and conditions that he successfully complete a four-year term of supervised probation. The Court further ordered that Harris pay the following:

- \$10.00 in Prosecution Costs;
- \$104.00 in Court Costs;
- \$99.00 to the SD Drug Control Fund;
- \$500.00 in fines; and
- \$562.50 in Court Appointed Attorney Fees.

1st Probation Violation Synopsis:

Nicolas Harris self-admitted to his probation officer that he used methamphetamine on January 6, 2016 and January 13, 2016. Harris also admitted to his probation officer that he used marijuana during his meeting with his probation officer on January 6, 2016 and January 13, 2016. Harris' chemical evaluation determined that in-patient treatment was needed. Harris was required to do out-patient treatment until a bed opened up for Harris in the in-patient program. Harris was to report to the out-patient program on January 14, 2016. A probation violation submitted when it was determined that Harris had not entered either program as of January 26, 2016.

1st Probation Violation Disposition Synopsis:

Following the admission to the probation violation, for the original charge of Possession of a Schedule 1 or 2 Controlled Substance, the Court resentenced Nicolas Harris to suspended 5-year sentence with requirement that Harris comply with the terms and conditions of supervised probation over the next 4-years. The Court ordered that Harris' sentence to begin immediately and that he receive credit for the 152 days that he spent incarcerated prior to disposition. The Court further reordered that Harris pay the following new obligations:

- \$18.48 in Prosecution Costs;
- \$276 in Court Appointed Attorney Fees; and previous obligations of.
- \$562.50 previous Court Appointed Attorney Fees
- \$99 in un paid Court Costs;
- \$10 in Prosecution Costs;
- \$99 to the SD Drug Control Fund;
- \$500 in fines;

2nd Probation Violation Synopsis:

Nicolas Harris self-admitted to his probation officer that he used methamphetamine on July 1, 2016. Harris was placed on a drug patch, however he absconded from his supervision following his admission and never returned the drug patch. Further investigation determined that Harris had quite showing up for work three weeks prior without prior approval. It was also discovered that Harris had left his residence with no forwarding address. Harris changed or discontinued his phone service leaving his probation officer with no choice but to violate as Harris failed to work any program that is available through the probation services.

2nd Probation Violation Disposition Synopsis:

Following the admission to the probation violation, for the original charge of Possession of a Schedule 1 or 2 Controlled Substance, the Court resentenced Nicolas Harris to 5-year sentence with only 2-years suspended. The Court ordered that Harris' sentence to begin immediately and that he receive credit for the 152 days that he spent incarcerated prior to disposition. The Court further reordered that Harris pay the following:

- \$28.48 in Prosecution Costs;
- \$104.00 in Court Costs;
- \$99.00 to the SD Drug Control Fund;
- \$500.00 in fines;
- \$817.50 in Court Appointed Attorney Fees; and.
- **New Court Appointed Attorney Fees of \$243.80.**

Criminal History:

This is Nicholas Harris' second probation violation on his first career felony conviction.