
November 28, 2016

Press Release - For Immediate Release

Defendant's Name: David Hernandez
Age: 19
City and State of residence: South Sioux City, NE
Criminal File Number: 15-103
Date of Offense: March 7, 2016
Date of Indictment: March 30, 2016
Date of Arraignment: May 9, 2016
Offense(s) Charged: Ct.1: Possession of Marijuana, 22-42-6, (F6)
Ct.2: Ingestion, 22-42-15, (M1)
Change of Plea Date: August 29, 2016
Convicted of: Ct.1: Possession of Marijuana, 22-42-6, (F6)
Date of Sentencing: August 29, 2016
Officer: Police Chief Richard Headid – North Sioux City Police Dept.
Defense Attorney: Tom Frieberg
Prosecutor: Alexis Tracy

Case Synopsis:

On March 7, 2016, North Sioux City Chief of Police, Richard Headid, stopped a vehicle that failed to dim the headlights. The vehicle was driven by Humberto Garcia. The vehicle pulled into his residence prior to stopping. Chief Headid could smell the very strong odor of burnt marijuana coming from Garcia's vehicle. Garcia advised that his brother-in-law, David Hernandez had been smoking marijuana prior Garcia picking up David Hernandez in Sioux City, IA. A pat-down of Garcia resulted in the discovery of brass knuckles. A large bag of marijuana weighing 3.8 ounces, was found in the Garcia vehicle. A criminal record search identified that Garcia had three separate dealings with law enforcement involving drugs. Hernandez admitted to knowing possession of the marijuana that was found. Garcia provided a urine sample that tested positive for marijuana (THC) at 1,158 ng/ml. Hernandez provided a urine sample that tested positive for marijuana (THC) at 1,373 ng/ml.

Original Sentencing Synopsis:

On August 29, 2016, the Court sentenced David Hernandez on the class 6 felony charge of possession of marijuana. The Court considered the arguments of the State and the Defense, and determined that David Hernandez should be given the opportunity to prove himself on probation. If Hernandez is successful on probation, then this file will be sealed as part of the Court's judicial clemency power. Hernandez was ordered to complete a 2-year term of supervised probation. Hernandez was ordered to pay \$104 in Court Costs; \$10 in Prosecution Costs; \$45 dollars to the South Dakota Drug Control Fund; and \$446.20 to the county for his Court Appointed Attorney Fees.

Criminal History:

This is David Hernandez's first career felony offense which will be sealed if he is successful throughout his term of probation.