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Press Release - For Immediate Release

Defendant's Name: Shawn Hoffman
Age: 24
City and State of Residence: Dakota Dunes, SD
Criminal File Number: 14-110
Convicted of: Possession of Controlled Substance (Oxycodone), 22-42-5 (F5)
Ingestion of a Controlled Substance (Benzodiazepines) 22-42-5.1 (F6)
Date of Sentence: August 25, 2014
Arresting Officer: Deputy Stephanie Ryan – Union County Sheriff's Office
Bond: C/S \$5,000
Defendant's Attorney: Jon Blum
Prosecutor: Jerry Miller

Probation Violation Date: March 17, 2016
Probation Violation(s): Testing positive for amphetamine w/o a Rx; Not following treatment; Used marijuana; Not going to treatment; Not attending meetings with probation.
Initial Appearance on PV: May 9, 2016
Defense Attorney: Andrew Twinamatsiko
Prosecutor: Alexis Tracy

Original Case Synopsis:

On April 18, 2014, Deputy Ryan, stopped Shawn Hoffman with expired personalized plates designated as "SUPERMAN." Upon approaching the vehicle, the officer smelled burnt marijuana in Hoffman's vehicle. Hoffman attempted to deflect the officer's questions about the smell of marijuana to his brother when he stated that his brother may have smoked marijuana in his vehicle. Hoffman then admitted that he had knowing possession of marijuana in his glove box along with rolling papers and that he smoked two-weeks prior this stop. Once at the jail, Hoffman freely gave consent and provided a urine sample which tested positive for the following: 19 ng/ml of marijuana; 11,183 ng/ml of oxycodone; oxymorphone @ 8450 ng/ml; Noroxycodone @ 17,300 ng/ml; Temazepam @ 193 ng/ml; Oxazepam @ 332ng/ml and Nordiazepam @ 146 ng/ml. Hoffman does not have a valid prescription of oxycodone or for any of the Benzodiazepines substances which tested positive in his urine.

Deputy Ryan located a loaded pistol in Hoffman's possession in which the hammer was cocked. Due to the fact that Hoffman was committing a felony while in possession of a firearm, his weapon was seized by law enforcement. Hoffman entered a plea of guilty to one count of possession of a controlled substance, and one count of ingestion of a controlled substance.

Probation Violation Synopsis:

Shawn Hoffman violated his probation by using a controlled substance and failing his drug patch by testing positive for amphetamine. Hoffman could not produce a prescription for amphetamine, and as such he is abusing a controlled substance. This has been occurring since October of 2015. Hoffman also admitted that he is using marijuana and is failing to random urine tests. Hoffman has not been following through with his treatment program by not attending

sessions. Hoffman was also discharged from MRT for missing so many appointments. It is further reported that Hoffman has failed to modify his behavior through the use of sanctions and rewards used by court services.

Original Sentencing Synopsis:

On the charge of Possession of a Controlled Substance (Oxycodone) (F5), the court sentenced Hoffman to 5 years suspended execution of sentence with 4 years of supervised probation. Concurrent with Count IV

On the charge of Ingestion of a Controlled Substance (Benzodiazepines) (F6), the court sentenced Hoffman to 2 years suspended execution of sentence with 2 years of supervised probation. Concurrent with Count II

Hoffman had to pay \$10 in PC; \$45.00 in UA costs and 61.51 in RedWood Toxicology charges payable 106.51 to the SD Drug Fund; Fine of \$500.00; with a monthly payment plan; and other standard obligation.

Probation Violation Disposition Synopsis:

On August 29, 2016, the Court resentenced Shawn Hoffman on the charge of Possession of a Controlled Substance (Oxycodone) (F5), the court sentenced Hoffman to 5 years suspended execution of sentence with 4 years of supervised probation. This sentence will be concurrent with Count IV. The Court further ordered that Shawn Hoffman serve 79 days in the county jail, the court further gave Hoffman credit for the 79 days that he previously spent incarcerated prior to the sentencing hearing.

The Court addressed the charge of Ingestion of a Controlled Substance (Benzodiazepines) (F6), the court resentenced Hoffman to a 2-years suspended execution of sentence with 2 years of supervised probation. This sentence will be concurrent with Count II.

Hoffman is ordered that he pay \$47.46 in new transportation costs; \$10 in PC; \$45.00 in UA costs; and 61.51 in RedWood Toxicology charges payable 106.51 to the SD Drug Fund; Fine of \$500.00; with a monthly payment plan; and other standard obligation;

Criminal History:

This is Shawn Hoffman's first probation violation on his first and second career felony conviction. Hoffman has an Iowa OWI charge in 2010 in which he received a deferred judgment in that file. Because of Hoffman's deferred treatment by another court, he is no longer eligible for a Suspended Imposition of Sentence from this court.