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Press Release - For Immediate Release

Defendant's Name: Joshua Hamilton
Age: 27
City and State of residence: Beresford, SD
Criminal File Number: 13-302
Originally Convicted of: Ct. 1: Ingestion of Controlled Substance – Meth - (F5) 22-42-5.1
Ct. 7: Grand Theft by Obtaining Property w/ False Credit Card – (M6) 22-30A-8.1
Date of Original Sentence: January 13, 2014
Original Arresting Officer: Chief Deputy Mike Bucholz – Union County Sheriff's Office
Defense Attorney: Rachel Rasmussen
Prosecution: Jerry Miller

Date of Probation Violation #1: February 11, 2014
Probation Violation #1: 1) Violation of State laws (Theft by Deception); and 2) Failure to make monthly payments of \$100.
Date of Disposition: January 5, 2015
Arresting Officer: Kelly Gregg – Court Service Officer
Defense Attorney: Rachel Rasmussen
Prosecution: Jerry Miller

Date of Probation Violation #2: July 12, 2016
Probation Violation #2: 1) Arrested on June 30, 2016 for possession of controlled substances; and 2) Violation of Probation terms.
Date of Disposition: October 24, 2016
Arresting Officer: Kelly Gregg – Court Service Officer / Sioux Falls Police Department
Defense Attorney: Tom Frieberg
Prosecution: Alexis Tracy

Case Synopsis:

On September 16, 2013, Joshua Hamilton was arrested pursuant to an investigation involving an employee of a door-to-door frozen-meat sales person who was found to have obtained the credit card of a Union County resident to purchase meat. Hamilton retained the card information and over the course of about a month he turned in fraudulent purchase orders to his supervisor in order to obtain more products from his supervisor and unjustified commissions from the fraudulent sales. While the original victim, the Union County resident, was made whole by her credit card company. The employer was out \$1,926. When officers arrested Hamilton, methamphetamine was found in his company work truck. Officers were unable to find the misappropriated meat. Hamilton provided a urine sample which tested positive for the following: Methamphetamine at 53,000 ng/ml; Amphetamine at 14,000 ng/ml; and Marijuana (THC) at 257 ng/ml.

Probation Violation # 1 Synopsis:

Joshua Hamilton denied violating his probation throughout the course of this action. Joshua Hamilton's violation was heard by the court. The court found that Joshua Hamilton and a trainee for the same company, both of whom were working for Ranchers Pride selling meat door-to-door, made contact with the victim, a Lincoln County Resident, and negotiated an agreement with the victim. The victim had laid \$1,700 on the table, left the room to get dressed to go outside to finish the transaction (purchase of the agreed to meat and the freezer). When the victim left the room, Hamilton and his trainer took the \$1,700 and without telling the victim, unloaded miscellaneous meat on the floor of the victim's garage and left the victim's residence before the victim could change cloths and meet them outside. The victim immediately called law enforcement. The victim did not discover the meat on the floor in the garage until much later. However, the victim's dog did find the thawing meat on the garage floor and ripped open and consumed some of the seafood that was left by Hamilton and died. The evidence indicated that the victim neither negotiated for nor wanted seafood. Furthermore, Hamilton did not leave the freezer which was a significant part of the agreement. At the time of this incident, Hamilton was on work release for the above-referenced original offense. Pursuant to the terms and conditions of his work release, he was only allowed to work in the Rancher's Pride warehouse. Rancher's Pride Company re-paid the victim for the \$1,700 after they learned about the incident. Hamilton admitted to a lesser offense misdemeanor in Lincoln County.

Probation Violation # 2 Synopsis:

On June 30, 2016 at about 11:55 p.m., Joshua Hamilton was pulled over for a headlight being out. The driver of the vehicle did not yield to the officer, but instead, exited the vehicle, and started walking towards the business' entrance. When the officer gave a verbal command to stop, the driver took off running. The officer gave chase to the fleeing driver into the business. The driver jumped a storage chest and fell to the ground. The driver then attempted to throw a black bag away from his location. The driver was identified as Joshua Hamilton. The black bag was searched and found to contain methamphetamine. Hamilton was arrested for the possession of methamphetamine, and for other local Sioux Falls / Minnehaha County warrants.

Original Sentencing Synopsis:

On the charge of possession of controlled substance, the court sentenced Hamilton to a suspended five-year sentence with five years of supervised probation.

On the charge of grand theft by obtaining property with a false credit card, the Court sentenced Hamilton with an additional suspended two-year sentence with two years of supervised probation along with additional fines and court costs. The Court further ordered that Hamilton must pay all, restitution, fines, court costs, prosecution costs, and court-appointed attorney fees as a term and condition of satisfying probation.

1st Probation Violation Disposition Synopsis:

On the charge of possession of controlled substance, the court resentenced Hamilton to a suspended five-year sentence with four years of supervised probation.

On the charge of grand theft by obtaining property with a false credit card, the Court resentenced Hamilton with an additional suspended two-year sentence with two years of supervised probation along with additional fines and court costs. The Court further ordered that Hamilton must pay all, restitution, fines, court costs, prosecution costs, and court-appointed attorney fees as a term and condition of satisfying probation. The court ordered that the two sentences shall run concurrent to each other.

2nd Probation Violation Disposition Synopsis:

On October 24, 2016, the Court resentenced Joshua Hamilton on the original charge of possession of controlled substance. On the class 5 felony offense of ingestion of a schedule 1 or 2 controlled substance, the Court resentenced Hamilton to a three-year sentence to penitentiary with the sentence to begin immediately.

On the charge of grand theft by obtaining property with a false credit card, the court resentenced Hamilton to a two-year sentence to penitentiary concurrent with his other felony offense to begin immediately. Hamilton received credit for the 159 he spent incarcerated prior to this sentencing. The Court further ordered that Hamilton must pay all, restitution, fines, court costs, prosecution costs, and court-appointed attorney fees as a term and condition of satisfying probation.

Criminal History Synopsis:

This is Hamilton's second probation violation on each of his first and second career felony convictions.