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Press Release - For Immediate Release

Defendant's Name: Dominic Lemcke
Age: 22
City and State of residence: Beresford, SD
Criminal File Number: 15-163
Date of Offense: December 19, 2015
Date of Indictment: May 20, 2015
Date of Arraignment: June 8, 2015
Offense(s) Charged: Ct.1: Fourth Degree Rape, 22-22-1(5), (F3)
Ct.2: Fourth Degree Rape, 22-22-1(5), (F3)
Ct.3: Solicitation of a Minor, 22-24A-5, (F4)
Change of Plea Date: August 3, 2015
Convicted of: Ct.1: Fourth Degree Rape, 22-22-1(5), (F3)
Date of Sentencing: November 9, 2015
Officer: SA Brian Schnabel ~ SD DCI
Court Appointed Attorney: Rachel Rasmussen
Prosecutor: Jerry Miller

Motion to Modify Sentence: September 26, 2016
Court Appointed Attorney: Katie Johnson
Prosecutor: Jerry Miller

Case Synopsis:

On or between December 19, through December 30, 2015, law enforcement's investigation identified that Dominic Lemcke, age 20 was engaged in sexual relationship with a 15 year female co-worker. The victim in this case was not of the age of consent and there remains a five year difference in their ages. Lemcke admitted that he had carnal knowledge with the victim and that he knew her age. The victim admitted that the relationship had become physical and that Lemcke knew her age.

At sentencing, the Court identified that Lemcke had not been honest with his evaluators in the preparation of the pre-sentence report. The Court further noted that Lemcke diminished his involvement in previous events. While the State and the Defendant and his attorney had a plea agreement in place which required that all parties make a joint recommendation for Lemcke's sentencing to the Court, that agreement was not binding on the court. Much of the information detailed in the pre-sentence report was not available to the State at the time the plea agreement was reached. The Court deviated from the sentence that was recommended by all parties, and passed the following sentence.

Defendant's Motion to Modify Sentence:

Dominic Lemcke file came before the court upon a motion to modify sentence. Lemcke requested the Court to decrease his sentence based upon documentation that he has participated in various programs while in the penitentiary. Furthermore, Lemcke requested that the sentence be reduced so that he could qualify for the required sexual assault prevention training program. The State presented evidence that Lemcke participation was expected. The State presented to the court that Lemcke had started the sexual assault prevention training program. The State further identified that Lemcke had minor and major write ups. In summary, the Court concluded that an inmate is expected to follow the rules and take advantage programs to best prepare themselves

for their reintroduction into society. The Court Denied Lemcke's motion to modify his sentence in its entirety.

Original Sentencing Synopsis:

On November 9, 2015, the Court sentenced Dominic Lemcke on the class 3 felony charge of 4th Degree Rape. The Court considered the arguments of the State and the Defense, and sentenced Dominic Lemcke to a 12-year sentence with 8-years suspended. The Court ordered Dominic Lemcke begin serving a 4-year sentence giving Lemcke credit for the 31 days he spent incarcerated prior to sentencing. Lemcke was ordered to pay \$104 in Court Costs; \$3,425 in Prosecution Costs; and \$720 to the county for his Court Appointed Attorney Fees.

Criminal History:

This is Dominic Lemcke's first career felony offense.