

Union County State's Attorney

209 East Main Street ~ Suite 140
Elk Point, South Dakota 57025
Telephone (605) 356-2666 / Facsimile (605) 761-0199

Jerry A. Miller
State's Attorney
JerryMiller@UCSA.US

Alexis A. Tracy
Deputy State's Attorney
AlexisTracy@UCSA.US

Tamara P. Nash
Deputy State's Attorney
TamaraNash@UCSA.US

February 13, 2016

Press Release - For Immediate Release

Defendant's Name: Roberto Olmos
Age: 21
City and State of residence: Sioux City, IA
Criminal File Number: 14-482
Incident Date: December 28, 2014
Indictment Date: January 12, 2015
Arraignment Date: January 26, 2015
Change of Plea Date: March 30, 2015
Convicted of: Ingestion of Schedule 1 or 2 Controlled Substance (Meth), (F5), 22-42-5.1
Possession of Schedule 1 or 2 Controlled Substance (Meth), (F5), 22-42-5
Sentencing Date: May 4, 2015
Arresting Officer: Deputy Stephanie Ryan – Union Co. SO
Court Appointed Attorney: Rachel Rasmussen

Date of Probation Violation: Started on or about June 25, 2015

Probation Violation: 1) Failed to abstain for the use of all drugs and alcohol;
2) Failed to successfully complete treatment; and
3) Failed to make minimum monthly payments pursuant to payment plan.

Re-Sentencing: November 23, 2015

Original Case Synopsis:

Union County Deputy had deployed her canine partner around a vehicle located at the Monaco Casino parking lot, located at the intersection of Military Road and Main Street in North Sioux City. The Deputy noted that her canine partner alerted and indicated to this vehicle. As Deputy Ryan was securing her canine partner in the vehicle, Roberto Olmos and Matthew Gutierrez entered the vehicle. Prior to Deputy Ryan stopping the vehicle, Mr. Olmos was driving toward the parking lot exit. Olmos and Gutierrez denied the use or possession of any illegal or controlled substances. Deputies found 4.6 grams of methamphetamine in Olmos' vehicle. Olmos latter admitted that he smoked methamphetamine and marijuana one day prior to this law enforcement contact. Matthew Gutierrez had a valid warrant for his arrest out of the state of Iowa. Olmos cooperated with a urine request, which tested positive for methamphetamine at a level of 209,706 ng/ml.

Original Sentencing Synopsis:

The Court passed down the following sentence on the charge of ingestion of schedule 1 or 2 controlled substance, which is a class 5 felony: Olmos received a five year suspended penitentiary sentence with a 4 year supervised probation term. The Court also sentenced Olmos with a county jail sentence of 120 days with 30 days to be served starting June 1, 2016; and 30 days to be served on June 1, 2017.

The Court further ordered that the Olmos pay the following:

- Prosecution Costs of \$10.00;
- Court Costs of \$104.00;
- SD Drug Control Fund Fee / Costs of \$45.00;

- A fine of \$500.00; and
- Court Appointed Attorney Fees of \$625.50.

The Court passed down the following sentence on the charge of possession of schedule 1 or 2 controlled substance charge, which is a class 5 felony: Olmos received a five year suspended penitentiary sentence with a 4 year supervised probation term. The Court ordered that each sentence shall run concurrent with each other.

The Court further ordered that the Olmos pay the following:

- Court Costs of \$104.00;

Probation Violation Synopsis:

Roberto Olmos tested positive for Methamphetamine on June 25, 2015; and self-admitted to his Iowa Court Service Officer on six additional occasions after June 25, 2015 through September 15, 2015. He later admitted that he was using 2 to 3 times per week. On September 23, 2015, Olmos was admitted into inpatient treatment on September 23, 2105; however, Olmos left against medical advice on September 27, 2015 and also without the approval of his Court Services Officer. Robert Olmos also failed to make monthly payments as established pursuant to the Court's order.

Probation Violation Disposition:

The Court re-sentenced Roberto Olmos on the original charge of Ingestion of a Schedule 1 or 2 Controlled Substance, a class 5 felony, to a five year sentence with two years suspended, with Olmos to start his sentence to state penitentiary to begin immediately. It is further ordered that Olmos shall receive credit for the Ninety-nine days that he spent incarcerated previously. The Court re-ordered all the previously ordered monetary obligations on both charges, as well as the new attorney fees for his defense for the probation violation.

The Court re-sentenced Roberto Olmos on the original charge of Possession of a Schedule 1 or 2 Controlled Substance, a class 5 felony, to a five year sentence with two years suspended, with Olmos to start his sentence to state penitentiary to begin immediately. The Court ordered that each sentence shall run concurrent with each other.

Criminal History:

This is Roberto Olmos's first probation violation on his first and second career felony convictions.