
August 12, 2016

Press Release - For Immediate Release

Defendant's Name: Grace Ross
Age: 36
City and State of residence: Wagner, SD
Criminal File Number: 06-342
Incident Date: June 29, 2006
Arraignment Hearing: December 15, 2015
Superseding Information Date: January 22, 2016
Change of Plea Date: February 1, 2016
Date of Sentencing: May 23, 2016
Convicted of: Ct. 1: First Degree Petty Theft, 22-30A-17.3 & 22-30A-18, (M2)
Victim: Coffee Cup, Vermillion, SD
Defense Attorney: Rachel Rasmussen
Prosecuting Attorney: Alexis Tracy

Case Synopsis:

On February 4, 2006, in the State of South Dakota, in the County of Union, Grace Ross did pass two checks at the Coffee Cup. Check #1134 for \$66.68 was passed on an account that was drawn on First Premier Bank, Sioux Falls, SD. Check #1137 was written for \$57.88 and also passed on the same account with First Premier Bank. Both checks were returned as invalid checks. A subpoena of the First Premier Bank on the account in question, revealed that Ross' account was closed more than one year prior to this incident due to Ross' insufficient funds checks that she was passing. The bank had sent a certified letter to Ross' last known address to advise her of the status of the account. The Charge the State brought was PASSING A CHECK AGAINST A NONEXISTENT ACCOUNT. This statute states that it is a felony to present for consideration, and with the intent to defraud, pass a check drawn on a financial institution, knowing at the time of such passing that she or her principal does not have an account with such financial institution. There was no indication that in the time from which the bank notified her of the account being closed and the time that she was arrested, that Ross had reinstated, and / or resolved the issues with her closed bank account.

It took nearly six years to serve Ross with the felony warrant on this file. File records indicate that some point, the State's Attorney's Office received a phone call advising that Grace Ross had passed away. This was not able to be confirmed and the case remained active. Ross was picked up on her felony warrant on or about December 14, 2015.

Sentencing Synopsis:

On February 1, 2016, the Court sentenced Grace Ross on a superseding complaint that was filed on January 22, 2016, charging Ross with First Degree Petty Theft as a class 2 misdemeanor. Grace Ross' sentence was to a suspended thirty-day sentence and ordered to pay by April 1, 2016

the following amounts: Court costs of \$44.00; a fine of \$200.00 and restitution of \$144.56 to the Coffee Cup. Grace Ross was also ordered to pay \$287.20 back to the county for her court-appointed attorney fees expended upon her defense.

Criminal History:

This felony file was resolved as a class 2 misdemeanor.