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### Press Release - For Immediate Release

Defendant's Name: Marty Stephens  
Age: 54  
City and State of residence: Sioux Falls, SD  
Criminal File Number: 14-447  
Date of Offense: December 7, 2014  
Date of Indictment: January 28, 2015  
Date of Arraignment: March 2, 2015  
Offense(s) Charged: Ct.1: Ingestion of a Sch. 1 or 2 Controlled Substance, 22-42-5, (F5)  
Ct.2A: DUI, 32-23-1(2), (M1)  
Ct.2B: DUI, 32-23-1(3), (M1)  
Ct.3: Ingestion, 22-42-15, (M1)  
Ct.4: Trafficking in License Plates, 32-5-103, (M1)  
Ct.5: Driving w/ Suspended License, 32-12-65(2), (M2)  
Change of Plea Date: March 2, 2015  
Convicted of: Ct.1: Ingestion of a Sch. 1 or 2 Controlled Substance, 22-42-5, (F5)  
Ct.2A: DUI, 32-23-1(2), (M1)  
Date of Sentencing: September 26, 2016  
Officer: Trooper Stuart Griffith – South Dakota Highway Patrol  
Officer Kyle Frye – Elk Point PD  
Deputy Josh Bridenstine - UCSO  
Defense Attorney: Katie Johnson  
Prosecutor: Alexis Tracy

#### Case Synopsis:

On December 7, 2014, Officer Kyle Frye stopped a vehicle with the incorrect license plate on the vehicle. The driver, Marty Stephens, told officers that he had purchased the vehicle two week previously in Minnesota. He indicated that he had the bill of sale at his Sioux Falls home, however the plate on the vehicle did not belong on the vehicle at all. While Stephens was visiting with Trooper Stuart Griffith of the South Dakota Highway Patrol, Stephens kept falling asleep. The Trooper believed that Stephens was under the influence of a substance other than alcohol. Stephens was read his Miranda rights, and he waived those rights and answered the trooper's question. Stephens admitted that he had used methamphetamine about a month prior to the stop. He admitted that he smoked marijuana about three days before the stop. Stephens also admitted that he had prescriptions in the vehicle and that he had been released from the hospital recently. Stephens would not agree to provide a urine sample until a search warrant was granted. Stephens' urine sample tested positive for marijuana (THC) 216 ng/ml, Amphetamine at 6,143 ng/ml, and methamphetamine at 42,987 ng/ml.

**Original Sentencing Synopsis:**

On September 26, 2016, the Court sentenced Marty Stephens on the class 5 felony charge of ingestion of a schedule 1 or 2 controlled substance. The Court considered the arguments of the State and the Defense, and determined that Marty Stephens should be sentenced to a suspended 5-year sentence to the penitentiary. Marty Stephens was ordered to complete a 4-year term of supervised probation along with a county jail sentence of 150 days with 118 of those days suspended and given credit for the remaining 32-days that he spent incarcerated prior to sentencing. Marty Stephens was ordered to pay \$104 in Court Costs; \$155.44 in Prosecution Costs; \$45 to the South Dakota Drug Control Fund; \$500 as a fine; and \$580 to the county for his Court Appointed Attorney Fees.

The Court further sentenced Marty Stephens on the class 1 misdemeanor offense of Driving Under the Influence. The Court ordered that Marty Stephens pay \$84 in Court Costs, and \$350 in fines. The Court further revoked Marty Stephens' license for an additional 30 days.

**Criminal History:**

This is Marty Stephens' third career felony offense. Stephens has had several misdemeanor offenses and a previous parole violation pursuant to his criminal record.