

Union County State's Attorney

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Press Release - For Immediate Release

Defendant's Name: Nakia Lay
Age: 34
City and State of Residence: Elk Point, SD
Criminal File Number: 15-111
Incident Date: April 9, 2015
Indictment Date: April 22, 2015
Arraignment Date: July 6, 2015
Change of Plea Date: August 31, 2015
Date of Sentencing: October 26, 2015
Convicted of: Ct. 1: Possession of a Schedule 1 or 2 Controlled Substance, 22-42-5, (F5)
Ct. 2: Ingestion of a Schedule 1 or 2 Controlled Substance, 22-42-5.1, (F5)
Original Arresting Officer: Jon Feller – Union County Sheriff's Office
Tim Peet – Union County Sheriff's Office
James Proudly – Union County Sheriff's Office
Joshua Bridenstine – Union County Sheriff's Office
Trent Heuertz – SDHP
Jacob Limoges – EPPD

Case Synopsis:

On April 9, 2015, law enforcement was at the Lay residence serving an arrest warrant on Tommy Lay. Tommy Lay admitted that he had just smoked a marijuana joint. When officer requested that he produce the marijuana joint, Tommy Lay refused to comply. Officers then applied for and received a search warrant for the Lay residence. Officers found Marijuana, Drug Paraphernalia; and Cocaine. Nakia Lay provided a urine sample that tested positive for marijuana (THC) at a level of 259 ng/ml and positive for Benzoyllecgonine (Cocaine) at a level of 22,101 ng/ml. Tommie Lay provided a urine sample that tested positive for 260 ng/ml of marijuana (THC) and 4,000 ng/ml of Benzoylcogonine (Cocaine).

Sentencing Synopsis:

On the charge of Possession of a Schedule 1 or 2 Controlled Substance, a class 5 felony, the Court sentenced Nakia Lay with a suspended four year sentence to the South Dakota State Penitentiary. The court further ordered that Lay complete a term of four years of supervised probation. Besides the standard terms of supervised probation, the Court ordered that Nakia Lay serve Sixty-Four days in the Union County Jail. The Court also gave Lay credit for the Sixty-Four days that she spent incarcerated prior to this sentencing date.

On the charge of Ingestion of a Schedule 1 or 2 Controlled Substance, a class 5 felony, The Court sentenced Nakia Lay with a second suspended four year sentence to the South Dakota State Penitentiary. The court further ordered that Lay complete a term of four years of supervised probation. Besides the standard terms of supervised probation, the Court ordered that sentence in count 2 shall be the concurrent with sentence in count 1.

Criminal History:

This is Nakia Lay's third career felony conviction.