

Union County State's Attorney

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Press Release - For Immediate Release

Defendant's Name: Gabriel Ramirez
Age: 23
City and State of Residence: South Sioux City, NE
Criminal File Number: 15-103
Incident Date: April 7, 2015
Indictment Date: May 20, 2015
Arraignment Date: June 22, 2015
Change of Plea Date: September 28, 2015
Date of Sentencing: November 23, 2015
Convicted of: Ct. 1: Ingestion of a Schedule 1 or 2 Controlled Substance, 22-42-5.1, (F5)
Original Arresting Officer: Officer Aaron Tyler – North Sioux City Police Department
Officer James Heeren – North Sioux City Police Department
Court Appointed Attorney: Rachel Rasmussen

Case Synopsis:

On April 7, 2015, Officer Tyler ran a vehicle's license plate information of a vehicle that he was following. The plate's owner came back to a person who had an active arrest warrant. Officer Tyler stopped the vehicle and identified the driver as a Trent Dalle by his IA driver's license. Dalle was not the person that owned and registered the vehicle so Officer Tyler immediately released Dalle. Officer Tyler requested that Trent Dalle be checked for active wants or warrants as well as his license status. Dispatch advised that there was an active warrant for Trent Dalle. A back up officer was requested and Dalle was stopped by both officers. As this Dalle was being removed from the vehicle by the backup officer, the odor of marijuana was detected. The passenger was identified as Gabriel Ramirez. Ramirez admitted that he and Dalle were smoking marijuana in the vehicle. Ramirez and Dalle were placed in the back of a patrol car together. Officer Tyler reviewed his recording of Ramirez and Dalle in the back of the patrol vehicle in which he heard Ramirez tell Dalle that he told law enforcement about the pipes in the center console, after which one of them said, "I hope they don't find the Kool-Aid". The following items were found in the vehicle: two glass marijuana pipes; another small pipe; a grinder with marijuana residue; a prescription bottle with a small baggie with the odor of marijuana; and a large Kool-Aid container that was still sealed which contained a false bottom which contained a scale; and a baggie of marijuana. Gabriel Ramirez provided a urine sample that tested positive for Marijuana (THC) at a level of 2749 ng/ml and positive for Benzoylcegonine (Cocaine) at a level of 1,110 ng/ml.

Sentencing Synopsis:

On the charge of Ingestion of a Schedule 1 or 2 Controlled Substance, a class 5 felony, the Court sentenced granted Gabriel Ramirez a suspended imposition of sentence. Essentially the court placed Ramirez on supervised probation for a term of four years. If Ramirez successfully completes his supervised probation, then the court will not sentence Ramirez on this felony offense, instead the Court will grant 'CLEMENCY' to Ramirez and seal his felony file. The effect of this will allow Ramirez to honestly state that he has never been convicted of a felony.

However, if Ramirez does violate his supervised probation, the court may revoke the suspended imposition of sentence. In the event of a probation violation, the Court could then sentence Ramirez. Besides the standard terms of supervised probation, the Court ordered that Ramirez serve Thirty-Two days in the Union County Jail. The Court also gave Ramirez credit for the two days that he spent incarcerated prior to this sentencing date.

Criminal History:

Because in SD, currently no person can receive a suspended imposition of sentence if they have previously received one, regardless of the jurisdiction that granted it, and Gabriel Ramirez, could not have previously been convicted of a felony. Therefore, at this time, Gabriel Ramirez's criminal record does not include a felony conviction.