
November 24, 2017

Press Release - For Immediate Release

Defendant's Name: David Nagel
Age: 23
City and State of residence: North Sioux City, SD
Criminal File Number: 15-259
Incident Date: August 29, 2015
Arrest Date: January 5, 2015
Information Date: August 21, 2015
Arraignment Date: August 31, 2015
Change of Plea Date: September 14, 2015
Convicted of: Aggravated Assault – Strangulation; 22-18-1.1(8), (F3)
Sentencing Date: October 26, 2015
Defense Attorney: Angela Erickson
Prosecution Attorney: Alexis Tracy

Probation Violation Date: April 6, 2017
Probation Violations: Absconding & Failure to make regular payments
Initial Appearance on PV: May 22, 2017
Admission Date: May 22, 2017
Disposition Date: June 26, 2017
Defense Attorney: Jeff Myers
Prosecution Attorney: Jerry Miller

Case Synopsis:

On August 29, 2015, law enforcement was called to a North Sioux City residence for a report and request to remove an intoxicated subject. The victim reported that she wanted to call law enforcement due to David Nagel behavior while intoxicated. David Nagel and his victim / girlfriend struggled over the victim's phone. During the altercation, Nagel attempted to push the victim into the bedroom. At some point, Nagel had placed the victim in a headlock and strangled her which the victim complained that the strangulation affected her ability to breath and / or the circulation of blood flow. When the officer interviewed, Nagel, he was able to produce the victim's phone that he had possession of from his pocket. While Nagel denied any physical altercation took place, the victim complained about a shoulder injury and displayed injuries and marks consistent with an altercation. The victim was treated by ambulance personnel. Medical records indicate that the victim suffered a joint separation during the altercation.

Probation Violation Synopsis:

David Nagel failed to report to his Minnesota Court Services Officer and as of the writing of the Violation Report on April 6, 2017, is thought to have absconded. David Nagel also failed to make payments on his court ordered financial obligations.

Sentencing Synopsis:

AS TO THE CHARGE of Count I, Aggravated Assault – Strangulation, a violation of SDCL 22-18-1.1 (8), a class 3 felony, IT IS HEREBY ORDERED, ADJUDGED AND DECREED that the Defendant shall be sentenced to Seven (7) years in the South Dakota State Penitentiary with the sentence to begin **immediately**. IT IS FURTHER ORDERED that Four (4) years of the Defendant's sentence shall be SUSPENDED upon the following terms and conditions:

1. The Defendant shall follow all conditions of parole and any recommendations and orders made by his/her parole officer.
2. The Defendant shall obey all federal, state and local laws.
3. The Defendant shall pay all monetary obligations as Ordered by this Court as a term of satisfying Defendant's parole.

IT IS FURTHER ORDERED that the Defendant shall receive credit for One Hundred Twenty-Eight (128) days that the Defendant spent incarcerated prior to disposition.

IT IS FURTHER ORDERED that the Defendant shall pay the following amounts to the Union County Clerk of Courts (209 East Main Street, ~ Suite 230, Elk Point, SD 57025): **New** Transport Costs in the amount of Three Hundred and Twenty Dollars and Forty-Six (\$320.46) Cents; **Previous** Court Costs in the amount of One Hundred (\$104.00) Dollars; **Previous** Fine in the amount of Three Hundred (\$300.00) Dollars; and **Previous** Domestic Violence Fee in the amount of Twenty-five (\$25.00) Dollars.

IT IS FURTHER ORDERED that the Defendant shall pay the following amounts to the Union County Auditor (209 East Main Street, ~ Suite 200, Elk Point, SD 57025): **New** Court Appointed Attorneys Fees in the amount of Four Hundred Seventy-One Dollars and Eighty-Eight (\$471.88) Cents; and Previous Court Appointed Attorneys Fees from the Judgment and Suspended Execution Sentence dated November 4, 2015 in the amount of Three Hundred Twenty-Six Dollars and Thirty-Nine (\$326.39) Cents. It is further ORDERED that Union County is awarded a Judgment for said Court Appointed Attorney Fees in this matter totaling Seven Hundred Ninety-Eight Dollars and Twenty-Seven (\$798.27) Cents.

IT IS FURTHER ORDERED that the Defendant shall remain in the custody of the Union County Sheriff's Office until he can be transported to the South Dakota State Penitentiary at their earliest opportunity.

Criminal History:

David Nagel has had several contacts with law enforcement that resulted in misdemeanor and felony convictions, this offense is David Nagel's first probation violation on this file.