
December 7, 2017

Press Release - For Immediate Release

Defendant's Name: Nicolle Anderson
Age: 37
State of residence: North Sioux City, SD
Criminal File Number: 17-273
Incident Date: June 17, 2017
Indictment Date: July 19, 2017
Arraignment Hearing: August 28, 2017
Charges Files: Ct. 1: Ingestion of a Schedule I or II Controlled Substance, SDCL 22-42-5.1, (F5) 5/10
Ct. 2: Keeping a Place for Use of Controlled Substances, SDCL 22-42-10, (F5) 5/10
Change of Plea Date: August 28, 2017
Date of Sentencing: September 11, 2017
Convicted of: Ct. 1: Ingestion of a Schedule I or II Controlled Substance, SDCL 22-42-5.1, (F5) 5/10
Ct. 2: Keeping a Place for Use of Controlled Substances, SDCL 22-42-10, (F5) 5/10
Arresting Officer: Chief Rich Headid - NSCPD
Defense Attorney: Jeff Myers
Prosecution Attorney: Jerry A. Miller

Case Synopsis:

On June 17, 2017, Chief Rich Headid was assisting law enforcement in North Sioux City, when he arrived on scene and walked up on the Porch of the Residence and witnessed the Defendant, Jerry Clay, with a Glass Pipe held to his lips. The Pipe had a white residue, similar to that used to ingest methamphetamine. Chief Headid confiscated the pipe and observed what he believed to be methamphetamine residue. The Defendant Admitted to it having smoked and possessed methamphetamine. The Defendant also tested positive for methamphetamine with at a level of 56,980 ng/ml. The Residence was owned by the co-defendant, Nicolle Anderson. The Defendant, Nicolle Anderson, consented to a UA and she tested positive at a level of 52,439 ng/ml of methamphetamine in her Urine. Nicolle Anderson was present in the room while Jerry Clay was smoking methamphetamine.

Sentencing Synopsis:

The Court being satisfied that the ends of Justice and the best interests of the public as well as the Defendant will be served thereby and the Court receiving a plea of GUILTY to a crime that is not punishable by life in prison and the Defendant never before having been convicted of a crime which would constitute a felony in this State, this Court exercises its judicial clemency under

SDCL 23A-27-13 and with the consent of the Defendant suspends the imposition of the sentence.

It is, therefore,

AS TO THE CHARGE Count 1: Ingestion of a Schedule I or II Controlled Substance, a violation of SDCL 22-42-5.1, a class 5 felony, IT IS FURTHER ORDERED that the Defendant shall be placed on **supervised probation** for the term of Four (4) years under the following terms and conditions:

1. The Defendant shall be placed under the supervision of the Chief Court Officer, or his representative, for a period of Four (4) years. The Defendant shall sign and comply with all terms of Adult Probation Agreement.
2. The Defendant shall obey all federal, state and local laws.
3. That the Defendant shall not possess or use any alcoholic beverages, or use or possess any controlled drugs or illegal substances, including marijuana, while on probation with the exception of medications lawfully prescribed and ingested according to the doses prescribed by a licensed physician.
4. The Defendant shall waive his/her Fourth Amendment right against warrant-less random search and seizure by his/her Probation Officer and/or any law enforcement officer upon request, to include the Defendant's person, vehicle, and residence. This waiver shall include the Defendant submitting to a UA, breathe or other bodily substance upon request. The Defendant shall remain responsible for the costs of all UA's or any other substance tests.
5. The Defendant shall obtain a Chemical Dependency Evaluation and shall successfully complete any and all treatment and aftercare, and follow all recommendations of the treatment provider.
6. Court Services shall have the discretion to require the Defendant to participate in the CBISA program, MRT program or other classes and programming as Court Services may direct during the term of probation.
7. Court Services shall have the discretion anytime during the term of probation to require the Defendant to participate in the Drug Patch Program and/or SCRAM or 24/7 Programs.
8. The Defendant shall pay all monetary obligations as Ordered by this Court as a term of satisfying Defendant's probation. The Defendant shall work with her probation officer and establish a minimum monthly payment plan and forward payments to the Clerk of Courts.

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): Court Costs of One Hundred Four (\$104.00) Dollars; Prosecution Costs in the amount of Ten (\$10.00) Dollars; Costs payable to (South Dakota Drug Control Fund, 1302 East Highway 14, Suite 5, Pierre, SD 57501) in the amount of Forty-Five (\$45.00) Dollars; and a Fine in the amount of Two Hundred Fifty (\$250.00) Dollars.

AS TO THE CHARGE Count 2: Keeping a Place for Use of Controlled Substances, a violation of SDCL 22-42-10, a class 5 felony, IT IS FURTHER ORDERED that the Defendant shall be placed on **supervised probation** for the term of Four (4) years under the following terms and conditions:

1. The Defendant shall be placed under the supervision of the Chief Court Officer, or his representative, for a period of Four (4) years. The Defendant shall sign and comply with all terms of Adult Probation Agreement.
2. The Defendant shall obey all federal, state and local laws.
3. That the Defendant shall not possess or use any alcoholic beverages, or use or possess any controlled drugs or illegal substances, including marijuana, while on probation with the exception of medications lawfully prescribed and ingested according to the doses prescribed by a licensed physician.
4. The Defendant shall waive his/her Fourth Amendment right against warrant-less random search and seizure by his/her Probation Officer and/or any law enforcement officer upon request, to include the Defendant's person, vehicle, and residence. This waiver shall include the Defendant submitting to a UA, breathe or other bodily substance upon request. The Defendant shall remain responsible for the costs of all UA's or any other substance tests.
5. The Defendant shall obtain a Chemical Dependency Evaluation and shall successfully complete any and all treatment and aftercare, and follow all recommendations of the treatment provider.
6. Court Services shall have the discretion to require the Defendant to participate in the CBISA program, MRT program or other classes and programming as Court Services may direct during the term of probation.
7. Court Services shall have the discretion anytime during the term of probation to require the Defendant to participate in the Drug Patch Program and/or SCRAM or 24/7 Programs.

8. The Defendant shall pay all monetary obligations as Ordered by this Court as a term of satisfying Defendant's probation. The Defendant shall work with her probation officer and establish a minimum monthly payment plan and forward payments to the Clerk of Courts.

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): Court Costs of One Hundred Four (\$104.00) Dollars; and a Fine in the amount of Two Hundred Fifty (\$250.00) Dollars.

IT IS FURTHER ORDERED that the Defendant shall pay the following amounts Ordered by the Court – To the Union County Auditor (209 East Main Street, ~ Suite 200, Elk Point, SD 57025): Court Appointed Attorneys Fees in the amount of Three Hundred Five Dollars and Fifty (\$305.50) Cents. It is further ORDERED that Union County is awarded a Judgment for said Court Appointed Attorney Fees in this matter.

IT IS FURTHER ORDERED that the Defendant's Count 2: sentence shall run **concurrent** to her Count 1 sentence.

Criminal History Synopsis:

This in Nicolle Anderson's first and second felony offense. The Court granted Anderson a suspended imposition of sentence because both charges come from the same offense. If Anderson is successful on probation, Anderson' file will be sealed from public as if the offense never occurred in the first place.