
June 16, 2017

Press Release - For Immediate Release

Defendant's Name: Michele Avalon
Age: 55
State of residence: Forest Grove, OR
Criminal File Number: 16-307
Incident Date: August 20, 2016
Indictment Date: August 24, 2016
Arraignment Hearing: August 29, 2016
Charges Files: Ct. 1: Possession of a Schedule 1 or 2 Controlled Substance, SDCL 22-42-5, (F5)
Ct. 2: Possession of a Schedule 1 or 2 Controlled Substance, SDCL 22-42-5, (F5)
Ct. 3: Possession of a Schedule 3 or 4 Controlled Substance, SDCL 22-42-5, (F6)
Ct. 4: Possession of Marijuana Less than 2 oz., SDCL 22-42-6, (M1), 1/2
Ct. 5: Possession of Drug Paraphernalia in a Motor Vehicle, SDCL § 22-42A-3 & 32-12-52.3, (M2), 30/500
Ct. 6: Speeding, SDCL § 32-25-4, (M2), 30/500
Change of Plea Date: March 27, 2017
Date of Sentencing: March 27, 2017
Convicted of: Ct. 1: Possession of a Schedule 1 or 2 Controlled Substance, SDCL 22-42-5, (F5)
Ct. 2: Possession of a Schedule 1 or 2 Controlled Substance, SDCL 22-42-5, (F5)
Arresting Officer: Trooper Trent Heuertz
Defense Attorney: Katie Johnson
Prosecution Attorney: Jerry A. Miller

Case Synopsis:

On August 20, 2016, Trooper Trent Heuertz of the South Dakota Highway Patrol, was traveling north bound on I-29 around mile post 31 at around 4:28 p.m. At this time, Trooper Heuertz, observed a car traveling south bound that appeared to be traveling above the posted speed limit. Trooper Heuertz, then activated his front Radar and obtained a speed reading of 90 mph in an 80 mph zone. After the vehicle passed, Trooper Heuertz, verified the vehicles speed with his rear radar and again obtained a speed reading of 90 mph. Trooper Heuertz, then turned around and initiated a traffic stop on a vehicle with Oregon Plates, driven by the Defendant, Ms. Michele Avalon. Trooper Heuertz, asked the Defendant to accompany him to his patrol car. The Defendant complied with his request. While the Defendant was seated in the Trooper's vehicle, Trooper Heuertz, observed her laughing and giggling at his K-9 dog for no reason. The Trooper also observed her laughing at random times. At this point the Trooper, explained to the Defendant that

another part of his duties was as a Police Service Dog Handler and asked her if she had any illegal items, such as drugs in her car. The Defendant admitted that she had Marijuana and a one hitter glass pipe in the vehicle.

Based on the Admission, the Trooper, performed a search of the vehicle and located a container with Marijuana, a Methamphetamine pipe, plastic baggy containing Methamphetamine residue, 4 THC oil vaporizer pen cartridges, two vaporizer pens, and an unmarked pill bottle with 30 Phentermine Hydrochloride pills. Ms. Avalon is an attorney in the state of Oregon and was in route to Georgia on a family trip.

Sentencing Synopsis:

The Court exercises its judicial clemency under SDCL 23A-27-13 and suspended the imposition of the sentence. As to Count I, Possession of a Schedule I or II Controlled Substance, a violation of SDCL 22-42-5, a class 5 felony, the Court ordered that Avalon shall be placed on **supervised probation** for the term of Four (4) years under the following terms and conditions:

1. Avalon shall sign and comply with all terms of Adult Probation Agreement.
2. Avalon's supervision may be transferred to the State of Oregon for supervision.
3. Avalon shall obey all federal, state and local laws.
4. Avalon 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.
5. Avalon 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.
6. Avalon shall successfully complete any and all treatment and aftercare, and follow all the recommendations of the treatment provider.
7. Avalon shall self-report to any bar association she is licensed with.
8. Court Services shall have the discretion to require Avalon to participate in the CBISA program, MRT program or other classes and programming as Court Services may direct during the term of probation.
9. Avalon shall pay all monetary obligations as Ordered by this Court as a term of satisfying Defendant's probation. Avalon shall enter into an agreement with court services to establish a minimum monthly payment plan and forward payments to the Clerk of Courts.

Avalon shall serve a sentence of Eleven (11) Days in the Union County Jail. It is FURTHER ORDERED that the Defendant shall receive credit Eleven (11) days that the Defendant spent incarcerated prior to disposition.

Avalon shall pay the following amounts: Court Costs of One Hundred Four (\$104.00) Dollars; Prosecution Costs in the amount of Fifty-eight Dollars and Fifty (\$58.50) Cents; Costs payable to (South Dakota Drug Control Fund, 1302 East Highway 14, Suite 5, Pierre, SD 57501) in the amount of Two Hundred Fifty-Six (\$256.00) Dollars; and a Fine in the amount of One Thousand Five Hundred (\$1500.00) Dollars.

AS TO THE CHARGE in Count II, Possession of a Schedule I or II Controlled Substance, a violation of SDCL 22-42-5, a class 5 felony, Avalon was further ORDERED to be placed on **supervised probation** for the term of Four (4) years under the following terms and conditions:

1. Avalon 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. Avalon's supervision may be transferred to the State of Oregon for supervision.
3. Avalon shall obey all federal, state and local laws.
4. Avalon 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.
5. Avalon 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.
6. Avalon shall successfully complete any and all treatment and aftercare, and follow all the recommendations of the treatment provider.
7. Avalon shall self-report to any bar association she is licensed with.
8. 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.
9. Avalon shall pay all monetary obligations as Ordered by this Court as a term of satisfying Defendant's probation. The Defendant shall enter into an agreement with court services to establish a minimum monthly payment plan and forward payments to the Clerk of Courts.

Avalon shall pay the following: Court Costs of One Hundred Four (\$104.00) Dollars; and a Fine in the amount of One Thousand (\$1,000.00) Dollars.

Avalon shall pay the following amounts Ordered by the Court – To the Union County Auditor: Court Appointed Attorneys Fees in the amount of One Thousand Four Hundred Seventy-One Dollars and Twenty (\$1,471.20) Cents. It is further ORDERED that Union County is awarded a Judgment for said Court Appointed Attorney Fees in this matter.

The Court further ORDERED that Avalon's Count II sentence shall run **concurrent** to her Count I sentence.

Criminal History Synopsis:

This is Ms. Avalon's first and second felony offense. Avalon qualifies for judicial clemency from the court. The Court granted Avalon an opportunity to earn judicial clemency by completing a term of supervised probation. If Ms. Avalon completes probation successfully these felony offenses may be sealed from her public record.