
April 18, 2017

Press Release - For Immediate Release

Defendant's Name: Kyle P. Bearheels
Age: 20
City and State of residence: Welch, MN
Criminal File Number: 16-128
Violation Date: January 9 – February 10, 2015
Indictment Date: March 30, 2016
Charges: Ct. 1) Possession of a Schedule 1 or 2 Controlled Substance, (F5);
Ct. 2) Ingestion, (M1); and
Ct. 3) Possession of Drug Paraphernalia, (M2)
Arresting Officer(s): Trooper Kayne Weaver
Defense Attorney: Katie Johnson
Prosecuting Attorney: Alexis Tracy
Arraignment Date: May 23, 2016
Change of Plea Date: May 23, 2016
Plead to the Following: Ct. 1) Possession of a Schedule 1 or 2 Controlled Substance, (F5);
Sentencing Date: May 23, 2016
Probation Violation Date: October 27, 2016
Violation: Failure to cooperate with Court Ordered Treatment
Initial Appearance: February 6, 2017
Admission Date: February 6, 2017
Disposition Date: March 27, 2017
Probation Officer: Clinton Meadows
Defense Attorney: Katie Johnson
Prosecuting Attorney: Jerry A. Miller

See Probation Violation Information and Disposition Below:

Original Case Synopsis:

Trooper Weaver was following a vehicle North bound on Interstate 29 at about mile marker 31 which did not have a license plate and the trooper could not read the temporary plate. Once the vehicle was stopped and the trooper made contact with the driver, the trooper reported being able to smell the odor of marijuana coming from the vehicle and its occupants. The Driver was a one Patrick Bearheels. Bearheels advised that he and his two passengers were Pow Wow dancers and that they were coming from Vermillion heading to Minnesota.

When asked about drugs in the vehicle, Patrick advised that the person in the back had marijuana in a bag and that he smokes and uses all the time. The person in the back seats is a Dakota Whitewater. A search of the vehicle revealed a McDonald's bag with bong in it. Also found in the vehicle were THC infused candies; and a measurable amount of marijuana wax.

All the occupants, which includes the passenger, Kyle Bearheels, the driver, Patrick Bearheels, and the roamer, Dakota Whitewater, all agreed to provide urine samples. Kyle Bearheels' urine tested positive for 138 ng/ml for THC. Kyle Bearheels was cited for knowing possession.

Original Sentencing Synopsis:

On May 23, 2016, the Court granted Bearheels a Judgment and Suspended Imposition of Sentence. In doing so, the Court exercised its judicial clemency to place Bearheels on supervised probation for two-years. If Bearheels is successful on probation, this file will be sealed and treated as if it never happened. Bearheels was ordered to complete the court ordered probation obligations, and further ordered to pay \$660.00 in fines, court costs, and prosecution costs. Bearheels' was ordered to pay \$685.40 back to the county for his court-appointed attorney fees. Bearheels was further ordered to serve twenty-five days in the county jail and given twenty-five days' credit for the days he previously served prior to the sentencing hearing.

Probation Violation Synopsis:

Kyle BEARHEELS entered Keystone Treatment Center on September 30, 2016. While enrolled in the treatment program, BEARHEELS became aggressive and punched the walls. BEARHEELS stopped attending group sessions, and told other group members not to attend the group sessions. BEARHEELS became so disruptive that he was interfering with others treatment. BEARHEELS was administratively discharged due to these poor behaviors on October 27, 2016. BEARHEELS stated that when he left treatment, he was going to return to smoking THC.

Probation Violation Disposition Synopsis:

The Court Ordered that BEARHEELS' Suspended Imposition of Sentence was revoked and the Court entered the following Judgment and Sentence. BEARHEELS was ordered to serve 180 days in the Union County Jail and suspended 37 of those days on the condition that he pay all of his outstanding financial obligations within 60 days. The court gave BEARHEELS credit for 83 days that he spent incarcerated prior to disposition. BEARHEELS was ordered to pay \$564 in new financial obligations, and \$685.40 previously ordered obligations. BEARHEELS was also ordered to pay \$1,249.40 in Court Appointed Attorney Fees.

Criminal History:

This Kyle P. Bearheels' first career felony conviction.