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December 15, 2017

## Press Release - For Immediate Release

Defendant's Name: Nicholas Beeck  
Age: 20  
City and State of residence: Akron, IA  
Criminal File Number: 17-241  
Date of Offense: July 2, 2017  
Date of Indictment: August 9, 2017  
Date of Arraignment: August 28, 2017  
Date of Change of Plea: August 28, 2017  
Date of Sentencing: September 11, 2017  
Convicted of: Possession of a Schedule I or II Controlled Substance (F5) SDCL 22-42-5  
Arresting Officer: GF&P WCO Josh Vanden Bosch  
Court Appointed Attorney: Jeff Myers  
Prosecuting Attorney: Jerry Miller

### **Original Case Synopsis:**

On July 2, 2017 GF&P WCO Joshua Vanden Bosch made contact with six males standing in the parking lot of the Bolton Game Production Area after Vanden Bosch was alerted to the issue of smelling burnt marijuana coming from the six males. Vanden Bosch also smelt the odor burnt marijuana coming from the six males as well. A search of Nicholas Beeck turned up a small container containing Hydrocodone. Beeck had also been consuming alcohol. Beeck was arrested for have the Hydrocodone.

### **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: Possession of a Schedule I or II Controlled Substance, a violation of SDCL 22-42-5, 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. 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 his 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 serve One (1) day in the Union County Jail. It is further ORDERED that the Defendant shall receive credit for the One (1) day that the Defendant was incarcerated prior to sentencing.

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; and a Fine in the amount of Four Hundred (\$400.00) 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 Two Hundred Fifty-Eight Dollars and Fifty (\$258.50) Cents. It is further ORDERED that Union County is awarded a Judgment for said Court Appointed Attorney Fees in this matter.

**Criminal History Synopsis:**

Mr. Nicholas Beeck first offense involving a felony offense. If Mr. Beeck is successful during his supervised probation, then this file will be sealed from the public as if it never happened.