
November 30, 2017

Press Release - For Immediate Release

Defendant's Name: Amanda Brannan
Age: 36
State of residence: MO
Criminal File Number: 17-155
Incident Date: May 12, 2017
Indictment Date: June 7, 2017
Arraignment Hearing: June 26, 2017
Charges Filed: **Ct. 1:** Possession of a Schedule I or II Controlled Substance, SDCL 22-42-5, (F5) 5/10
Ct. 2: Possession of a Schedule I or II Controlled Substance, SDCL 22-42-5, (F5) 5/10
Ct. 3: Possession of a Schedule I or II Controlled Substance, SDCL 22-42-5, (F5) 5/10
Ct. 4: Possession of a Schedule III or IV Controlled Substance, SDCL 22-42-5, (F6) 2/4
Ct. 5: Possession of Marijuana, less than 2 ounces, SDCL 22-42-6, (M1) 1/2
Ct. 6: Possession of Drug Paraphernalia, SDCL 22-42A-3, (M2) 30/500
Change of Plea Date: September 11, 2017
Date of Sentencing: November 6, 2017
Convicted of: **Ct. 1:** Possession of a Schedule I or II Controlled Substance, SDCL 22-42-5, (F5) 5/10
Ct. 5: Possession of Marijuana, less than 2 ounces, SDCL 22-42-6, (M1) 1/2
Arresting Officer: Trooper Deanna Johnson- SDHP
Defense Attorney: Amber Eggert
Prosecution Attorney: Jerry A. Miller

Case Synopsis:

On May 12th, 2017, around 10 am, Trooper Deanna Johnson stopped a MO plated vehicle traveling northbound on I-29 near mile marker 31 for traveling 83 mph in a 80 mph posted zone. Trooper Johnson could smell marijuana coming from the passenger side window. The driver admitted to a marijuana pipe in the center console. During a vehicle search, Trooper Johnson located a pill bottle contained 2 Xanax pills and 1 Acetaminophen hydrocodone bitrate pill located inside a purse on the passenger floor where Amanda Brannan was sitting. Ms. Brannan admitted that she didn't have a prescription for the pills. Also located inside the vehicle was half a pill of amphetamine dextroamphetamine, psilocybin mushrooms, marijuana, 2 pipes, and a grinder. Ms. Brannan claimed all the items and was arrested.

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 Defendant having pled guilty to the crime of **Ct1: Possession of a Schedule I or II Controlled Substance, a violation of SDCL 22-42-5, a class 5 felony; and Ct5: Possession of Marijuana, less than 2 ounces, a violation of SDCL 22-42-6, a class 1 misdemeanor** which is not punishable by life imprisonment and the Court being satisfied that the Defendant has never before having been convicted of a crime which would constitute a felony in this state, this Court elects to exercise its judicial clemency under SDCL §23A-27-13, and with the consent of the Defendant; therefore,

IT IS HEREBY ORDERED, as to **Ct1: Possession of a Schedule I or II Controlled Substance, a violation of SDCL 22-42-5, a class 5 felony** that the Defendant shall be imprisoned in the Union County Jail for the term of **60** days, with 0 days credit for time served. The remaining **60** days shall be served as follows: **30** days to be served beginning **February 1, 2018**, at 9:00 o'clock a.m.; **30** days to be served beginning **June 1, 2018**, at 9:00 o'clock a.m. Defendant's Court Services officer may recommend to the Court that any of these jail terms be waived, but unless the court signs a written order waiving any of these jail terms, each of the jail terms shall be served by Defendant.

IT IS FURTHER ORDERED that the Defendant is placed on probation for a term of **Three (3)** years. Defendant shall sign the standard probation agreement with court services and shall obey all conditions imposed by court services even though those conditions may not have been specifically set out by the court. Defendant shall execute a wage assignment form if requested to do so by court services.

IT IS FURTHER ORDERED, that the Defendant shall pay court costs of **\$104.00**; grand jury transcript fees of **\$10.00**; Fine of **\$1000.00**; and UA fees of **\$45.00** to the South Drug Control Fund; to the Union County Clerk of Courts (209 East Main Street, ~ Suite 230, Elk Point, SD 57025).

IT IS FURTHER ORDERED that the imposition of sentence is suspended upon the following terms and conditions:

1. Defendant shall obey all federal, state, tribal and local laws and be a good law-abiding citizen in all respects.
2. Defendant shall pay all fines, costs, restitution, and attorney's fees as ordered by the court. Defendant shall work out a payment schedule with court services, and if requested by court services, Defendant shall execute a wage assignment form.
3. Defendant shall not consume nor possess any alcoholic beverages of any kind, and Defendant shall not enter establishments where the sale of alcoholic beverages is the primary business.
4. Defendant shall not consume, purchase, possess, or distribute marijuana, nor controlled drugs or substances of any kind, and Defendant shall not be present where such substances are being used. Defendant shall also not possess drug paraphernalia. Verification of any prescribed medication must be provided by

- Defendant to court services.
5. Defendant shall submit to urinalysis, breath or blood testing at any time requested to do so by Defendant's court services officer or law enforcement officer and Defendant shall be responsible for the costs of that testing.
 6. Defendant, and Defendant's person, residence, vehicles and personal property, shall be subject to random search and seizure by any court services officer or law enforcement officer upon reasonable suspicion that Defendant is violating any provision of this court's order or of any probation agreement.
 7. Defendant shall obtain a chemical dependency evaluation and comply with the evaluator's and the court's services officer's recommendations for treatment and aftercare.
 8. Throughout the entire period of probation, Defendant shall enroll in and comply with the terms of the 24/7 Sobriety Program as set up through the Union County Sheriff's office or other approved South Dakota county sheriff's office and submit to testing in the form of twice daily PBTs or by SCRAM equipment, and the Drug Patch, and Defendant shall pay all costs of such programs. Court services may discontinue or restart these programs at their discretion.
 - Defendant shall enroll in and successfully complete counseling, MRT, anger management, etc. as required by court services.
 9. Defendant shall perform _____ hours of community service to be completed by _____.
 10. Defendant shall have no contact with the victim, _____.
 11. Defendant shall write a letter of apology to the victim, _____, which letter shall be approved by court services.

IT IS FURTHER ORDERED, as to **Ct5: Possession of Marijuana, less than 2 ounces, a violation of SDCL 22-42-6, a class 1 misdemeanor**, that the Defendant shall pay court costs of **\$84.00**; and Fine of **\$300.00**; to the Union County Clerk of Courts (209 East Main Street, ~ Suite 230, Elk Point, SD 57025); it is further ORDERED that all obligations imposed by the court on this charge shall be an additional requirement upon the Defendant to satisfy his terms and condition of probation on the above felony offense.

IT IS FURTHER ORDERED that the imposition of sentence is suspended upon the following terms and conditions:

1. Defendant shall obey all federal, state, tribal and local laws and be a good law-abiding citizen in all respects.
2. Defendant shall pay all fines, costs, restitution, and attorney's fees as ordered by the court. Defendant shall work out a payment schedule with court services, and if requested by court services, Defendant shall execute a wage assignment form.
3. Defendant shall have no like offenses for a term of 360 days.

IT IS FURTHER ORDERED, that the Defendant shall pay his/her Court-appointed attorney's fees directly to the Union County Auditor, (209 East Main Street, ~ Suite 200, Elk Point, SD 57025): Court Appointed Attorneys Fees in the amount of **(\$188.00)**. It is further ORDERED that Union County is awarded a Judgment for said Court Appointed Attorney Fees in this matter

Criminal History Synopsis:

This is Amanda Brannan's first felony offense and misdemeanor offense on her criminal record, which if, she is successful on her supervised probation, then the Court will seal this file and it will be removed from her public criminal history record.