

---

August 12, 2016

## Press Release - For Immediate Release

Defendant's Name: Jeffery Britcher  
Age: 28  
City and State of residence: Le Mars, IA  
Criminal File Number: 16-400  
Incident Date: November 7, 2016  
Indictment Date: December 28, 2016  
Arraignment Hearing: January 23, 2017  
Change of Plea Date: January 23, 2017  
Date of Sentencing: January 23, 2017  
Convicted of: Ct.1: Concealment of a Dangerous Weapon w/ Intent to commit a Felony, 22-14-8, (F5) 5/10  
Ct.3: Possess Schedule 1 or 2 Contr. Subst. (F5), 22-42-5, 5/10

Arresting Officer: Officer Samantha Close - NSCPD  
Officer Faustin Mahlke - NSCPD

Defense Attorney: Thomas Frieberg  
Prosecution Attorney: Jerry A. Miller

### Case Synopsis:

On November 7, 2016, at around 10:58 p.m. Officer Samantha Close was dispatched to VIP Gaming Lounge for a disturbance in the establishment. Earlier in the Day, Officer Close was advised that the Defendant Jeffery Britcher had shown a small pistol in a disturbance in Woodbury County, IA and was known to hang out at the VIP Gaming Lounge. At around 9:30 p.m., Officer Close was called back to the VIP Lounge and was advised by a VIP Employee that Mr. Britcher was trying to sell drugs out of his backpack and had a gun, so they wanted him removed from the premises. Britcher left at that time before Officer Close could arrive. The Employing for the VIP Lounge then called back at around 10:58 p.m. and informed law enforcement that Britcher had returned to the VIP Lounge and told dispatch where to locate Britcher in the VIP Gaming Lounge.

Officer Close and the backup officer Faustin Mahlke entered the VIP Gaming Lounge, confirmed with the employee, which individual was Britcher. Britcher was placed in handcuffs and searched for officer safety. Inside Britcher's backpack, Officers found the following:

- A loaded Keltec .32 caliber, with a magazine for the gun with 7, .32 caliber rounds;
- An unopened bag of 10 hypodermic needles;
- 3 used hypodermic needles;
- A small digital scale;
- Clear baggie of marijuana (THC);
- An assortment of plastic baggies;
- A black zippered case of 2 hypodermic needles;

- A small baggie containing methamphetamine;
- A social security card belonging to Britcher;
- A pill bottle containing Lorazapram;
- A pill bottle 4 Acetaminophen; and
- Codeine pills and other items known to be Drug Paraphernalia.

Mr. Britcher was placed under arrest and taken to the Union County Jail.

Officer Close requested a search warrant for Britcher's urine, to test for drugs in his system. The warrant was granted and Britcher's urine tested positive was found with 6,045 ng/ml of amphetamine, 67,241 ng/ml of methamphetamine, and 77 ng/ml of marijuana (THC).

### **Sentencing Synopsis:**

Jeffery Britcher was found guilty of Ct.1, concealment of a dangerous weapon with intent to commit a felony. The Court sentenced Britcher on Ct.1, the class 5 felony offense of concealment of a dangerous weapon with intent to commit a felony to a five-year suspended sentence to the South Dakota State Penitentiary. Britcher sentence was suspended on the terms and conditions that he satisfy the terms of his four-year term of supervised probation. Britcher was also sentenced to serve 76 days in the Union County Jail. The Court ordered that Britcher shall be given credit for the 76 days Britcher spent incarcerated prior to sentencing. The Court ordered that Britcher shall pay the following: \$104 in Court Costs; and \$10 in Prosecution Costs.

Jeffery Britcher was found guilty of Ct.3, possession of a schedule 1 or 2 controlled substance, as a class 5 felony. The Court sentenced Britcher to a five-year suspended sentence to the South Dakota State Penitentiary. Britcher sentence was suspended on the terms and conditions that he satisfy the terms of his four-year term of supervised probation. The Court ordered that Britcher shall pay the following: \$104 in Court Costs; and \$1,375.40 in Court-Appointed Attorney Fees. The Court Ordered that the sentence in count three shall be consecutive to the Defendant's sentence in Count 1.

### **Criminal History Synopsis:**

This is Brithcer's first and second career felony convictions. Britcher's other criminal history offenses consist of a conviction for a 3<sup>rd</sup> Degree Burglary charge by Plymouth County, IA, which is an aggravated misdemeanor in Iowa. Another charge for operate a vehicle with out consent, also an aggravated misdemeanor offense in Iowa. Aggravated misdemeanor offenses are the equivalent of a class 6 felony in SD. In SD or in IA, a class 6 felony or an aggravated misdemeanor offense both carry a maximum punishment of 2 years' incarceration. Britcher has another conviction of possession of a controlled substance in Iowa involving LSD, this is a misdemeanor offense in Iowa, and in SD this same offense would be a class 5 felony offense. Britcher was charged with another offense of possession of a controlled substance as a misdemeanor in Iowa