
December 7, 2017

Press Release - For Immediate Release

Defendant's Name: Herick Carias
Age: 41
State of residence: Sioux Falls, SD
Criminal File Number: 17-082
Incident Date: March 17, 2017
Indictment Date: March 29, 2017
Arraignment Hearing: April 24, 2017
Charges Files: Ct. 1: Possession of Schedule III or IV Controlled Substance, SDCL 22-42-5, F6 2/4
Ct. 2: Possession of Drug Paraphernalia While in a Motor Vehicle, SDCL 22-42A-3 & 32-12-52.3, M2 30/500
Ct. 3: Driving Without a Valid License, SDCL 32-12-22, M2 30/500
Change of Plea Date: October 23, 2017
Date of Sentencing: October 23, 2017
Convicted of: Ct. 1: Possession of Schedule III or IV Controlled Substance, SDCL 22-42-5, F6 2/4
Arresting Officer: Trooper Deanna Johnson
Defense Attorney: Vance Myrabo
Prosecution Attorney: Jerry A. Miller

Case Synopsis:

Herick Carias was driving a vehicle that did not have its license plate properly displayed on the vehicle as the front plate was inside the vehicle on the dash. The officer approached and observed a prescription pill bottle on the passenger seat. The officer asked if he could inspect the bottle and Carias handed the bottle to the trooper. Carias admitted that the pill bottle contained pain pills and that a friend had provided him with the pills and that he did not have a valid prescription for the pills. Carias was placed under arrest. Carias did not have a valid driver's license and he was in possession of drug paraphernalia.

Sentencing Synopsis:

AS TO THE CHARGE Count 1: Possession of Schedule III or IV Controlled Substance, SDCL 22-42-5, a class 6 felony; IT IS HEREBY ORDERED ADJUDGED AND DECREED that the Defendant shall serve Two (2) years in the South Dakota State Penitentiary. It is further ORDERED that Court shall SUSPEND the EXECUTION of the Two (2) years of the Defendant's sentence upon the Defendant satisfying the following terms and conditions. It is further

ORDERED that the Defendant shall be placed on supervised probation for Two (2) years and must satisfy 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 Two (2) 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. 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.
6. Court Services shall have the discretion anytime during the term of probation to require the Defendant to participate in the Drug Patch Program and/or SCRAM or 24/7 Programs.
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 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; Costs payable to (South Dakota Drug Control Fund, 1302 East Highway 14, Suite 5, Pierre, SD 57501) in the amount of Forty-Five (\$45.00) Dollars; Fine in the amount of Five Hundred (\$500.00) Dollars; and Prosecution Costs in the amount of Ten (\$10.00) Dollars.

Criminal History Synopsis:

This is Herick Carias' first felony conviction. However his criminal history does include DUI convictions in 2000, 2002, and 2016. Herick Carias record also suggests that Carias has an issue with alcohol and drugs.