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June 20, 2017

## Press Release - For Immediate Release

Defendant's Name: Khammy Chanthavong  
Age: 59  
State of residence: IA  
Criminal File Number: 17-006  
Incident Date: December 31, 2016  
Complaint Filed: January 6, 2017  
Arraignment Hearing: January 9, 2017  
Superseding Information: March 6, 2017  
Arraignment Hearing: March 6, 2017  
Change of Plea Date: March 6, 2017  
Date of Sentencing: March 6, 2017  
Convicted of: Ct. I: Ingestion of a Schedule I or II Controlled Substance SDCL 22-42-5.1, (F5) 5/10  
Ct. II: Driving Under the Influence SDCL 32-23-1(2), M1 ½ (DUI 2<sup>nd</sup>)  
Arresting Officer: Kayne Weaver - SDHP  
Defense Attorney: Tom Frieberg  
Prosecution Attorney: Jerry A. Miller

### Case Synopsis:

On December 31, 2016 at 10:50 a.m. South Dakota Highway Patrolmen Kayne Weaver noticed a vehicle heading northbound on I-29 near mile-marker 1 with a cracked windshield that appeared to greatly impair the driver's vision. Trooper Weaver then activated his emergency lights and conducted a traffic stop on the vehicle. After approaching the vehicle, the driver Khammy Chanthavong, stated that he didn't have a driver's license. Trooper Weaver then asked Khammy back to his Patrol Car to gather further information about the Mr. Chanthavong. State Radio advised that Mr. Chanthavong had a warrant out for his arrest for simple assault in Minnehaha County and that they wanted him to be held and they also advised that he had a suspended license. While talking with Mr. Chanthavong, Trooper Weaver notice that his pupils were constricted and did not match the current lighting conditions, that he was making twitching movements, and that he couldn't sit still in the car. Based on Trooper Weaver's training and experience, Mr. Chanthavong appeared to be under the influence of a stimulant. Trooper Weaver asked, demonstrated and had Mr. Chanthavong perform various field sobriety tests and exercises. Mr. Chanthavong performed very poorly.

While Trooper Weaver was conducting the test and exercises on Mr. Chanthavong, South Dakota Highway Patrolmen Deanna Johnson, made contact with the passenger Chanda Price. Ms. Price informed Trooper Johnson that she had recently used Methamphetamine, and she had a pipe in her purse. After both the poorly performed sobriety test, Ms. Price's admission, and contraband on Ms. Price a search based on probable cause was done on the vehicle and a measurable amount

of Methamphetamine was found, and Drug Paraphernalia. After the search, Mr. Chanthavong was placed under arrest and read his Miranda Warnings. Ms. Price waived her Miranda rights and told Trooper Johnson that she had used Methamphetamine early this morning with Mr. Chanthavong and that Mr. Chanthavong had been up for the last 5 days.

**Sentencing Synopsis:**

The Court pronounced the following sentence upon Khammy Chanthavong, in Count 1: Ingestion of Schedule 1 or 2 Controlled Substance, SDCL 22-42-5.1, a class 5 felony, the Court ordered Khammy Chanthavong shall serve One Hundred Twenty (120) days in the Union County Jail. Khammy Chanthavong shall also receive credit for Sixty-Four (64) days that the Defendant spent incarcerated prior to disposition.

Khammy Chanthavong was further ordered to pay the following amounts: Court Costs of One Hundred Four (\$104.00) Dollars; Prosecution Costs in the amount of Ninety (\$90.00) Dollars; and 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.

Khammy Chanthavong was ordered to serve Four (4) additional days in the Union County Jail at Sixty Dollars (\$60.00) a day to sit out his new ordered court costs and prosecution costs totaling Two Hundred Thirty-Nine (\$239.00) Dollars.

Khammy Chanthavong was sentenced to the following in Count 2, Driving under the Influence, SDCL 32-23-1 (2), a class 1 misdemeanor. Khammy Chanthavong shall serve One Hundred Twenty (120) days in the Union County Jail. Khammy Chanthavong shall receive credit for Sixty-Four (64) days that the Defendant spent incarcerated prior to disposition.

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 Eighty-Four (\$84.00) Dollars; and DUI fee in the amount of Fifty (\$50.00) Dollars.

Khammy Chanthavong was further ordered to serve Two (2) additional days in the Union County Jail at Sixty Dollars (\$60.00) a day to sit out his new ordered court costs and prosecution costs totaling One Hundred Thirty-Four (\$134.00) Dollars.

On this charge, Khammy Chanthavong shall pay: Court Appointed Attorney Fees in the amount of Six Hundred Twenty-One Dollars (\$621.00). It is further Ordered that Union County is awarded a Judgment for said Court Appointed Attorney Fees in this matter.

The Court ordered that Khammy Chanthavong's Count II sentence shall run **concurrent** to his Count I sentence.

Khammy Chanthavong's Driver's License shall be revoked for a period of Three (3) years after the Defendant has been released from Custody.

**Criminal History Synopsis:**

This is Khammy Chanthavong's first felony conviction. Khammy Chanthavong's criminal history includes a 2004 conviction for Simple Assault (Domestic), a 2008 DUI 1<sup>st</sup>, and a 2012 DUI 2<sup>nd</sup>.