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December 7, 2017

## Press Release - For Immediate Release

Defendant's Name: Jerry Clay  
Age: 48  
State of residence: SD  
Criminal File Number: 17-204  
Incident Date: June 17, 2017  
Indictment Date: July 19, 2017  
Arraignment Hearing: July 31, 2017  
Charges Files: Ct. 1: Ingestion of a Schedule I or II Controlled Substance, SDCL 22-42-5.1, (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 Drug Paraphernalia, SDCL 22-42A-3, (M2) 30/500  
Change of Plea Date: March 27, 2017  
Date of Sentencing: March 27, 2017  
Convicted of: Ct. 2: Possession of a Schedule 1 or 2 Controlled Substance, SDCL 22-42-5, (F5)  
Arresting Officer: Chief Rich Headid - NSCPD  
Defense Attorney: Katie Johnson  
Prosecution Attorney: Jerry A. Miller

### Case Synopsis:

On June 17, 2017, Chief Rich Headid was assisting law enforcement in North Sioux City, when he arrived on scene and walked up on the Porch of the Residence and witnessed the Defendant, Jerry Clay, with a Glass Pipe held to his lips. The Pipe had a white residue, similar to that used to ingest methamphetamine. Chief Headid confiscated the pipe and observed what he believed to be methamphetamine residue. The Defendant Admitted to it having smoked and possessed methamphetamine. The Defendant also tested positive for methamphetamine with at a level of 56,980 ng/ml.

### Sentencing Synopsis:

AS TO THE CHARGE Count 2: Possession of a Schedule I or II Controlled Substance, SDCL 22-42-5, a class 5 felony; IT IS HEREBY ORDERED ADJUDGED AND DECREED that the Defendant shall serve Five (5) years in the South Dakota State Penitentiary. It is further ORDERED that Court shall SUSPEND the EXECUTION of the Five (5) 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 Four (4) 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 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 successfully complete any and all treatment and aftercare, and follow all the 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. 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.
8. 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 ORDERED, ADJUDGED, AND DECREED that the Defendant shall serve a sentence of Thirty (30) Days in the Union County Jail. IT IS FURTHER ORDERED that the Twenty-Four (24) days of the Defendant's sentence shall be suspended under the condition that the Defendant obtain a chemical dependency evaluation within Sixty (60) days of sentencing and begin said treatment within that time. It is FURTHER ORDERED that the Defendant shall receive

credit for One (1) day that the Defendant spent incarcerated prior to disposition. IT IS FURTHER ORDERED that the Defendant shall serve said sentence as follows:

1. The Defendant shall report to serve his One (1) day at the Union County Jail beginning on Friday, August 4, 2017 at no later than 7:00 p.m.
2. The Defendant shall report to serve his Two (2) days at the Union County Jail beginning on Friday, August 11, 2017 at no later than 7:00 p.m.
3. The Defendant shall report to serve his Two (2) days at the Union County Jail beginning on Friday, August 18, 2017 at no later than 7:00 p.m.

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; and a Fine in the amount of Five Hundred (\$500.00) Dollars; and Prosecution Costs in the amount of Ten (\$10.00) 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 Three Hundred Nineteen Dollars and Sixty (\$319.60) Cents. 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 Jerry Clay's third career felony conviction. Mr. Clay's other two felony offenses were for 3<sup>rd</sup> Degree Burglary offenses in Iowa in 2000 and 2012.