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November 30, 2017

## Press Release - For Immediate Release

Defendant's Name: Cody A. Matney  
Age: 27  
City and State of residence: Sioux City, IA  
Criminal File Number: 15-033  
Offense Occurred On: February 11, 2015  
Indictment: March 25, 2015  
Arrestment: April 27, 2015  
Plead Guilty On: June 22, 2015  
Convicted of: Ct. 1: Aggravated Eluding, (F6), 32-33-18.2  
Sentencing Date: July 6, 2015

Probation Violation Date: May through July 2017  
Probation Violations: Failing to complete treatment; Failing to make all appointments; Failing to notify when there is change in employment; Failing to pay financial obligations.

Initial Appearance Date: June 5, 2017  
Admission Date to PV: June 5, 2017  
Disposition Date of PV: July 10, 2017  
Defense Attorney: Tom Frieberg  
Prosecution Attorney: Jerry Miller

### Original Case Synopsis:

On February 11, 2015, Deputy Jason Westcott identified a vehicle traveling 77 mph in a 65 mph zone on interstate 29 at mm 1 northbound. The vehicle exited the interstate at mm 4 and turned north on Streeter Dr. The officer attempted to stop the vehicle; however, the suspect vehicle sped up and turned into an apartment complex continuing to drive at a reckless rate of speed. The suspect vehicle then turned off his lights as the suspect vehicle continued through apartment complex. The suspect vehicle decided to drive between the apartment complex office and a section of garages where the vehicle went across the lawn heading east towards Streeter Drive. The suspect vehicle attempted to cross the lawn in an attempt to reach Streeter Drive. The vehicle became airborne landing on the North Sioux City sewer lift station. The lift station prevented the suspect vehicle from crossing the sidewalk / bike path that is positioned right before Streeter Drive. Due to the vehicle being hung up on lift station, the driver, Cody Matney, exited the driver's side of the vehicle and attempted to elude the officer on foot. Matney caused \$8,478.00 in damages to the North Sioux City sewage lift station. Matney cooperated with a preliminary breath test, which showed an estimated blood alcohol equivalent of .052% which was not high enough to justify a driving while intoxicated offense. However, Matney was driving with a revoked driver's license.

### Original Sentencing Synopsis:

As to count 1, Aggravated Eluding, a class 6 felony, the Court ordered a two-year suspended sentence with a four-year term of supervised probation. The Court also ordered a sixty-day sentence in the Union County Jail to begin immediately.

The Court further ordered that Jason Flowers pay the following:

- \$45.00 to the South Dakota Drug Fund
- \$104.00 in Court Costs;
- \$1000.00 in restitution to North Sioux City (deductible on damage to lift station), and
- \$639.00 in Court Appointed Attorney Fees

**Probation Violation #1 Synopsis:**

The Defendant has a Revocation Hearing scheduled for 6/23/16 but they settled out of Court by adding the Residential Treatment Facility as a condition of his probation. The Defendant was directed to report to his Residential Treatment Facility on July 2, 2016 by 12 pm. The Defendant failed to report as directed by his CSO. The Defendant was a no call no show for his appointments on May 3, 2016 and May 16, 2016. The Defendant quit his job at Magic Carpets without approval or notification of doing so. The Defendant has failed to make monthly scheduled payments of One Hundred Dollars and Zero Cents (\$100.00). As of July 12, 2016, the Defendant has a balance with the Clerk of Courts of One Thousand Seven-Hundred Eighty-Eight Dollars and Zero Cents (\$1788.00).

**Probation Violation #1 Disposition Synopsis:**

IT IS ORDERED, ADJUDGED, AND DECREED that the Defendant shall serve a sentence of One Hundred Eighty (180) days in the Union County Jail. IT IS FURTHER ORDERED that Court shall SUSPEND the EXECUTION of the Seventy-Seven (77) days of the Defendant's sentence under the condition that the Defendant pays Three Hundred (\$300.00) Dollars Towards Restitution within the next Twenty-Three (23) Days. IT IS FURTHER ORDERED that the Defendant shall receive credit for One Hundred Three (103) days that the Defendant spent incarcerated prior to disposition.

IT IS FURTHER ORDERED that the Defendant shall pay the following amounts Ordered by the Court – To the Union County Clerk of Courts (209 East Main Street ~ Suite 230, Elk Point, SD 57025): Remaining Court Costs, Prosecution Costs, and Restitution in the amount of One Thousand One Hundred Forty-Nine (\$1,149.00) 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): **New** Court Appointed Attorneys Fees in the amount of Two Hundred Seventy-Two Dollars and Sixty (\$272.60) Cents; and **Previous** Court Appointed Attorneys Fees in the amount of Six Hundred Thirty-Nine (\$639.00) Dollars. It is further ORDERED that Union County is awarded a Judgment for said Court Appointed Attorney Fees in this matter totaling Nine Hundred Eleven Dollars and Sixty (\$911.60) Cents.

**Criminal History:**

This is Cody Matney's first probation violation on his third career felony conviction. Additionally, Matney has had two previous misdemeanor offenses of eluding.