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December 7, 2017

## Press Release - For Immediate Release

Defendant's Name: Emily Colucci  
Age: 21  
State of residence: Denton, TX  
Criminal File Number: 17-306  
Incident Date: August 6, 2017  
Indictment Date: September 6, 2017  
Arraignment Hearing: November 17, 2017  
Charges Filed: Ct. 1: Possession of a Schedule I or II Controlled Substance, SDCL 22-42-5, (F5) 5/10  
Ct. 2: Possession of Marijuana, less than 2 ounces, SDCL 22-42-6, (M1) 1/2  
Ct. 3: Possession of Drug Paraphernalia, SDCL 22-42A-3, (M2) 30/500  
Change of Plea Date: November 17, 2017  
Date of Sentencing: November 17, 2017  
Convicted of: Ct. 1: Possession of a Schedule I or II Controlled Substance, SDCL 22-42-5, (F5) 5/10  
Arresting Officer: Trooper Trent Heuertz - SDHP  
Defense Attorney: Sam Nelson  
Prosecution Attorney: Jerry A. Miller

### Case Synopsis:

On August 6, 2017, at about 9:45 am, Trooper Trent Heuertz stopped a Texas plated vehicle traveling on I-29 near mile marker 19 for traveling 90 mph in a 80 mph posted zone. The driver admitted that a passenger probably had marijuana in her possession and identified the driver as Emily Colucci. Colucci admitted to the officer that she had a marijuana roach, and a grinder in her possession which she used to prepare the marijuana that she would smoke. A search was conducted and marijuana was found along with drug paraphernalia and the possession of LSD.

### Sentencing Synopsis:

The Court being satisfied that the ends of justice and the best interests of the public as well as the Defendant will be served thereby and the Defendant having pled guilty to the crime of **Count 1: Possession of a Schedule I or II Controlled Substance, a violation of SDCL 22-42-5, a class 5 felony**, which is not punishable by life imprisonment and the Court being satisfied that the Defendant has never before having been convicted of a crime which would constitute a felony in this state, this Court elects to exercise its judicial clemency under SDCL §23A-27-13, and with the consent of the Defendant, therefore,

AS to COUNT 1: IT IS HEREBY ORDERED, that the Defendant shall be imprisoned in the Union County Jail for the term of **60** days, with **0** days credit for time served. The remaining **60** days shall be served as follows:

1. 30 days to be served beginning **February 1, 2018**, at 9:00 o'clock a.m..
2. 30 days to be served beginning **June 1, 2018**, at 9:00 o'clock a.m..

IT IS FURTHER ORDERED that Defendant's Court Services officer may recommend to the Court that any of these jail terms be waived, but unless the court signs a written order waiving any of these jail terms, each of the jail terms shall be served by Defendant.

- The Defendant shall be granted work release, release for education, or release for chemical dependency treatment or aftercare, with Defendant to pay all costs of these releases.
- The Defendant shall be allowed to arrange to serve the jail sentence in another jail facility, in another state or jurisdiction, if the distance to the Union County Jail does not allow for the Defendant to participate in the allowed work release, release for education, or release for chemical dependency treatment or aftercare. The Defendant shall pay all costs of incarceration to that facility.

IT IS FURTHER ORDERED that the Defendant is placed on probation for **3** years. Defendant shall sign the standard probation agreement with court services and shall obey all conditions imposed by court services even though those conditions may not have been specifically set out by the court. Defendant shall execute a wage assignment form if requested to do so by court services.

IT IS FURTHER ORDERED, that the Defendant shall pay court costs of **\$\$104.00**; grand jury transcript fees of **\$10.00**; a Fine of **\$1000.00**; and UA fees of **\$45.00** to the South Drug Control Fund; to the Union County Clerk of Courts (209 East Main Street, ~ Suite 230, Elk Point, SD 57025); it is further

IT IS FURTHER ORDERED that the imposition of sentence is suspended upon the following terms and conditions:

1.  Defendant shall obey all federal, state, tribal and local laws and be a good law-abiding citizen in all respects.
2.  Defendant shall pay all fines, costs, restitution, and attorney's fees as ordered by the court. Defendant shall work out a payment schedule with court services, and if requested by court services, Defendant shall execute a wage assignment form.
3.  Defendant shall not consume nor possess any alcoholic beverages of any kind, and Defendant shall not enter establishments where the sale of alcoholic beverages is the primary business.
4.  Defendant shall not consume, purchase, possess, or distribute marijuana, nor controlled drugs or substances of any kind, and Defendant shall not be present where such substances are being used. Defendant shall also not possess drug paraphernalia. Verification of any prescribed medication must be provided by

- Defendant to court services.
5.  Defendant shall submit to urinalysis, breath or blood testing at any time requested to do so by Defendant's court services officer or law enforcement officer and Defendant shall be responsible for the costs of that testing.
  6.  Defendant, and Defendant's person, residence, vehicles and personal property, shall be subject to random search and seizure by any court services officer or law enforcement officer upon reasonable suspicion that Defendant is violating any provision of this court's order or of any probation agreement.
  7.  Defendant shall obtain a chemical dependency evaluation and comply with the evaluator's and the court's services officer's recommendations for treatment and aftercare.
  8.  Throughout the entire period of probation, Defendant shall enroll in and comply with the terms of the 24/7 Sobriety Program as set up through the Union County Sheriff's office or another approved South Dakota county sheriff's office and submit to testing in the form of twice daily PBTs or by SCRAM equipment, and the Drug Patch, and Defendant shall pay all costs of such programs. Court services may discontinue or restart these programs at their discretion.
  9.  Defendant shall enroll in and successfully complete counseling , MRT, etc. as required by court services.
  10.  Defendant shall not participate in games of chance or enter establishments where gambling is present.
  11.  Defendant shall perform \_\_\_\_\_ hours of community service to be completed by \_\_\_\_\_.
  12.  Defendant shall have no contact with the victim, \_\_\_\_\_.
  13.  Defendant shall write a letter of apology to the victim, \_\_\_\_\_, which letter shall be approved by court services.

IT IS FURTHER ORDERED, that the Defendant shall pay his/her Court-appointed attorney's fees of \_\_\_\_\_ directly to the Union County Auditor, (209 East Main Street, ~ Suite 200, Elk Point, SD 57025).

**Criminal History Synopsis:**

This is Emily Colucci's first felony offense on her criminal record, which if she is successful on her supervised probation, then the Court will seal this file and it will be removed from her public criminal history record.