
February 24, 2017

Press Release - For Immediate Release

Defendant's Name: Shawn Denney
Age: 47
State of residence: Sioux City, IA
Criminal File Number: 16-366
Incident Date: October 15, 2016
Information Date: October 19, 2016
Offense(s) Charged: Ct.1: Aggravated Assault of Law Enforcement Officer, (F2)
Ct.2: Aggravated Assault of Law Enforcement Officer, (F2)
Ct.3: Resisting Arrest, (M1), and
Part II Information for Habitual Offender,
Arresting Officer: Officer Dustin Sharkey, North Sioux City PD
Officer Rich Headid, Chief of Police NSCPD
Arraignment Hearing: October 24, 2016
Change of Plea Date: November 28, 2016
Date of Sentencing: January 23, 2017
Convicted of: Ct.1: Simple Assault against a Law Enforcement Officer, (F6)
Ct.2: Simple Assault against a Law Enforcement Officer, (F6)
Ct.3: Ingestion of a Schedule I or II Controlled Substance, (F5)
Defense Attorney: Katie Johnson
Prosecution Attorney: Alexis A. Tracy & Jerry A. Miller

Case Synopsis:

On October 5, 2016, Chief Rich Headid and Officer Dustin Sharkey of North Sioux City PD were call to the VIP Casino in North Sioux City for two suspect with warrants out for their arrest. When they arrived on scene and entered the Casino they witness one of the suspects Shawn Denney running for the back door. Both Officer were giving DENNY commands to stop and quit running. Officer Sharkey caught DENNY as he reached the back door and grabbed one of DENNY's arms. DENNY, with the other arm, reached for a knife that was in his pocket. DENNY then opened the knife, a switchblade, and displayed it at the Officer Sharkey. DENNY continued to resist arrest and try to get away. Officer Sharkey took DENNY to the ground and then Chief Headid helped gain control of the situation, Officer Sharkey was able to get the knife out of DENNY's hand. Eventually after a struggle, they handcuffed DENNY and he still continued to resist arrest. DENNY continued to disobey orders by both Officer's and would not remain on the ground and tried to run away again. Both Officer's tried to tase DENNY as he ran away and were unsuccessful. Chief Headed was able to grab DENNY's leg when he tried to jump a railing and

brought him to the ground. DENNY continued to resist and try to get away, but both Officer's gained control of the situation and placed DENNY in the patrol vehicle.

Sentencing Synopsis:

On January 23, 2017, the Court addressed the class 6 felony offense involving the Simple Assault against a Law Enforcement Officer, in count 1; the class 6 felony offense involving the Simple Assault against a Law Enforcement Officer in count 2; and the class 5 felony offense involving the Ingestion of a Schedule I or II Controlled Substance in count 3. The Court considered the arguments of the State and the Defense prior to sentencing and found that there were aggravating factors present rebut the presumption of probation. The court cited the following issues:

- The Defendant has served penitentiary sentences in Iowa, South Dakota, and Nebraska;
- The Defendant has an extensive criminal history;
- The Defendant has a documented history of drug use;
- The Defendant's current arrest had aggressive circumstances in which a knife was involved and also the head butting of an officer to try avoid arrest, therefore

As to count one, the class 6 felony offense involving the Simple Assault against a Law Enforcement Officer, the ordered that the Defendant serve two (2) years in the South Dakota State Penitentiary, with the sentence to begin immediately. The Court further ordered that the Defendant pay \$104 in court costs.

As to count two, the class 6 felony offense involving the Simple Assault against a Law Enforcement Officer; the ordered that the Defendant serve two (2) years in the South Dakota State Penitentiary, with the sentence to begin immediately. The Court further ordered that the Defendant pay \$104 in court costs.

As to count three the class 5 felony offense involving the Ingestion of a Schedule I or II Controlled Substance, the ordered that the Defendant serve three (3) years in the South Dakota State Penitentiary, with the sentence to begin immediately. The Court further ordered that the Defendant pay \$104 in court costs, and court-appointed attorney fees in the amount of \$1,345.60.

Criminal History Synopsis:

This is DENNY's seventh, eighth and ninth career felony convictions. Denny's criminal history is as follows:

1st Conviction – 09/25/1987 Going Armed with Intent, Class D felony in IA, served 3 years in prison

2nd Conviction – 05/23/1991 Burglary 2nd Degree, Felony Conviction in IA, served 5 years in Prison

3rd Conviction – 05/20/1996 Assault Serious Domestic in IA- Served 15 days in jail with 1 year suspended.

4th Conviction – 05/04/1997, Serious Assault,

5th Conviction – 09/12/1997 – Theft 2nd Degree Habitual Offender, 5 year prison sentence

6th Conviction – 08/09/2000 – Theft 2nd Degree, 5 year prison sentence

7th Conviction – 03/12/2001 – Burglary 3rd Degree – 10 year prison sentence

8th Conviction – 08/23/2008 – Domestic Abuse

9th Conviction - 03/20/2012 – Burglary 2nd Degree – 10 year prison sentence