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January 13, 2017

## Press Release - For Immediate Release

Defendant's Name: Cicero H. Downs  
Age: 36  
City and State of residence: Sioux City, IA  
Criminal File Number: 16-124  
Offense Date: March 17, 2016  
Indictment Date: March 30, 2016  
Offenses Charged: **1:** Possession of a Schedule 1 or 2 Controlled Substance, (F5)  
**2:** Possession of Marijuana (M1)  
**3:** Ingestion (M1)  
**4:** Possession of Drug Paraphernalia (M2)  
Arrestment: May 9, 2016  
Change of Plea: October 24, 2016  
Convicted of: **2:** Possession of Marijuana, (M1)  
Date of Sentence: October 24, 2016  
Arresting Officer: Trooper Kayne Weaver – SD Highway Patrol  
Defense Attorney: Joshua Zellmer  
Prosecution: Alexis A. Tracy

### Case Synopsis:

On March 17, 2016, DOWNS' vehicle was stopped on the shoulder when the trooper stopped to offer a motorist assist at mile marker 3 on Interstate 29. Upon approaching the vehicle, the trooper could smell the odor of marijuana. DOWNS denied having marijuana, however the trooper searched the marijuana because he had probable cause to do so after smelling the marijuana. DOWNS later admitted that he smokes marijuana all the time. Additional items found was marijuana wax and a vaporizer. The marijuana wax which was taken as evidence and was tested by the state health lab. The substance tested positive as a schedule 1 or 2 controlled substance as Delta-9-Tetrahydrocannabinol.

### Sentencing Synopsis:

On October 24, 2016, the Court sentenced DOWNS on class 1 misdemeanor the charge of Possession of marijuana. DOWNS was sentenced to spend 30 days in the Union County jail. The Court then suspended the 30-day sentence. DOWNS was ordered to pay the following: \$84 in court costs; \$44.50 in prosecution costs; \$99 in fees to the SD Drug Fund; and \$300 in fines. DOWNS is required to not have any similar offenses for the next 180 days, and ordered to pay all monetary obligations by December 24, 2016.

### Criminal History:

This felony file was resolved with a class one misdemeanor conviction for possession of marijuana. DOWNS' criminal history includes 3 felony conviction for theft. One misdemeanor conviction for possession of controlled substances.