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November 24, 2017

## Press Release - For Immediate Release

Joel Fattig  
Defendant's Age: 33  
Defendant's Address: Elk Point, SD  
File Number: 17-152  
Incident Date: May 5, 2017  
Indictment Date: June 7, 2017  
Offenses Charged: Ct1: Simple Assault (Domestic) (M1)  
Ct2: Contributing to the Abuse, Neglect or Delinquency of a Minor (M1)  
Part II – Prior Simple Assaults (M1) to (F6)  
Superseding Complaint: November 6, 2017  
Arraignment Date: June 26, 2017  
Change of Plea Date: August 28, 2017  
Offenses Convicted of: Ct2: Contributing to the Abuse, Neglect or Delinquency of a Minor (M1)  
Sentencing Date: August 28, 2017  
Defense Attorney: Katie Johnson  
Prosecution Attorney: Jerry Miller

### Original Case Synopsis:

Around 6:42 pm on May 5, 2017, Officer Trevan Edgar of the Elk Point PD arrived at the scene of a reported domestic disturbance, the household of Joel Fattig, Melanie Bernston, and their children. M.B. stated that they were fighting about Fattig drinking and fishing instead of watching the children. M.B. also stated that Fattig threw a brick at the camper in front of their daughter, Hailey. M.B. stated that she was in fear of Fattig and informed me that Fattig said to her that he “has a bullet for that”. The daughter, Hailey, also stated that she overheard Fattig making the bullet statement, except she heard “I have a bullet for you”. The grand jury indicted Joel Fattig, charging him with a Simple Assault (Domestic) and Contributing to the Abuse and Neglect of a Minor.

### Original Sentencing Synopsis:

AS TO THE CHARGE in Count 2: Contributing to the Abuse and Neglect of a Minor, a violation of SDCL 26-9-1, a class 1 misdemeanor, IT IS HEREBY ORDERED ADJUDGED AND DECREED that the Defendant shall serve Seventy (70) days in the Union County Jail. It is FURTHER ORDERED that the Sixty-Eight (68) days of the Defendant's sentence shall be suspended under the following terms and condition:

1. The Defendant shall obey all laws for next Three Hundred and Sixty (360) days.
2. The Defendant shall obtain a Chemical Dependency Evaluation within Thirty (30) days from the date of the Defendant's release from the Union County Jail on file 16-229. He shall successfully complete any and all treatment and aftercare, and follow all the recommendations of the treatment provider.
3. The Defendant shall pay all monetary obligations as Ordered by this Court as a term of satisfying the Defendant's sentence. The Defendant shall pay all financial

obligations within Ninety (90) days of his release from Union County Jail on file 16-229.

IT IS FURTHER ORDERED that the Defendant shall receive credit for Two (2) days that the Defendant spent incarcerated prior to disposition.

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 Eighty-Four (\$84.00) Dollars; a fine in the amount of Two-Hundred (\$200.00) Dollars; prosecution costs to Union County in the amount of Ten (\$10.00) Dollars.

IT IS FURTHER ORDER that the Defendant shall provide proof that the chemical dependency evaluation was done within Thirty (30) days from the date of the Defendant's release from the Union County Jail on file 16-229 to both the Court and to the Union County State's Attorney's Office.

IT IS FURTHER ORDER that the Defendant shall complete any and all treatment that was recommended by the Defendant's chemical dependency evaluation within Six (6) months from the date of the completed chemical dependency evaluation.

IT IS FURTHER ORDER that the Defendant shall provide proof that the recommended treatment was completed within the Six (6) months after the completing the chemical dependency evaluation to both the Court and to the Union County State's Attorney's Office.

**Criminal History Synopsis:**

Joel Fattig was first arrested in 2016 for DUI and Simple Assault in file 16-229. He was convicted of both of these offenses and he had 60 days suspended upon the terms and conditions that he not have any similar offenses. The above charge is a similar type of domestic offense against his children. The State made a motion to reinstate the suspended jail sentence from the 16-229 file which was granted. The State believes that it is important to use the suspended jail time as a means of punishment for a defendant who fails to follow through with their promise to be a law abiding system.