

November 24, 2017

Press Release - For Immediate Release

Defendant's Name: Michael Hamilton
Defendant's Age: 34
Defendant's Address: North Sioux City, SD
File Number: 17-392
Incident Date: August 31, 2017
Indictment Date: September 27, 2017
Offenses Charged: Ct1: Child Abuse, (F5)
Ct2: Child Abuse, (F5)
Ct3: Simple Assault (Domestic) (M1)
Ct4: Simple Assault (Domestic) (M1)
Superseding Complaint: November 6, 2017
Arraignment Date: November 6, 2017
Change of Plea Date: November 6, 2017
Offenses Convicted of: Ct1: Contributing to the Abuse, Neglect or Delinquency of a Minor (M1)
Sentencing Date: November 6, 2017
Defense Attorney: Jason Rumpca
Prosecution Attorney: Jerry Miller

Original Case Synopsis:

On August 31, 2017, a North Sioux City police officer responded to a reported call of child abuse. Children who had been playing a neighborhood game of football in which Michael Hamilton was interacting with the group by being the full-time quart back, had independently reported to their respective parents that an altercation had occurred following the game. The children, who were upset by what they had observed, had relayed a very consistent story about what they had observed. While the victim in this situation had relayed several stories to explain the marks that were observed after the incident. The State reached a plea agreement in this file to address the behavior as being out-side the bounds of good parenting and abusive to the child.

Original Sentencing Synopsis:

As to Ct 1: Contributing to the Abuse, Neglect, or Delinquency of a Minor, a violation of SDCL 22-9-1, a class 1 misdemeanor, the Court elects to exercise its judicial clemency under SDCL §23A-27-13, and with the consent of the Defendant, sentenced Michael Hamilton to a Suspended Imposition of Sentence.

IT IS HEREBY ORDERED that the Defendant is placed on un-supervised probation for a term of **360** days.

IT IS FURTHER ORDERED, that the Defendant shall be imprisoned in the Union County Jail for the term of **30** days, with **0** days credit for time served. The remaining **30** days shall be suspended upon the following terms and conditions during the Defendant's term of un-supervised probation:

- 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, and costs.
 3. Defendant shall complete a Boy's Town, Common Sense Parenting class within 8 months parenting from the date of sentencing. It is further ordered that if the Defendant cannot complete the Boy's Town, Common Sense Parenting class within 8 month the Defendant shall complete another parenting Class that is approved by the Union County State's Attorney's Office.

IT IS FURTHER ORDERED, that the Defendant shall pay court costs of **\$84.00**; grand jury transcript fees of **\$10.00**; and a Fine of **\$300.00** to the Union County Clerk of Courts (209 East Main Street, ~ Suite 230, Elk Point, SD 57025).

IT IS FURTHER ORDERED, that the Defendant shall appear before a Judge Sorensen April 12, 2018 at 9:00 a.m. for a review hearing.

Criminal History Synopsis:

This is Michael Hamilton's 1st criminal charge that he has been in front of a court for sentencing. The Court granted Hamilton a suspended imposition of sentence. If Hamilton completes probation, this file will be sealed as if this offense never occurred. If the Hamilton violates his un-supervised probation in any manner, the Court could revoke the suspended imposition of sentence. If that were to happen, this offense would remain on his public record.