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January 30, 2017

## Press Release - For Immediate Release

Defendant's Name: Kevin Hamman  
Age: 35  
City and State of residence: Webster, SD  
Criminal File Number: 13-091  
Convicted of: Possession of a Controlled Substance (F4), 22-42-5  
Possession of Unauthorized Articles in Jail (F6), 22-11-47 (1)  
Date of Sentence: December 16, 2013  
Arresting Officer: Deputy James Prouty, Union County Sheriff's Office  
Defense Attorney: Rachel Rasmussen  
Prosecutor: Alexis A. Tracy

1<sup>st</sup> Probation Violation: March 22, 2016  
Initial Appearance: October 24, 2016  
Probation Violation: Failure to obey all laws, and probation terms, and illegal use of drugs.  
PV Admission Date: October 24, 2016  
Convicted of: Ct. 1: Ingestion of a Schedule 1 or 2 Controlled Substance, 22-42-5, (F5)  
Date of Disposition: January 19, 2017  
Defense Attorney: Andrew Twinamatsiko  
Prosecutor: Alexis A. Tracy

### Original Case Synopsis:

Hamman was the driver of a vehicle that was called into authorities to have been driving recklessly south bound on interstate 29. It was also reported that Hamman's vehicle pulled into the south bound portable weigh station area. Hamman was found to be driving without a valid license and driving in violation of his work permit. Drug paraphernalia was found in Hamman's vehicle as well as prescription drugs. Hamman was later found to have in illegal items in his possession in the jail which resulted in an additional felony charge. Hamman's urine analysis results tested positive for the following: Methamphetamine at 22,000 ng/ml; Amphetamine at 11,000 ng/ml; and Marijuana at 992 ng/ml.

### Original Sentencing Synopsis:

On December 16, 2013, the Court sentenced the charge of possession of a controlled substance charge, to a suspended seven-year sentence. The Court sentenced Hamman to serve five years of supervised probation. The Court further sentenced Hamman to ninety days in the state penitentiary.

On the charge of possession of unauthorized articles in jail, Hamman was sentenced to a suspended two-year sentence. The Court sentenced Hamman to serve two years of supervised probation. The Court ordered that Hamman pay all fines, court costs, and a requirement to pay additional court-appointed attorney fees.

**1<sup>st</sup> Probation Violation Synopsis:**

Mr. Hamman violated the conditions of his probation on: April 28, 2016, the Defendant provided a PBT with a reading of .036%; On September 7, 2016, the Defendant provided a PBT to law enforcement with a reading of .052%; On August 17, 2016, the Defendant provided a urinalysis sample that tested positive for THC; On September 7, 2016, the Defendant provided a urinalysis sample that tested positive on an instant drug screen for methamphetamine, amphetamine and THC; Additionally on September 21, 2016, Defendant was arrested in Codington County for DWI 3 and Defendant provided a urinalysis sample that tested positive on an instant drug screen for methamphetamine, cocaine and THC. The DWI 3 would be Mr. Hamman's 5<sup>th</sup> felony.

**1<sup>st</sup> Probation Violation Disposition Synopsis:**

On January 9, 2017, the Court re-sentenced Hamman on the charge of possession of a controlled substance charge, to a seven-year sentence to the South Dakota State Penitentiary. The Court then suspended four of the seven years with Hamman to begin his three-year sentence immediately. The Court gave Hamman credit for the 205 days that he spent incarcerated prior to final disposition.

On January 9, 2017, the Court re-sentenced Hamman on the charge of possession of unauthorized articles in jail, to a two-year term to the South Dakota State Penitentiary with the sentence to begin immediately. The Court ordered that the sentence in Count II shall run concurrent to the sentence in Count I sentence.

**Criminal History Synopsis:**

This is Mr. Hamman's first probation violation on his third and fourth felony convictions. Hamman was convicted of 2<sup>nd</sup> Degree Manslaughter, a class 4 felony on March 6, 1996. Additionally, since 2003 Hamman has been charged with three DUI offenses; a simple assault domestic charge; a Harassing charge; and a Possession of Marijuana charge.