
November 24, 2017

Press Release - For Immediate Release

Defendant's Name: Aubrey Heck
Age: 23
State of residence: Vermillion, SD
Criminal File Number: 17-427
Incident Date: November 8, 2017
Information Filed Date: November 16, 2017
Arraignment Hearing: November 17, 2017
Charges Filed: **Ct. 1: Possession of a Schedule I or II Controlled Substance, SDCL 22-45-5, (F5) 5/10**
Change of Plea Date: November 17, 2017
Date of Sentencing: January 17, 2017 @ 9:00 a.m.
Convicted of: **Ct. 1: Possession of a Schedule I or II Controlled Substance, SDCL 22-45-5, (F5) 5/10**
Defense Attorney: Sam Nelson
Prosecution Attorney: Jerry A. Miller

Case Synopsis:

Alexis Habben was a passenger in a vehicle that was pulled over for speeding on the interstate near mile marker 40 in Union County on November 8, 2017. The driver of the vehicle was Aubrey Heck. Heck was driving while her license status had been suspended. Another SD Highway patrolman arrived on scene and deployed his canine partner around Heck's vehicle. The canine indicated to the odor of illegal substances coming from Heck's vehicle. Prior to the search Heck admitted that there was methamphetamine in the vehicle and that she had a pipe in her possession. Habben's purse contained syringes which field tested positive for methamphetamine. Habben also has active warrants for her arrest from Brule, and Pennington County. Aubrey Heck was on probation for a previous felony offense of Ingestion of a schedule 1 or 2 controlled substance. Heck has a warrant for her arrest out of Minnehaha County for a pending felony offense for fraud involving a motor vehicle.

Sentencing Synopsis:

As to the crime of as to the crime of **Possession of a Schedule I or II Controlled Substance, a violation of SDCL 22-42-5, a class 5 felony**, that the Defendant shall serve **5** years in the South Dakota State Penitentiary. It is further ORDERED that Court shall SUSPEND the EXECUTION of the **5** years of the Defendant's sentence upon the Defendant satisfying the following terms and conditions as set by the Court.

IT IS FURTHER ORDERED that the Defendant is placed on probation for **4** years. Defendant shall sign the standard probation agreement with court services and shall obey all conditions imposed by court services even though those conditions may not have been specifically set out by the court. Defendant shall execute a wage assignment form if requested to do so by court services.

IT IS FURTHER ORDERED, that the Defendant shall be imprisoned in the Union County Jail for the term of **99** days, with 9 days credit for time served. The remaining **90** days shall be served as follows:

1. 30 days to be served beginning **January 1, 2018**, at 9:00 o'clock a.m..
2. 30 days to be served beginning **April 1, 2018**, at 9:00 o'clock a.m..
3. 30 days to be served beginning **July 1, 2018**, at 9:00 o'clock a.m..

IT IS FURTHER ORDERED that Defendant's Court Services officer may recommend to the Court that any of these jail terms be waived, but unless the court signs a written order waiving any of these jail terms, each of the jail terms shall be served by Defendant.

- The Defendant shall be granted work release, release for education, or release for chemical dependency treatment or aftercare, with Defendant to pay all costs of these releases.
- The Defendant shall be allowed to arrange to serve the jail sentence in another jail facility, in another state or jurisdiction, if the distance to the Union County Jail does not allow for the Defendant to participate in the allowed work release, release for education, or release for chemical dependency treatment or aftercare. The Defendant shall pay all costs of incarceration to that facility.

IT IS FURTHER ORDERED, that the Defendant shall pay court costs of **\$104.00**; grand jury transcript fees of **\$10.00**; a Fine of **\$0**; and UA fees of **\$0** to the South Drug Control Fund; to the Union County Clerk of Courts (209 East Main Street, ~ Suite 230, Elk Point, SD 57025); it is further

IT IS FURTHER ORDERED that the execution of the sentence is suspended upon the following terms and conditions:

1. 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, costs, restitution, and attorney's fees as ordered by the court. Defendant shall work out a payment schedule with court services, and if requested by court services, Defendant shall execute a wage assignment form.
3. Defendant shall not consume nor possess any alcoholic beverages of any kind, and Defendant shall not enter establishments where the sale of alcoholic beverages is the primary business.
4. Defendant shall not consume, purchase, possess, or distribute marijuana, nor controlled drugs or substances of any kind, and Defendant shall not be present where such substances are being used. Defendant shall also not possess drug paraphernalia. Verification of any prescribed medication must be provided by Defendant to court services.

5. Defendant shall submit to urinalysis, breath or blood testing at any time requested to do so by Defendant's court services officer or law enforcement officer and Defendant shall be responsible for the costs of that testing.
6. Defendant, and Defendant's person, residence, vehicles and personal property, shall be subject to random search and seizure by any court services officer or law enforcement officer upon reasonable suspicion that Defendant is violating any provision of this court's order or of any probation agreement.
7. Defendant shall obtain a chemical dependency evaluation and comply with the evaluator's and the court's services officer's recommendations for treatment and aftercare.
8. Throughout the entire period of probation, Defendant shall enroll in and comply with the terms of the 24/7 Sobriety Program as set up through the Union County Sheriff's office or as directed by your Court Service Officer and submit to testing in the form of twice daily PBTs (24/7) program) or by SCRAM equipment, and the Drug Patch, and Defendant shall pay all costs of such programs. Court services may discontinue or restart these programs at their discretion.
9. Defendant shall enroll in and successfully complete counseling , MRT, etc. as required by court services.
10. Defendant shall maintain regular employment and obtain a GED while on supervised probation.
11. Defendant shall not participate in games of chance or enter establishments where gambling is present.
12. Defendant shall perform _____ hours of community service to be completed by _____.
13. Defendant shall have no contact with the victim, _____.
14. Defendant shall write a letter of apology to the victim, _____, which letter shall be approved by court services.

IT IS FURTHER ORDERED, that the Defendant shall pay his/her Court-appointed attorney's fees of _____ directly to the Union County Auditor, (209 East Main Street, ~ Suite 200, Elk Point, SD 57025); furthermore;

IT IS FURTHER ORDERED, that the Defendant sentence in this file 63CRI17-000427 shall run concurrently with Minnehaha County felony file 49CRI14-004087.

IT IS FURTHER ORDERED, that the Defendant shall come before this court for resentencing in the event that the Court in 49CRI14-004087 sentences the Defendant to the South Dakota State Penitentiary.

Criminal History Synopsis:

This is Aubrey Heck's 2nd career felony conviction. Heck will still need to address her felony file in Minnehaha County dealing with a motor vehicle fraud offense. Heck has misdemeanor issue on her criminal history as well.