Jerry A. Miller
State's Attorney
JerryMiller@ucsa.us

Erin E. Handke
Deputy State's Attorney
ErinHandke@ucsa.us

Jason R. Ravnsborg
Deputy State's Attorney
jrrlaw@midco.net

Union County State's Attorney

209 East Main Street ~ Suite 140
Elk Point, South Dakota 57025
Telephone (605) 356-2666 / Facsimile (605) 761-0199

January 13, 2017

Press Release - For Immediate Release

Defendant's Name:	Carroll L. Holtzen
Age:	38
City and State of Residence:	Sioux City, IA
Date of Offense:	March 18, 2016
Criminal File Number:	16-127
Indictment Date:	March 30, 2015
Offenses Charged:	Ingestion of Controlled Substance (Meth), 22-42-5.1 (F5)
	Driving While Revoked, 32-12-65(1), (M1)
Change of Plea Date:	December 9, 2016
Convicted of:	Ingestion of Controlled Substance (Meth), 22-42-5.1 (F5)
Date of Sentence:	December 9, 2016
Arresting Officer:	Officer Jon Feller – North Sioux City Police Department
Defendant's Attorney:	Matthew Metzgar
Prosecutor:	Alexis Tracy

Original Case Synopsis:

On March 18, 2016, Officer Feller was dispatched to address a suspicious vehicle complaint. The vehicle in question had been seen parked in the reporting party's neighborhood several times. The North Sioux City Police Department has also been addressing multiple reports of stolen items in the same area as well as unattended vehicle being forcibly entered. During this response, assisting officer were positioned at the two entrances to this location to prevent potential escape. The vehicle was found to be occupied by Carroll Holtzen. HOTZEN stated that he was in the area to meet his girlfriend in the parked vehicle on the street. Officer Feller, is a Drug Recognition Expert, and he noticed that HOTZEN's pupils were not dilating as they should be for the light conditions. FELLER's training and experience concluded that HOTZEN was under the influence of a stimulant. FELLER also determined that HOTZEN was the only occupant of the vehicle and HOTZEN claimed that he was not driving the vehicle, but that a friend / co-worker would drive the vehicle to this location and leave him there with the vehicle in order to give HOTZEN and his girlfriend a place to meet. HOTZEN's license was revoked and officer FELLER did not believe HOTZEN's claim. HOTZEN's girlfriend told law enforcement that HOTZEN was the driver of the vehicle and HOTZEN drove to the location. HOTZEN did tell law enforcement that he used to use methamphetamine about four years ago. HOTZEN admit that he used methamphetamine on March 14, 2016 at a friend's residence due to the amount of stress that he was under. HOTZEN was arrested for ingesting controlled substances and driving with a revoked license. HOTZEN urine tested positive for amphetamine at 14,396 ng/ml; and methamphetamine at 208,327 ng/ml.

The case drug on until December due to numerous motions being filed by the defense. The case was finally resolved right before trial when the court corrected the defense as to what the law is in the State of South Dakota as it pertains to ingestion of controlled substances. Once the law was settled in this case, it would appear that no reasonable person would believe that HOTZEN did not have methamphetamine in his internal possession.

Original Sentencing Synopsis:

On December 9, 2016, the Court determined the appropriate sentence for the charge of Ingestion of a Controlled Substance (Methamphetamine) (F5). The Court considered the arguments of the State and the Defense, the Court being satisfied that the ends of justice and the best interests of the public as well as the Defendant will be served by the Court exercising judicial clemency and should receive a Suspended Imposition of Sentence. The Court Further Ordered that HOTZEN shall serve a two years unsupervised probation with the requirements that he obey all federal, state, and local laws; waive search and seizure rights; obtain a chemical dependency evaluation and follow the recommendations; and is required to pay all monetary obligations. HOTZEN was ordered to pay $104 in Court Costs; $45 in Prosecution Cost; $45 in fees to the SD Drug Fund, and a fine of $500.

Criminal History:

This is HOTZEN's first felony offense. By the court exercising judicial clemency and determined that HOTZEN should receive a Suspended Imposition of Sentence. As long as HOTZEN successfully completes his term of probation, HOTZEN's criminal file will be sealed.