

January 13, 2017

Press Release - For Immediate Release

Defendant's Name: Benjamin Houser
Age: 21
City and State of residence: Beresford, SD
Criminal File Number: 16-061 & 16-171
Date of Offense: 16-061 ~ July 1, 2015 through November 30, 2015
Date of Offense: 16-171 ~ November 19, 2015 through November 25, 2015
Date of Preliminary Hearing: July 14, 2016
Date of Indictment: March 2, 2016
Date of Arraignment: March 14, 2016
Offense(s) Charged: **16-061** Ct. 1: Second Degree Rape, SDCL 22-22-1 (2), (F1), 25/50 (between July 1, 2015 through November 30, 2015)
Ct. 2: Second Degree Rape, SDCL 22-22-1 (2), Class 1 felony, 25/20
Ct. 3: Stalking, SDCL 22-19A-1(3), (M1) ½
Offense(s) Charged: **16-171** Ct. 1: Solicitation of a Minor, SDCL 22-24A-5(1), Class 4 felony, 10/20
Plea Agreement Date: October 3, 2016
Offense(s) Recharged: **16-061** Ct. 1: Possessing, Manufacturing, or Distributing Child Pornography, SDCL 22-24A-3, (F4) 10/20
16-171 Ct. 1: Solicitation of a Minor, SDCL 22-24A-5(1), (F4), 10/20
Arraignment Date: October 3, 2016
Change of Plea Date: October 3, 2016
Convicted of: Ct. 1: Possessing, Manufacturing, or Distributing Child Pornography, SDCL 22-24A-3, (F4) 10/20
Ct. 1: Solicitation of a Minor, SDCL 22-24A-5(1), (F4), 10/20
Date of Sentencing: December 19, 2016
Officer: Deputy Mike Bucholz – Union County Sheriff
SA Brian Schnabel – DCI
James Proudly - – Union County Sheriff
Defense Attorney: Rick Ramstad
Prosecutors: William Golden Attorney General's Office & State's Attorney Jerry Miller

Case Synopsis:

A teenager reported to law enforcement that on one such occasion when she was invited into Benjamin Houser's parent's residence, HOUSER had used his friendship with this teenager to watch a movie in the basement. This female teenager reported that HOUSER became sexually aggressive with her and forced himself upon her. The victim indicated that she struggled and resisted and made it clear that this was not acceptable. The victim had been at HOUSER's parents' house before and knew the parents and the family well. The victim also indicated that she knew

that HOUSER's parents were home during the incident and that the embarrassment and shame about what was happening prevented her from calling out for help from HOUSER's parents.

The victim attempted to cut all ties with HOUSER after this incident. However, HOUSER kept calling the victim and would leave messages indicating that HOUSER would harm himself if she told anyone about this incident and if she did not talk to him. The victim, not wanting to be the reason HOUSER would harm himself did make contact with HOUSER again. HOUSER seized upon this opportunity and attempted to sexually assault the victim a second time. The stalking and harassment escalated until pressure and stress caused her to disclose to family who immediately involved law enforcement.

Upon further investigation in to HOUSER's past, law enforcement found that other teenage girls had made similar reports about HOUSER in other jurisdictions indicating the same type of aggressive sexual behavior that also included harassing and stalking. This investigation resulted in the seizure of electronic devices. Through the investigation, it was discovered that HOUSER was found to be actively pursuing and soliciting a teenage girl in Nebraska. Further investigation uncovered that he consummated this crime by traveling to Nebraska and renting a motel room to engage in sexual relationship with a child that is, by statute, too young to consent to such adult acts.

The investigation also revealed some of the evidence of the stalking and harassment of the victim that was raped in Union County. The case took a turn when HOUSER, through his attorney, revealed that a cell phone that was sought by law enforcement had been concealed by HOUSER may have a video of the sexual assault. HOUSER claimed that he secretly taped his activities with the Union County victim. HOUSER, with the assistance of his attorney, and the State reached a plea agreement in which HOUSER would plead guilty to the offense of Solicitation of a Minor for his actions dealing with the Nebraska victim, and that he would plead guilty Possessing, Manufacturing, or Distributing Child Pornography as it relates to his actions with the Union County victim. The agreement also included an agreement that the State would not seek more than 15 years of incarceration between the two sentences. The plea offer finds justice by holding HOUSER accountable for his actions and providing some sense of closure for these victims and their families.

Original Sentencing Synopsis:

On December 19, 2016, the Court sentenced HOUSER on the class 4 felony charge of Solicitation of a Minor, SDCL 22-24A-5(1) (16-171). The Court considered the arguments of the State and the Defense, and determined that HOUSER should be sentenced to a 10-year sentence to the penitentiary with 30 months suspended. The Court set the following conditions of parole for the suspended 30-month sentence: 1) HOUSER shall comply with all conditions of parole; 2) HOUSER shall obey all laws; 3) HOUSER shall pay all monetary obligations; 4) HOUSER shall complete treatment, aftercare, and follow recommendation of the providers; 5) HOUSER shall not have any contact with the victim.

On December 19, 2016, the Court sentenced HOUSER on the class 4 felony charge of Possessing, Manufacturing, or Distributing Child Pornography, SDCL 22-24A-3 (16-061). The Court considered the arguments of the State and the Defense, and determined that HOUSER should be sentenced to a 10-year sentence to the penitentiary with 30 months suspended. The

Court set the following conditions of parole for the suspended 30-month sentence: 1) HOUSER shall comply with all conditions of parole; 2) HOUSER shall obey all laws; 3) HOUSER shall pay all monetary obligations; 4) HOUSER shall complete treatment, aftercare, and follow recommendation of the providers; 5) HOUSER shall not have any contact with the victim.

HOUSER's two sentences are consecutive to each other. HOUSER was ordered to pay \$208 in Court Costs; and \$3851.50 in Prosecution Costs.

Criminal History:

This is Benjamin Houser's first and second felony career felony conviction. In this case, the State identified other victims in multiple jurisdictions in which HOUSER had approached, stocked and assaulted. While this is the first case in HOUSER's history where he has plead guilty, the State in this case, argued to the court that the other victims had suffered nearly identical sexual assaults by HOUSER. The Court noted at sentencing, that he considered the original charges rape in this case to be proven based upon the court's review of the State's case.