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February 24, 2017

## Press Release - For Immediate Release

Defendant's Name: Cy Blu Johnson-Berndt  
Age: 25  
City and State of residence: Beresford, SD  
Criminal File Number: 16-337  
Offense Date: June 29, 2016  
Indictment Date: September 7, 2016  
Offenses Charged: Ct.1: Ingestion of a Schedule 1 or 2 Controlled Substance, (F5)  
Arraignment Date: October 3, 2016  
Change of Plea Date: November 28, 2016  
Convicted of: Ct.1: Ingestion of a Schedule 1 or 2 Controlled Substance, (F5)  
Sentencing Date: October 24, 2016  
Officer: Officer Nick Fahlberg  
Defense Attorney: Jeff Myers  
Prosecutor: Alexis A. Tracy & Jerry A. Miller

### Case Synopsis:

On June 29, 2016, at about 11:30 p.m., the Beresford Police Department was dispatched to a local Beresford residence on a report that Cy Johnson-Berndt had assaulted a person that he was in a significant relationship in. The reporting party was concerned about talking with the officer because the reporting party had a valid arrest warrant from Minnehaha County. JOHNSON-BERNDT was reported to be on parole during the offense and under the influence of street drugs. It was reported that during the assault, JOHNSON-BERNDT chased his victim down the hallway in which the victim fell to the floor in a position of cover. During another time in the assault, JOHNSON-BERNDT was holding a child while he struck his victim. During law enforcement's investigation, several illegal items were discovered including drug paraphernalia, and marijuana. JOHNSON-BERNDT left the residence prior to law enforcement's arrival. JOHNSON-BERNDT latter turned himself into to the police department and participated in an interview. JOHNSON-BERNDT talked about the altercation and admitted to having used methamphetamine about five hours prior to law enforcement was called. JOHNSON-BERNDT was arrested for Simple Assault Domestic Violence and Contributing to the Abuse/Neglect of a Minor, charges were later dismissed and an Mr. Berndt was Indicted for Ingestion of Controlled Substance, SDCL 22-42-5.1, a class 5 felony. JOHNSON-BERNDT provided a urine sample that tested positive for amphetamine at 811 ng/ml and methamphetamine at 13,981 ng/ml.

### Sentencing Synopsis:

On October 24, 2016, the Court addressed the class 5 felony charge of ingestion of a schedule 1 or 2 controlled substance. The Court sentenced JOHNSON-BERNDT to serve a five-year suspended penitentiary sentence. The Court further ordered that JOHNSON-BERNDT serve

three-year term of supervised parole. The Court ordered that JOHNSON-BERNDT serve one-day in the Union County Jail. The Court gave JOHNSON-BERNDT credit for the one day that he spent incarcerated prior to sentencing. JOHNSON-BERNDT was ordered to pay all of his financial obligations prior to his release from custody. It was further ordered that JOHNSON-BERNDT must pay the following: \$104 in court costs; \$400 in fines; \$10 in prosecution costs; \$45 to the South Dakota Drug Control Fund; and court-appointed attorney fees in the amount of \$427.80. The Court ordered that this sentence shall run consecutive with JOHNSON-BERNDT's current file parole sentence.

**Criminal History Synopsis:**

This is JOHNSON-BERNDT's fourth career felony conviction. JOHNSON-BERNDT's criminal history includes one felony conviction for two counts of ingestion of a controlled substance, and one count of possession of controlled substances and misdemeanor convictions for possession of marijuana, ingestion.