

January 13, 2017

## Press Release - For Immediate Release

Defendant's Name: Robert Johnson  
Age: 22  
City and State of Residence: Sioux City, IA  
Criminal File Number: 15-124  
Incident Date: April 20, 2015  
Information Date: April 30, 2015  
Arrest Date: May 4, 2015  
Change of Plea Date: July 20, 2015  
Date of Sentencing: January 11, 2016  
Convicted of: Ct. 1: Possession of a Scheduled 1 or 2 CS, 22-42-5, (M5)  
Arresting Officer: Officer Dustin Sharkey – North Sioux City Police Department  
Officer Aaron Tyler – North Sioux City Police Department  
Defense Attorney: Jeff Myers

Probation Violation: September 8, 2016  
Initial Appearance: November 28, 2016  
Probation Violation: Failure to obey all laws, probation terms, illegal use of drugs; and a weapon violation.  
PV Admission Date: November 28, 2016  
Date of Disposition: November 28, 2016  
Defense Attorney: Tom Frieberg  
Prosecutor: Alexis A. Tracy

### Case Synopsis:

On April 20, 2015, at about 3:05 a.m., Officer Dustin Sharkey was called to Zort's Casino for a suspicious male. The reporting party was concerned that the suspicious person was possible armed and acting nervous. Officers Sharkey and Officer Aaron Tyler responded to the Casino and reviewed the security footage and identified two suspicious people. Officer Tyler made contact with one of the suspicious individuals who was identified as Nicholas Harris. Methamphetamine and paraphernalia was found on Harris' person.

Robert Johnson was with Nicholas Harris. Johnson was approached by an officer and freely surrendered a methamphetamine pipe and admitted that he was in possession of methamphetamine. Johnson would not consent to a urine sample until after a search warrant was secured. Johnson's urine sample tested positive for Amphetamine at 22,277 ng/ml; marijuana (THC) at 471 ng/ml; and methamphetamine at 137,146 ng/ml.

### Sentencing Synopsis:

On the charge in Count 1, for Possession of a Scheduled 1 or 2 Controlled Substance, which is a class five felony, the Court sentenced Robert Johnson with a suspended five-year sentence to the state penitentiary, under the terms and conditions that Robert Johnson successfully complete a four-year term of supervised probation. Robert Johnson was ordered to

complete several terms and conditions, which include that Robert Johnson, pay the following. Robert Johnson was ordered to pay the following: \$104.00 in Court Costs; \$99.00 to the SD Drug Fund; and \$1,644.00 in Court-Appointed Attorney.

**Probation Violation Synopsis:**

JOHNSON was a no call no show for his scheduled appointment on September 8, 2016. On September 20, 2016, the Court Services Officer conducted a Home Study, at which time he discovered that JOHNSON had taken his belongings from his approved residence and his whereabouts were unknown. JOHNSON has made no contact with his Court Services Officer since that time and appears to be avoiding supervision. On October 8, 2016, JOHNSON was arrested for Possession of Drug Paraphernalia in Woodbury County. On October 8, 2016, JOHNSON was arrested for Carrying a Concealed Weapon in Woodbury County. On September 14, 2016, JOHNSON's Court Services Officer received Defendant's discharge summary from Jackson Recovery Center stating that JOHNSON was terminated from his treatment program. In a letter, dated August 29, 2016, to JOHNSON, his treatment provider stated that JOHNSON had missed two appointments in a row and had ten days to contact the facility before JOHNSON's file would be closed. Defendant has not contacted his treatment provider. JOHNSON agreed to pay \$50.00 per month to the Clerk of Courts starting March 2016. JOHNSON's last payment was on April 27, 2016, and owes a remaining balance of \$1,797.00 to the Court.

**Probation Violation Disposition Synopsis:**

On November 28, 2016, the Court addressed the probation violation on the original charge of Count 1, for Possession of a Scheduled 1 or 2 Controlled Substance, which is a class five felony. The Court sentenced JOHNSON with a five-year sentence to the state penitentiary in which the sentence shall begin immediately. The Court then suspended 30 months of JOHNSON's 5-year sentence. JOHNSON was given credit for the 177 days he spent incarcerated prior to sentencing. JOHNSON was ordered pay all unpaid and new financial obligations.

**Criminal History:**

This is Robert Johnson's first probation violation on the second career felony conviction.