
December 15, 2017

Press Release - For Immediate Release

Defendant's Name: Steven Johnson
Age: 56
State of residence: Burbank, SD
Criminal File Number: 17-018
Incident Date: January 7, 2017
Indictment Date: February 2, 2017
Arraignment Hearing: March 6, 2017
Change of Plea Date: July 31, 2017
Convicted of: Ct2: Possession of a Schedule III or IV Controlled Substance, SDCL 22-42-5, a class 6 felony;
Ct6: Possession of Drug Paraphernalia While in a Motor Vehicle, SDCL 22-42A-3 & SDCL 32-12-52.3, a class 2 misdemeanor;
Ct7: Speeding on the Interstate, SDCL 32-25-4, a class 2 misdemeanor;
Ct4: Obstructing Law Enforcement, SDCL 22-11-6, a class 1 misdemeanor
Date of Sentencing: July 31, 2017
Arresting Officer: Trooper Trent Heuertz
Defense Attorney: Mike Butler
Prosecution Attorney: Jerry Miller

Case Synopsis:

On January 7, 2017, Trooper Trent Heurtz with the South Dakota Highway Patrol, stopped a vehicle driven by the defendant, Steven Johnson of Interstate 29 in Union County for speeding 94 in a 80 mph zone. The Trooper observed that the defendant had signs of impairment and there were indicators of a possible weapon in the vehicle. The Trooper asked the Defendant to step out of the vehicle and he would not comply with the request and refused to exit and locked his door. Trooper Heuertz and Trooper Tow had to physically remove the defendant from the car, by Trooper Heuertz reaching through the window and unlocking the door and grabbing the defendant and handcuffing him and pulling him out of the vehicle. Inside the vehicle the Troopers located Alprazolam pills, Marijuana, and more drug paraphernalia. On the defendants person, a search revealed methamphetamine and drug paraphernalia.

Sentencing Synopsis:

The Court being satisfied that the ends of Justice and the best interests of the public as well as the Defendant will be served thereby and the Court receiving a plea of GUILTY to a crime that is not punishable by life in prison and the Defendant never before having been convicted of a crime which would constitute a felony in this State, this Court exercises its judicial clemency under SDCL 23A-27-13 and with the consent of the Defendant suspends the imposition of the sentence. It is, therefore,

AS TO THE CHARGE Count 2: Possession of Schedule III or IV Controlled Substance, SDCL 22-42-5, a class 6 felony; It is further ORDERED that the Defendant shall be placed on **supervised probation** for the term of Two (2) years under the following terms and conditions:

1. The Defendant shall be placed under the supervision of the Chief Court Officer, or his representative, for a period of Two (2) years. The Defendant shall sign and comply with all terms of Adult Probation Agreement.
2. The Defendant's supervision may be transferred to the State of Nebraska for supervision.
3. The Defendant shall obey all federal, state and local laws.
4. That the Defendant shall not possess or use any alcoholic beverages, or use or possess any controlled drugs or illegal substances, including marijuana, while on probation with the exception of medications lawfully prescribed and ingested according to the doses prescribed by a licensed physician.
5. The Defendant shall waive his/her Fourth Amendment right against warrant-less random search and seizure by his/her Probation Officer and/or any law enforcement officer upon request, to include the Defendant's person, vehicle, and residence. This waiver shall include the Defendant submitting to a UA, breathe or other bodily substance upon request. The Defendant shall remain responsible for the costs of all UA's or any other substance tests.
6. Court Services shall have the discretion to require the Defendant to participate in the CBISA program, MRT program or other classes and programming as Court Services may direct during the term of probation.
7. Court Services shall have the discretion anytime during the term of probation to require the Defendant to participate in the Drug Patch Program and/or SCRAM or 24/7 Programs.
8. The Defendant shall pay all monetary obligations as Ordered by this Court as a term of satisfying Defendant's probation. The Defendant shall work with his probation officer and establish a minimum monthly payment plan and forward payments to the Clerk of Courts.

IT IS ORDERED, ADJUDGED, AND DECREED that the Defendant shall serve a sentence of Two (2) Days in the Union County Jail. It is FURTHER ORDERED that the Defendant shall receive credit for Two (2) days that the Defendant spent incarcerated prior to disposition.

IT IS FURTHER ORDERED that the Defendant shall pay the following amounts to the Union County Clerk of Courts (209 East Main Street, ~ Suite 230, Elk Point, SD 57025): Court Costs of One Hundred Four (\$104.00) Dollars; Prosecution Costs in the amount of Ten (\$10.00) Dollars; Costs payable to (South Dakota Drug Control Fund, 1302 East Highway 14, Suite 5, Pierre, SD 57501) in the amount of Forty-Five (\$45.00) Dollars; and a Fine in the amount of Seven Hundred (\$700.00) Dollars.

AS TO THE CHARGE Count 4: Obstructing Law Enforcement, SDCL 22- 11-6, a class 1 misdemeanor; IT IS HEREBY ORDERED ADJUDGED AND DECREED that the Defendant shall pay the following amounts to the Union County Clerk of Courts (209 East Main Street, ~ Suite 230, Elk Point, SD 57025): Court Costs of Eighty-four (\$84.00) Dollars; and a Fine in the amount of Seven Hundred (\$700.00) Dollars.

AS TO THE CHARGE Count 6: Possession of Drug Paraphernalia While in a Motor Vehicle, SDCL 22-42A-3 & SDCL 32-12-52.3, a class 2 misdemeanor; IT IS ORDERED, ADJUDGED, AND DECREED that the Defendant shall pay the following amounts to the Union County Clerk of Courts (209 East Main Street, ~ Suite 230, Elk Point, SD 57025): Court Costs of Sixty-Six (\$66.00) Dollars; and a Fine in the amount of One Hundred (\$100.00) Dollars.

AS TO THE CHARGE Count 7: Speeding on Interstate, SDCL 32-25-4, a class 2 misdemeanor; IT IS ORDERED, ADJUDGED, AND DECREED that the Defendant shall pay the following amounts to the Union County Clerk of Courts (209 East Main Street, ~ Suite 230, Elk Point, SD 57025): Court Costs of Sixty-Six (\$66.00) Dollars; and a Fine in the amount of One Hundred (\$100.00) Dollars.

Criminal History Synopsis:

This is Steven Johnson's first felony offense, and if he is successful throughout his supervised probationary status, the Court will seal this file and it will no longer be a public file.