
November 16, 2017

Press Release - For Immediate Release

Defendant's Name: Joshua Harvey
Age: 41
State of residence: Alcester, SD
Criminal File Number: 17-117
Incident Date: April 8, 2017
Indictment Date: April 19, 2017
Charges: Ct.1: Violation of a Protection Order, SDCL 25-10-13, (F6);
Ct.2: Violation of a No Contact Order, SDCL 22-19A-2, (F6);
Ct.3: Stalking, SDCL 22-19A-1(3), (M1); and
Ct.4: Violation of a No Contact Order, SDCL 25-10-23, (M1)
Arresting Officer: Chief Chris Dotty – Alcester Police Department
Officer John Krebs - Beresford Police Department
Defense Attorney: Katie Johnson
Prosecution Attorney: Jerry A. Miller

Case Synopsis:

On April 1, 2017, the Alcester Police Department was called to the Harvey residence for a domestic dispute call. Pursuant to the call Joshua Harvey was arrested for the aggravated assault of L.H. Harvey had bonded out of jail on that file and the Court placed a no contact provision on Harvey. The victim of the previously mentioned aggravated assault had secured a protection order against Harvey. According to reports, law enforcement had served Harvey those protection order papers. On April 8, 2017, Harvey texted L.H. The messages that L.H. received were merely empty text messages, however they were enough to give the message to the victim that Harvey was able to reach out and make contact even if he did not put a single letter or word in the text. Harvey knew, that when the victim opened her phone, she would see that she had two messages and that even after he had been arrested, booked, having bonded out of jail with a court order to not have any contact with the victim or even to have been served by law enforcement the protection order, Harvey only needed to have the victim open the message to see that she can be reached and that she is not safe.

Sentencing Synopsis:

AS TO THE CHARGE in Count 4: Violation of a No Contact Order, SDCL 25-10-23, a class 1 misdemeanor, IT IS ORDERED, ADJUDGED, AND DECREED that Joshua Harvey shall serve a sentence of Three Hundred and Sixty (360) Days in the Union County Jail. It is further ORDERED that Court shall SUSPEND the EXECUTION of the Three Hundred and Sixty (360) of Joshua Harvey's sentence upon Joshua Harvey satisfying the following terms and conditions. It is further ORDERED that Joshua Harvey shall be placed on un-supervised probation for Two (2) years and must satisfy the following terms and conditions:

1. Joshua Harvey shall obey all federal, state and local laws.
2. That Joshua Harvey 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.
3. Joshua Harvey shall be on the SCRAM program for a period of Sixty (60) days, and shall comply with all the rules of the program as a condition of probation. Joshua Harvey shall be responsible to pay all costs associated with the SCRAM program.

IT IS FURTHER ORDERED that Joshua Harvey shall receive credit for One (1) day that Joshua Harvey spent incarcerated prior to disposition.

IT IS FURTHER ORDERED that Joshua Harvey 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 Two Hundred and Fifty (\$250.00) Dollars.

IT IS FURTHER ORDERED that the Court Appointed Attorneys for this file are included in file 63CRI17-102.

IT IS FURTHER ORDERED that the sentence in this file shall run **concurrently** with the sentences in files 63CRI17-102 and 63CRI17-124.

IT IS FURTHER ORDERED that the Court expressly reserves control and jurisdiction over Joshua Harvey for the period of his probation and that the Court may revoke the suspension at any time and reinstate the sentence without diminishment or credit for any of the time Joshua Harvey was on probation.

IT IS FURTHER ORDERED that the Court reserves the right to amend any or all of the terms of this Order at any time.

Criminal History Synopsis:

Joshua Harvey had three files active at the same time. Mr. Harvey has agreed to plead guilty in file 17-102 to Count 1 in a Superseding Information and Complaint, charging a reduced charge of Simple Assault (Domestic), a class 1 misdemeanor. Mr. Harvey further agreed to plead guilty in file 17-117 to Count 4: Violation of the No Contact Order, a class 1 misdemeanor. Mr. Harvey also agreed to plead guilty in file 17-124 to Count 3: Stalking, a class 1 misdemeanor, and Count 4: Violation of a No Contact Order, a class 1 misdemeanor. Joshua Harvey's previous criminal history includes a simple assault conviction in 1996, a disorderly conduct conviction in 2002, a disorderly conduct conviction in 2012, a simple assault and ingestion conviction in 2013, and another disorderly conduct conviction in 2016.