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February 24, 2017

## Press Release - For Immediate Release

Defendant's Name: Chad Kosinski  
Age: 29  
City and State of residence: Elk Point, SD  
Criminal File Number: 15-022  
Incident Date: December 8, 2014  
Arrest Date: January 5, 2015  
Indictment Date: January 28, 2015  
Arraignment Date: August 3, 2015  
Change of Plea Date: August 31, 2015  
Convicted of: Ingestion of a Schedule 1 or 2 Controlled Substance  
(Methamphetamine), a violation of SDCL 22-42-5.1, (F5)  
Sentencing Date: October 26, 2015

Probation Violation Date: 12/15/2016  
File Number: 15-022  
1<sup>st</sup> Probation Offense: Failure to abstain from substances  
Initial Appearance Date: January 9, 2017  
Change of Plea: January 23, 2017  
Disposition Date: February 6, 2017  
Arresting Officer: Union County Jail  
Clinton Meadows – SD Court Service Officer

Defense Attorney: Tom Frieberg  
Prosecution: Jerry A. Miller

### **See below for Probation Violation Synopsis.**

#### **Original Case Synopsis:**

Chad Kosinski was an inmate on work release in the Union County Jail when a jailer required Kosinski to provide a random urine sample for testing to insure that he was compliant with the work release program terms. On January 5, 2015, Kosinski's urine test results showed a positive result for methamphetamine at 665 ng/ml. Kosinski's urine test results also showed a positive result for Benzodiazepines.

#### **Original Sentencing Synopsis:**

The Court sentenced Chad Kosinski to a suspended five year sentence to the South Dakota State Penitentiary with a term of supervised probation of four years. Kosinski was ordered to serve Thirty-eight days in the Union County Jail and gave Kosinski credit for the Thirty-eight days he

was incarcerated prior to his sentencing on this file. The Court further ordered Kosinski to do and / or pay the following:

- \$104.00 in Court Costs;
- \$10.00 in Prosecution Costs;
- \$45.00 in fees to the SD Drug Fund for substance testing;
- \$400.00 in fines; and
- \$567.00 in Court-Appointed Attorney Fees.

**Probation Violation Synopsis:**

On 9/30/2016 the Defendant was arrested as the result of a detainer issued by his Court Services Officer for not maintaining contact, a urinalysis was requested by his CSO. The results tested positive for methamphetamine at 148,757 mg/ml. Shortly after this incident the probationer was in a motorcycle accident and in the hospital for an extended period of time. Upon his release narcotics were prescribed. On 12/15/2016, his CSO inventoried his prescriptions and noted he filled a prescription for hydrocodone #60 pill on 12/13/2016 and on 12/15/2016 there were #10 pills remaining, in addition a prescription for carisoprodol was filled on 12/13/2016 with #37 pills and on 12/15/2016 there were no pills remaining. The Defendant was ordered to pay \$50 a month starting November 2015. The last payment was March 2016. The Defendant still owes One Thousand Two Hundred Twenty-seven Dollars and Twenty-two (\$1,227.22) Cents. A plea agreement was reached in which the State would dismiss the new felony offense due to KOSINSKI felony behavior indicated above, if he admitted to his probation violations in this file (15-022) and his probation violation in file 14-127.

**Probation Disposition Synopsis:**

On February 6, 2016, the Court Ordered that KOSINSKI was to be sentenced to 5 years to the SD State Penitentiary. The Court suspended 2 years and his sentence was to start immediately. KOSINSKI received credit for the 118 days he spent incarcerated prior to sentencing. The Court Further Ordered that KOSINSKI shall pay the following amounts to the Union County Clerk of Courts (209 East Main Street, ~ Suite 230, Elk Point, SD 57025): Remaining Court Costs in the amount of Fifty-Four (\$54.00) Dollars; **Previous** Prosecution Costs in the amount of One Hundred Eleven Dollars and Twenty-Two (\$111.22) Cents; Fine in the amount of Four Hundred (\$400.00) Dollars; Costs payable to (South Dakota Drug Control Fund, 1302 East Highway 14, Suite 5, Pierre, SD 57501) in the amount of Forty-Five Dollars (\$45.00).

IT IS FURTHER ORDERED that the KOSINSKI shall pay the following amounts to the Union County Auditor (209 East Main Street, ~ Suite 200, Elk Point, SD 57025): New Court Appointed Attorneys Fees in the amount of Seven Hundred Seventeen Dollars and Sixty (\$717.60)

Cents; and Previous Court Appointed Attorneys Fees from the Judgment and Suspended Execution Sentence dated November 20, 2015 in the amount of Five Hundred Sixty-Seven (\$567.00) Dollars. It is further ORDERED that Union County is awarded a Judgment for said Court Appointed Attorney Fees in this matter totaling One Thousand Two Hundred Eighty-Four Dollars and Sixty (\$1284.60) Cents

**Criminal History:**

This is the Chad Kosinski's first probation violation on his second career felony conviction.