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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: 14-127  
Date of Arrest: April 24, 2014  
Date of Indictment: June 25, 2014  
Date of Arraignment: September 15, 2014  
Originally Convicted of: Ct. 1: Ingestion of a Schedule I or II Controlled Substance, SDCL  
22-42-5.1, (F5), 5/10  
Date of Sentencing: November 17, 2014  
Original Arresting Officer: Deputy Stephanie Ryan – Union County Sheriff's Office  
Deputy Jason Westcott – Union County Sheriff's Office  
Bond: \$500 Unsecured Bond reset to \$1000 cash after FTA  
Court Appointed Attorney: Rachel Rasmussen  
Prior Offenses: Failed to Appear on Misd. Charge – April 24, 2014 – Union Co.,  
SD  
1 ct. of Simple Assault on 8/13/2012 – Union Co., SD, Sentenced  
on 8/23/12;  
2 ct. of Abuse / Neglect of Child, 08/13/12 ~ Union Co., SD  
Sentenced on 8/23/12

File Number: 14-127  
1<sup>st</sup> Probation Violation: Failing to abstain from the use of alcohol and drugs.  
Absconding from his supervised probation obligations.  
Failing to follow through with treatment.

Date of Disposition: October 26, 2015  
Court Appointed Attorney: Rachel Rasmussen

Probation Violation Date: 12/15/2016  
File Number: 14-127  
2nd 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:**

On or about April 24, 2014, Deputy Ryan observed a vehicle on Interstate 29 near mile marker 4 that was displaying expired registration tags on the vehicle. The driver, who was identified as Chad Kosinski stated that he was not aware that his registration had expired. Once Kosinski realized that Ryan was a drug-dog handler Kosinski became very nervous and his demeanor changed. Kosinski stated that he was previously addicted to pain medications due to physical injuries and that he now smokes marijuana. Deputy Ryan noted that Kosinski's cheeks were sunken in; that he spoke as if he was missing teeth; and observed sores on his left arm. Kosinski was arrested for the ingestion of marijuana. Kosinski consented to a withdrawal of his urine which tested for Marijuana @ 1360 ng/ml; Amphetamines 30,563 ng/ml and Methamphetamine at > 100,000 ng/ml.

**Original Sentencing Synopsis:**

The court granted Chad Kosinski a suspended Imposition of Sentence on this file. This means that if Mr. Kosinski pays all of his financial obligations and complies with all the terms and conditions of his four year term of supervised probation, the court will close and seal this file. This will mean that Mr. Kosinski will have earned the right to truthfully and honestly represent to all of society that he was not convicted of this crime due to the judicial clemency granted to him.

**1<sup>st</sup> Probation Violation Synopsis:**

On December 8, 2014, Chad Kosinski provided a urine sample as part of a requirement by the jail for him to continue with his work release program. Kosinski's urine tested positive for methamphetamine at 665 ng/ml, and amphetamine at 695 ng/ml. During Kosinski's probation, he missed 2 scheduled appointments, thereby absconding from his probation officer. And lastly, Kosinsk was required by the court to complete a chemical dependency evaluation, however, Kosinsk scheduled the evaluation and latter canceled that appointment and has not rescheduled.

**1st Probation Violation Disposition Synopsis:**

The Court revoked Chad Kosinski's suspended imposition of sentence. This means that Kosinski's permanent criminal record will always show that he was convicted of this crime. The Court re-sentenced Chad Kosinski on the original charge of Ingestion of a Controlled Substances, to a suspended sentence of five years to the SD State Penitentiary and with a term of supervised probation for four years. The Court also ordered that Kosinski participated with the drug patch

program for ninety days. The Court re-ordered the standard terms of supervised probation and obligations of monetary repayments to the court and county.

### **2nd 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 (14-127) and his probation violation in file 15-022.

### **2nd Probation Violation 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 Clerk of Courts (209 East Main Street, ~ Suite 230, Elk Point, SD 57025): **Previous** Prosecution Costs in the amount of Ten (\$10.00) Dollars; and Costs payable to (South Dakota Drug Control Fund, 1302 East Highway 14, Suite 5, Pierre, SD 57501) in the amount of One Hundred Sixty-Five (\$165.00) Dollars.

IT IS FURTHER ORDERED that the Defendant shall pay the following amounts to the Union County Auditor (209 East Main Street, ~ Suite 200, Elk Point, SD 57025): and Previous Court Appointed Attorneys Fees from the Disposition Order - Probation Violation Judgment and Sentence dated December 1, 2015 in the amount of One Hundred Fifteen (\$115.00) Dollars. It is further ORDERED that Union County is awarded a Judgment for said Court Appointed Attorney Fees in this matter.

**Criminal History:**

This is Chad Kosinski's second probation violation on his first felony offense. After his 1<sup>st</sup> probation violation, the Court revoked Kosinski's suspended imposition of sentence. Kosinski's first probation violation resulted in his second felony conviction. Kosinski's second probation violation resulted in a third felony charge which was dismissed as part of a plea agreement in which Kosinski agreed to admit to the probation violations in this file and in file 15-022.