
November 3, 2017

Press Release - For Immediate Release

Defendant's Name: Michael Lay
Age: 42
State of residence: SD
Criminal File Number: 17-163
Incident Date: May 16, 2017
Indictment Date: June 7, 2017
Arraignment Hearing: September 11, 2017
Charges Files: Ct. 1: Possession of a Schedule I or II Controlled Substance, SDCL 22-42-5, (F5) 5/10
Ct. 2: Driving on a Suspended License, SDCL 32-12-65(2), (M2) 30/500
Ct. 3: Failure to Maintain Financial Responsibility, SDCL 32-35-113, (M2) 30/500
Ct. 4: Expired License Plates, SDCL 32-5-2.4, (M2) 30/500
Change of Plea Date: July 31, 2017
Date of Sentencing: October 16, 2017
Convicted of: Ct. 1: Possession of a Schedule I or II Controlled Substance, SDCL 22-42-5, (F5) 5/10;
Arresting Officer: Trooper Brian Schultz
Defense Attorney: Jeff Myers
Prosecution Attorney: Jerry A. Miller

Case Synopsis:

On May 16, 2017, Trooper Brian Schultz of the South Dakota Highway Patrol, stopped a vehicle driven by Michael Lay, for speeding on Burbank road near 475th Ave in Union County. The Trooper noticed that Michael Lay was very nervous and shaky and asked him why he was nervous. Michael Lay replied "I thought I was going to Jail", the nervousness continued through the stop. The Trooper then asked Michael Lay for consent to search the vehicle and Michael Lay consented. Michael Lay told the Trooper that he did not have his I.D. on him and when the Trooper searched the vehicle he found a small baggie which contained methamphetamine underneath Michael Lay's wallet which contained his I.D.

Sentencing Synopsis:

Michael Lay was sentenced at 2:30 p.m., on October 16, 2017. The Court sentenced Michael Lay on one count of Possession of a Schedule I or II Controlled Substance, SDCL 22-42-5, a class 5 felony. Michael Lay received a Five (5) year sentence in the South Dakota State Penitentiary, and then the court SUSPEND the EXECUTION of the Five (5) years on the terms and conditions that Michael Lay is successful on supervised probation for a term of Four (4) years.

The Court further ordered that Michael Lay shall serve a sentence of One Hundred and Eighty (180) Days in the Union County Jail and then gave him credit for One Hundred and Fifty-Three (153) days that Michael Lay spent incarcerated prior to disposition. Michael Lay will also receive credit for time spent taking care of his warrants and charges pending in other counties within the State of South Dakota. Once Michael Lay has addressed his charges in other counties he is required to attend the Stepping Stones rehabilitation program in Mitchell.

Michael Lay is required to pay Court Costs of One Hundred and 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 Five Hundred (\$500.00) Dollars.

Criminal History Synopsis:

This would appear to be Michael Lay's third felony conviction. He also received his fourth felony conviction in Union County at the same time. Lay has a criminal history in GA, IA, and SD. Lay has had a previous felony in another county in SD and has several warrants for his arrest on other criminal matters in other counties. His crimes deal with addiction and possession issues as well as forgery issues.