
June 16, 2017

Press Release - For Immediate Release

Defendant's Name: Barbara Lewis
Age: 40
State of residence: IA
Criminal File Number: 17-036
Incident Date: January 19, 2017
Indictment Date: February 2, 2017
Arraignment Hearing: February 6, 2017
Charges Filed: Ct. 1: Grand Theft by Receiving or Retaining Stolen Property, 22-30A-17 & 22-30A-7, (F6) 2/4
Ct. 2: Ingestion of a Schedule I or II Controlled Substance, SDCL 22-42- 5.1, (F5) 5/10
Ct. 3: Possession of Drug Paraphernalia While in a Motor Vehicle, SDCL 22-42A-3 & 32-12-52.3, (M2) 30/500
Change of Plea Date: February 13, 2017
Date of Sentencing: March 27, 2017
Convicted of: Ct. 2: Ingestion of a Schedule I or II Controlled Substance, SDCL 22-42- 5.1, (F5) 5/10
Arresting Officer: Officer Dustin Sharkey – NSCPD
Chief Rich Headid - NSCPD
Defense Attorney: Katie Johnson
Prosecution Attorney: Jerry A. Miller

Case Synopsis:

On January 19, 2017, Officer Dustin Sharkey of North Sioux City Police Department, started an investigation in relation to a stolen vehicle reported out of Sioux City, IA, in which dispatch informed all officers that this vehicle was reported to be in route to North Sioux City, SD. Officer Sharkey located the stolen what he believed might be the stolen vehicle behind the Monaco Casino in North Sioux City, SD. The Plates did not match the vehicle stolen, however the upon further investigation the Vin number did. Ms. Barbara Lewis, the Defendant was found to be in possession of the stolen vehicle and was found digging through trash in a nearby dumpster. Ms. Lewis claimed that the vehicle was given to her by her boyfriend. Ms. Lewis's belonging were found in the car, and she claimed she had the car for three days. Officer Sharkey searched the vehicle and located a Methamphetamine Pipe and Ms. Lewis admitted to using Methamphetamine. Ms. Lewis's UA came back positive for Methamphetamine at a level of 8836 ng/ml.

Sentencing Synopsis:

On March 27, 2017, the Court ordered that Barbara Lewis serve 5 years in the South Dakota State Penitentiary and then suspended all 5 years and placed her on **supervised probation** for 4 years with a requirement that she satisfy the following terms and conditions:

1. The Defendant shall sign and comply with all terms of Adult Probation Agreement.
2. The Defendant shall obey all federal, state and local laws.
3. 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.
4. 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.
5. The Defendant shall successfully complete any and all treatment and aftercare, and follow all the recommendations of the treatment provider.
6. The Defendant shall obtain a mental health evaluation and shall follow all recommendations for treatment by the mental health providers, including taking and following all recommendations for medications.
7. 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.
8. 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.
9. 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 her probation officer and establish a minimum monthly payment plan and forward payments to the Clerk of Courts.

The Court ordered that Lewis shall serve a sentence of 55 days in the Union County Jail and then gave Lewis credit for 25 days that she was incarcerated prior to disposition. The Court ordered that Lewis serve a sentence of Ten (10) Days in the Union County Jail as follows:

1. Two (2) days at the Union County Jail beginning on Friday, March 31, 2017 at no later than 7:00 p.m.
2. Two (2) days at the Union County Jail beginning on Friday, April 7, 2017 at no later than 7:00 p.m.
3. Two (2) days at the Union County Jail beginning on Friday, April 14, 2017 at no later than 7:00 p.m.
4. Two (2) days at the Union County Jail beginning on Friday, April 21, 2017 at no later than 7:00 p.m.
5. Two (2) days at the Union County Jail beginning on Friday, April 28, 2017 at no later than 7:00 p.m.

The Court further ordered that Lewis would be subject to serving the remaining sentence of 20 days in the Union County Jail as follows:

1. Ten (10) days at the Union County Jail beginning on April 1, 2018 at no later than 9:00 a.m.
2. Ten (10) days at the Union County Jail beginning on April 1, 2019 at no later than 9:00 a.m.

The Court allowed that these days may be waived upon the recommendation of the Defendant's Court Services Officer.

The Court ordered that Lewis pay the following amounts: Court Costs of One Hundred Four (\$104.00) 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 Prosecution Costs in the amount of Ninety (\$90.00) Dollars.

The Court further ordered that Lewis shall pay the following amounts Ordered by the Court – To the Union County Auditor (209 East Main Street, ~ Suite 200, Elk Point, SD 57025): Court Appointed Attorneys Fees in the amount of One Thousand Ninety Dollars and Forty (\$1090.40) Cents. It is further ORDERED that Union County is awarded a Judgment for said Court Appointed Attorney Fees in this matter.

Criminal History Synopsis:

This is Barbara Lewis' first felony conviction.