
February 24, 2017

Press Release - For Immediate Release

Defendant's Name: Desmond McPhail
Age: 33
City and State of Residence: Sioux Falls, SD
Criminal File Number: 16-399
Information Date: November 5, 2016
Information Date: November 18, 2016
Charges: 1) Possession of a Schedule 1 or 2 Controlled Substance (F5)
2) Possession of a Schedule 3 or 4 Controlled Substance (F6)
3) Possession of Marijuana (M1)
4) Ingestion (M1)
5) Possession of Drug Paraphernalia (M2)
6) Failure to Wear a Safety Belt (PO)
Arrestment Date: November 18, 2016
Change of Plea Date: November 28, 2016
Convicted of: 1) Possession of a Schedule 1 or 2 Controlled Substance (F5)
2) Possession of a Schedule 3 or 4 Controlled Substance (F6)
Date of Sentencing: December 19, 2016
Arresting Officer: Deputy Stephanie Ryan – Union County Sheriff Office
Defense Attorney: Katie Johnson
Prosecutor: Jerry A. Miller & Alexis A. Tracy

Case Synopsis:

On November 5, 2016, Deputy Sheriff Stephanie Ryan stopped a vehicle that did not have valid license plates tags. Gregg REDDEN was identified as a driver of the vehicle. Desmond MCPHAIL was also identified as a passenger. MCPHAIL appeared to be sleeping in the vehicle. REDDEN kept the officer waiting while he was on the phone with someone. The deputy asked REDDEN if there were drugs in the vehicle. REDDEN denied any drugs in the vehicle that he knew of, but could not speak for MCPHAIL. REDDEN history was checked and it came back with a warrant for his arrest out of Colorado. REDDEN knew that Colorado would not extradite him. The deputy confirmed that Colorado would not extradite, so REDDEN was not arrested for the outstanding warrant. The deputy made contact with MCPHAIL. MCPHAIL consented to be searched and the deputy detected the odor of marijuana coming from MCPHAIL. The deputy also found a scale. MCPHAIL admitted that he smoked marijuana on November 4, 2016. Inside of MCPHAIL's backpack was a methamphetamine pipe that had been used and contained residue, and razor blades. A through search of MCPHAIL's person revealed a small matchbox containing two green pills, a small bag of marijuana, and methamphetamine. The green pills were identified as Clonazepam. MCPHAIL provided a urine sample which takes about two month to receive the results. MCPHAIL and REDDEN's urine sample results have not been received by the State at the time of this press release.

Sentencing Synopsis:

On December 19, 2016, the Court addressed the class 5 felony charge in Count 1, for Possession of a Schedule 1 or 2 Controlled Substance. The Court considered the arguments of the State and the Defense, and determined that MCPHAIL should be sentenced to a suspended 5-year sentence to the penitentiary with an order to complete a 4-year term of supervised probation. MCPHAIL was further ordered to serve 180 days with 43-days credit for the days that he spent incarcerated prior to sentencing. The Court suspended the 137 remaining days on the term and condition that MCPHAIL being accepted by the interstate compact to the State of Iowa for supervision. MCPHAIL was ordered to pay \$104 in Court Costs; \$45 dollars to the South Dakota Drug Control Fund; and \$680.80 to the county for his Court Appointed Attorney Fees.

On December 19, 2016, the Court addressed the class 5 felony charge in Count 2, for Possession of a Schedule 3 or 4 Controlled Substance. The Court considered the arguments of the State and the Defense, and determined that MCPHAIL should be sentenced to a suspended 2-year sentence to the penitentiary with an order to complete a 2-year term of supervised probation. MCPHAIL was further ordered to serve 180 days with 43-days credit for the days that he spent incarcerated prior to sentencing. The Court suspended the 137 remaining days on the term and condition that MCPHAIL being accepted by the interstate compact to the State of Iowa for supervision. MCPHAIL was ordered to pay \$104 in Court Costs. MCPHAIL's sentence in count 2 shall run concurrent with his sentence in Count 1.

Criminal History:

This is MCPHAIL's second and third career felony conviction. MCPHAIL's criminal history also includes a misdemeanor conviction for a possession of drug paraphernalia, possession of marijuana, DWI, and unlawful possession of prescription pills. MCPHAIL's criminal history also included a felony conviction for 1st degree rape.