
November 15, 2017

Press Release - For Immediate Release

Defendant's Name: Jacob Monell
Age: 30
State of residence: IA
Criminal File Number: 16-335
Incident Date: June 28, 2016
Indictment Date: September 7, 2016
Arraignment Hearing: May 22, 2017
Change of Plea Date: May 22, 2017
Date of Sentencing: May 22, 2017
Convicted of: Ingestion of a Schedule I or II Controlled Substance, SDCL 22-42-5.1, F5
5/10
Arresting Officer: Trooper Kayne Weaver
Defense Attorney: Katie Johnson
Prosecution Attorney: Jerry A. Miller

Case Synopsis:

On June 28, 2016 at approximately 4:10 p.m. Trooper Kayne Weaver, observed a car that had no front license plate displayed. The car had a rear license plate displayed and was from Iowa, a state that requires both license plates to be displayed. Trooper Weaver initiated a traffic stop. The passenger in the car was the Defendant, Jacob Monell. Trooper Weaver detected an odor of Marijuana coming from the vehicle and observed that Jacob Monell's eyes were bloodshot. Trooper Weaver asked the Defendant to step out of the Vehicle and performed a search of his person and located Marijuana in his front pocket and a pipe in his pocket. Radio Communications confirmed that Woodbury County had a Warrant out for the Defendant. Jacob Monell was taken to Union County Jail and voluntarily consented to a Urine Sample being taken. That Urine Sample came back positive for THC with a level of 1885 ng/ml and Methamphetamine at a level of 68,142 ng/ml. Jacob Monell plead guilty to Possession of Marijuana, a class 1 misdemeanor and Possession of Drug Paraphernalia, a class 2 misdemeanor. Jacob Monell was later Indicted on his current felony charge when his urine sample came back positive for Methamphetamine.

Sentencing Synopsis:

AS TO THE CHARGE in Count I, Ingestion of a Schedule I or II Controlled Substance, a violation of SDCL 22-42-5.1, a class 5 felony; IT IS HEREBY ORDERED ADJUDGED AND DECREED that Jacob Monell shall serve Five (5) years in the South Dakota State Penitentiary. It is further ORDERED that Court shall SUSPEND the EXECUTION of the Five (5) years of Jacob Monell's sentence upon Jacob Monell satisfying the following terms and conditions. It is further ORDERED that Jacob Monell shall be placed on supervised probation for Four (4) years and must satisfy the following terms and conditions:

1. Jacob Monell shall be placed under the supervision of the Chief Court Officer, or his representative, for a period of Four (4) years. Jacob Monell shall sign and comply with all terms of Adult Probation Agreement.
2. Jacob Monell's supervision may be transferred to the State of Iowa for supervision.

3. Jacob Monell shall obey all federal, state and local laws.
4. That Jacob Monell 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.
5. Jacob Monell 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 Jacob Monell's person, vehicle, and residence. This waiver shall include Jacob Monell submitting to a UA, breathe or other bodily substance upon request. Jacob Monell shall remain responsible for the costs of all UA's or any other substance tests.
6. Jacob Monell shall not enter any establishment that obtains its primary source of income through the sale of alcohol.
7. Court Services shall have the discretion to require Jacob Monell to participate in the CBISA program, MRT program or other classes and programming as Court Services may direct during the term of probation.
8. Jacob Monell shall be on the 24/7 program for a period of Six (6) months, and shall comply with all the rules of the program as a condition of probation. Jacob Monell shall be responsible to pay all costs associated with the 24/7 program.
9. Jacob Monell shall be on the SCRAM program for Ninety (90) days, and shall comply with all the rules of the program as a condition of probation. Jacob Monell shall be responsible to pay all costs associated with the SCRAM program.
10. Court Services shall have the discretion anytime during the term of probation to require Jacob Monell to participate in the Drug Patch Program and/or SCRAM or 24/7 Programs.
11. Jacob Monell shall pay all monetary obligations as Ordered by this Court as a term of satisfying Defendant's probation. Jacob Monell shall work with his probation officer and establish a minimum monthly payment plan and forward payments to the Clerk of Courts.

IT IS ORDERED, ADJUDGED, AND DECREED that Jacob Monell shall serve a sentence of Ten (10) Days in the Union County Jail. It is FURTHER ORDERED that Jacob Monell shall receive credit for Five (5) days that Jacob Monell spent incarcerated prior to disposition.

IT IS FURTHER ORDERED that Jacob Monell shall pay the following amounts to the Union County Clerk of Courts (209 East Main Street, ~ Suite 230, Elk Point, SD 57025): Court Costs of One Hundred Four (\$104.00) Dollars; Prosecution Costs in the amount of One Hundred Seventy-Four Dollars and Twenty-Two (\$174.22) Cents; and Costs payable to (South Dakota Drug Control Fund, 1302 East Highway 14, Suite 5, Pierre, SD 57501) in the amount of Fifty-Four (\$54.00) Dollars.

IT IS FURTHER ORDERED that Jacob Monell 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 Two Hundred Seventy-Two Dollars and Sixty (\$272.60) Cents. It is further ORDERED that Union County is awarded a Judgment for said Court Appointed Attorney Fees in this matter.

IT IS FURTHER ORDERED that the Court expressly reserves control and jurisdiction over Jacob Monell for the period of his probation and that the Court may revoke the suspension at any time and reinstate the sentence without diminishment or credit for any of the time Jacob Monell was on probation.

IT IS FURTHER ORDERED that the Court reserves the right to amend any or all of the terms of this Order at any time.

Criminal History Synopsis:

This appears to be Jacob Monell's second career felony conviction. Monell previously had a felony DUI conviction in Iowa. Other than DUI convictions, Monell absconded from parole.