
March 30, 2017

Press Release - For Immediate Release

Defendant's Name: Derick Neuman
Age: 20
State of residence: Sioux Falls, SD
Criminal File Number: 16-364
Incident Date: October 3, 2016
Indictment Date: November 2, 2016
Arraignment Hearing: November 28, 2016
Charges filed: Ct.1: Possession of a Schedule 1 or 2 Controlled Substance (Wax),
Ct.2: Possession of a Schedule 3 or 4 Controlled Substance (Xanax),
Ct. 3: Unauthorized Possession of a Scheduled IV Controlled Drug or Substance with the Intent to distribute (Xanax),
Ct. 4: Possession of Marijuana w/ Intent to Distribute Less than 1 oz.,
Ct. 5: Possession of Marijuana Less than 2 oz.,
Ct. 6: Possession of Drug Paraphernalia,
Change of Plea Date: February 6, 2017
Date of Sentencing: March 6, 2017
Convicted of: Ct. 1: Possession of a Schedule I or II Controlled Substance,
Ct. 2: Possession of a Schedule III or IV Controlled Substance,
Ct. 5: Possession of Marijuana less than 2 oz.,
Arresting Officer: Trooper Trent Heuertz
Defense Attorney: Katie Johnson
Prosecution Attorney: Jerry A. Miller

Case Synopsis:

On October 3, 2016, Union County 911 received a driving complaint about a vehicle speeding and cutting off vehicles on I-29, heading southbound near mile marker 44. The report included the vehicle's license plate which turned out to be expired. Trooper Heuertz of the SDHP, spotted the vehicle near mile marker 34, heading south at a speed of 85 mph in an 80 mph zone and initiated a traffic stop for the expired plates and speeding. The passenger was identified as Derick Neuman. Upon the passenger rolling the window down, Trooper Heuertz detected the odor of marijuana and noticed that Mr. Neuman's lap was covered in marijuana. Mr. Neuman admitted that he had smoked a marijuana blunt right before they were pulled over. Trooper Heuertz then searched the vehicle and Mr. Neuman's person. On Mr. Neuman's person the Trooper located a large knife; an expandable baton; brass knuckles; and \$1607.00 in cash – bundled by a large binder clip. In the vehicle, in Mr. Neuman's backpack, the Trooper located the following: one glass jar containing marijuana residue; one glass jar containing marijuana; marijuana wrapped in paper; two marijuana grinders; a rubber container, which contained marijuana wax; an empty plastic bag with white residue; an unmarked pill bottle with 111 pills of Xanax (Alprazolam); and a digital scale. Mr. Neuman was charged with the possession and intent to distribute Alprazolam and marijuana, along with possession of drug paraphernalia.

Sentencing Synopsis:

Derick Neuman was found guilty of Ct.1, possession of a schedule 1 or 2 controlled substance; Ct.2, possession of a schedule 3 or 4 controlled substance; Ct.5, possession of marijuana; and Ct.6, possession of drug paraphernalia.

The Court sentenced Derick Neuman on Ct.1, the class 5 felony offense of possession of a schedule 1 or 2 controlled substance, to a five-year suspended sentence to the South Dakota State Penitentiary. Neuman's sentence was suspended on the terms and conditions that he satisfy the terms of his four-year term of supervised probation. Neuman was also sentenced to serve 70 days in the Union County Jail and given credit for the 9 days that he spent incarcerated prior to sentencing. The Court ordered that Neuman pay the following: \$104 in Court Costs; \$10 in Prosecution Costs; \$193 to the SD Drug Control Fund; and \$1,039.20 in Court-Appointed Attorney Fees.

The Court sentenced Derick Neuman on Ct.2, the class 6 felony offense of possession of a schedule 3 or 4 controlled substance, to a two-year suspended sentence to the South Dakota State Penitentiary. Neuman's sentence was suspended on the terms and conditions that he satisfy the terms of his two-year term of supervised probation. Neuman was also sentenced to serve 70 days in the Union County Jail and given credit for the 9 days that he spent incarcerated prior to sentencing. The Court ordered that Neuman pay the following: \$104 in Court Costs. The Court ordered that Neuman's jail sentence in count 2 shall run concurrent to his sentence in count 1. The Court ordered that Neuman's term of probation in count 2 shall run concurrent to his probation in count 1.

The Court sentenced Derick Neuman on Ct.5, the class 1 misdemeanor offense of possession of a marijuana, to pay the following: \$84 in Court Costs and a fine of \$300.

The Court sentenced Derick Neuman on Ct.6, the class 2 misdemeanor offense of possession of drug paraphernalia, to pay the following: \$66 in Court Costs and a fine of \$200.

Criminal History Synopsis:

Mr. Derick Neuman, criminal history includes the two felony drug possession convictions and two misdemeanor drug convictions in this file. His previous convictions include a DUI conviction in 2015; a petty theft conviction in 2015; and an ingestion charge in 2016, all of which were misdemeanor offenses.