

Union County State's Attorney

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April 18, 2017

Press Release - For Immediate Release

Defendant's Name: Raquel Nino
Age: 27
City and State of residence: Sioux City, IA
Criminal File Number: 15-029
Incident Date: March 25, 2015
Arrestment Hearing: August 30, 2015
Change of Plea Date: November 23, 2015
Date of Sentencing: January 26, 2016
Convicted of: Ct. 1: Ingestion of a Schedule 1 or 2 Controlled Substance, 22-42-5.1, (F5)
Ct. 3: Contributing to the abuse or neglect of a minor, 26-9-1, (M1)
Arresting Officer: Officer Derek McIntosh
Defense Attorney: Angela Ericson & Andrew Twinamatsiko
Prosecuting Attorney: Alexis Tracy

Probation Violations: Nino failed to make appointments with her Court Services Officer.
Nino's last contact with her Iowa Court Services Officer was 10/03/2016.
Nino lost her employment and was discharged from ½ way house.
Nino absconded from probation.
Nino failed her chemical dependency treatment.
Nino had failed to make any payments since April 1, 2016.

Probation Violation Date: Multiple violations since January 2016
Initial Appearance: February 13, 2017
Change of Plea Date: February 13, 2017
Disposition Date (#1): March 6, 2017
Disposition Date (#2): April 10, 2017 (continued date at Defendant's Attorney's Request)
Defense Attorney: Jeff Myers
Prosecuting Attorney: Jerry Miller

Probation Violation Disposition Below

Original Case Synopsis:

On March 25, 2015, North Sioux City Police Officer, Derek McIntosh responded to a citizen's complaint of marijuana smoke coming from a motel room at the Red Carpet Inn, in North Sioux City. Officer McIntosh made contact with the person at the room. Prior to the female occupant of the room opening the door, McIntosh was told that the female was not dressed and needed time to get dressed. McIntosh could hear the person moving about in the room; flush the toilet; and struggled for some time to open the door. Once the occupant opened the door, McIntosh could smell the odor of burnt marijuana.

Once outside the room, Officer McIntosh advised that he was going to apply for a search warrant. The female was identified as Raquel Nino. Nino identified that her children were in the room and then Nino realized that she did not have her key card. Nino started to sob about her children being alone in the room. When Nino returned with a duplicate key card, Officer McIntosh

found the children and an adult male that was standing in the room. The make was identified as Julio Juarez, the father of the children. Juarez stated that he did not answer the door because he was waiting for Nino to return. Juarez had an outstanding warrant for his arrest and he was taken into custody. Nino gave consent to search the hotel room and the following illegal items were found: a mason jar filled with marijuana was placed in the toilet tank (one of the children indicated that his father had put the jar in the tank); and a small digital scale.

Raquel Nino admitted to smoking marijuana and provided a urine sample. Nino's urine sample tested positive for amphetamine at 3,443 ng/ml; and methamphetamine at 19,658 ng/ml; and marijuana (THC) at 2,244 ng/ml. Both parents, Raquel Nino and Julio Juarez, were also charged with three counts of contributing to the abuse and neglect of a minor for doing drugs and exposing their children to drug use in their presence.

Original Sentencing Synopsis:

On January 26 2016, the Court originally sentenced Raquel Nino on the charge of possession of a schedule 1 or 2 controlled substance, a class 5 felony, to a suspended five-year sentence to the South Dakota State Penitentiary with a term and condition of supervised probation for four years. The Court further ordered that Nino serve sixty days in the Union County Jail, and set a schedule for her to serve her time. Nino was ordered to complete the following programs: CBISA, MRT, and any other program that is required by her court services officer. The Court further ordered that Nino pay \$104.00 in court costs; \$10.00 for prosecution costs; \$45.00 to the South Dakota Drug Fund; and \$324.90 in Court-Appointed Attorney Fees.

On January 26 2016, the Court sentenced Raquel Nino on the charge of contributing to the abuse or neglect of a minor, a class 1 misdemeanor, to pay \$84.00 in court costs; and \$300.00 in fines.

Probation Violation Disposition Synopsis:

On April 10, 2017, the Court had heard all the evidence and arguments from both the State and the Defense. The State had set out information to show that the Nino was presenting information in this case consistent with her statements to an Iowa court dealing with the status of her children. In both proceedings, Nino was attempting to distance herself from a boyfriend that was involved in street drugs. However, the State was also able to show that Nino was in regular contact with this boyfriend and that during a furlough, the two had made plans to meet at a treatment center and engage in sexual relations in the bathroom. Furthermore, the State set out that Nino had failed to accurately report her assets in order to qualify for a court-appointed attorney in two states, of which, each act could be charged as a felony offense. The Court sentenced Raquel Nino to the South Dakota State Penitentiary for 5 years and suspended 2 years. Nino will have to serve 40% of the 3 years, or 14.5 months. Nino was given credit for the 60 days that she spent incarcerated prior to this sentencing hearing. Nino was ordered to pay all of her previous monetary obligations as well as her new obligations.

Criminal History:

This is Raquel Nino's third career felony conviction. Nino also has several misdemeanor infractions on her criminal record.