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December 7, 2017

## Press Release - For Immediate Release

Defendant's Name: Monica Padilla  
Age: 22  
State of residence: TX  
Criminal File Number: 17-268  
Incident Date: July 19, 2017  
Indictment Date: August 9, 2017  
Arraignment Hearing: September 11, 2017  
Charges Files: Ct. 1: Commission of Felony w/ Firearm, SDCL 22-14-12, (F2) 25/50  
Ct. 2: Possession of a Schedule I or II Controlled Substance w/ Intent to Distribute, SDCL 22-42-2, (F4) 10/20  
Ct. 3: Possession of a Schedule I or II Controlled Substance, SDCL 22-42-5, (F5) 5/10  
Ct. 4: Possession of a Schedule I or II Controlled Substance, SDCL 22-42-5, (F5) 5/10  
Ct. 5: Possession of a Schedule I or II Controlled Substance, SDCL 22-42-5, (F5) 5/10  
Ct. 6: Possession of a Schedule I or II Controlled Substance, SDCL 22-42-5, (F5) 5/10  
Ct. 7: Possession of a Schedule III or IV Controlled Substance, SDCL 22-42-5, (F6) 2/4  
Ct. 8: Grand Theft by Receiving or Retaining Stolen Property, SDCL 22-30A-17 & 22-30A-7, (F6) 2/4  
Ct. 9: Possession of Firearm w/ Altered Serial Number, SDCL 22-14-5, (F6) 2/4  
Change of Plea Date: September 11, 2017  
Date of Sentencing: September 11, 2017  
Convicted of: Ct. 3: Possession of a Schedule I or II Controlled Substance, SDCL 22-42-5, (F5) 5/10  
Ct. 5: Possession of a Schedule I or II Controlled Substance, SDCL 22-42-5, (F5) 5/10  
Ct. 6: Possession of a Schedule I or II Controlled Substance, SDCL 22-42-5, (F5) 5/10  
Arresting Officer: Trooper Deanna Johnson  
Defense Attorney: Jason Rumpca  
Prosecution Attorney: Jerry A. Miller

### Case Synopsis:

On July 19, 2017, Trooper Deanna Johnson of the South Dakota Highway Patrol, stopped a vehicle driven by Lamberto Villarreal, and a passenger in the Vehicle was the defendant, Monica Padilla. The Vehicle was stopped for going 50 mph in a 45-mph construction zone on I-29 near mm 31. A tip came in from the State of Minnesota about possible drug trafficking with this vehicle. Trooper Heuertz then arrived on scene and deployed his Police Service Dog. The dog indicated that there were drugs in the vehicle. Ms. Padilla indicated where the drugs were located in the

vehicle. A search of the vehicle revealed 6.7 grams of Methamphetamine; 3.8 ounces of Heroin; a baggie containing Xanax and Oxycodone; a pipe with marijuana residue; a meth pipe with residue; and numerous other items of Drug Paraphernalia. Also included in the vehicle were four hand guns, one gun had the serial number scratched off; and another came back as stolen. Ms. Padilla was the registered owner of the vehicle.

**Sentencing Synopsis:**

The Court being satisfied that the ends of Justice and the best interests of the public as well as the Defendant will be served thereby and the Court receiving a plea of GUILTY to a crime that is not punishable by life in prison and the Defendant never before having been convicted of a crime which would constitute a felony in this State, this Court exercises its judicial clemency under SDCL 23A-27-13 and with the consent of the Defendant suspends the imposition of the sentence, based on the following terms and conditions set forth by this Court. It is therefore ordered,

AS TO THE CHARGE in Count 3: Possession of a Schedule I or II Controlled Substance, SDCL 22-42-5, a class 5 felony; IT IS HEREBY ORDERED ADJUDGED AND DECREED that the Defendant shall be placed on **supervised probation** for a period of Four (4) years, based on the following terms and conditions:

1. The Defendant shall be placed under the supervision of the Chief Court Officer, or her representative, for a period of Four (4) years. The Defendant shall sign and comply with all terms of Adult Probation Agreement.
2. The Defendant's supervision may be transferred to the State of Texas for supervision.
3. The Defendant shall obey all federal, state and local laws.
4. 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.
5. 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.

6. 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.
7. The Defendant shall have no contact with her Co-Defendant, Lamberto Villarreal, while on probation unless approved by her court services officer.
8. 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.

IT IS ORDERED, ADJUDGED, AND DECREED that the Defendant shall serve a sentence of Eight (8) Days in the Union County Jail. It is FURTHER ORDERED that the Defendant shall receive credit for Eight (8) days that the Defendant spent incarcerated prior to disposition.

IT IS FURTHER ORDERED that the Defendant 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 and Four (\$104.00) Dollars; Prosecution Costs in the amount of Ten (\$10.00) 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 a Fine in the amount of Two Hundred and Fifty (\$250.00) Dollars.

AS TO THE CHARGE in Count 5: Possession of a Schedule I or II Controlled Substance, SDCL 22-42-5, a class 5 felony; IT IS HEREBY ORDERED ADJUDGED AND DECREED that the Defendant shall be placed on **supervised probation** for a period of Four (4) years, based on the following terms and conditions:

1. The Defendant shall be placed under the supervision of the Chief Court Officer, or her representative, for a period of Four (4) years. The Defendant shall sign and comply with all terms of Adult Probation Agreement.
2. The Defendant's supervision may be transferred to the State of Texas for supervision.
3. The Defendant shall obey all federal, state and local laws.
4. 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.

5. 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.
6. 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.
7. The Defendant shall have no contact with her Co-Defendant, Lamberto Villarreal, while on probation unless approved by her court services officer.
8. 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.

IT IS FURTHER ORDERED that the Defendant 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 and Four (\$104.00) Dollars and a Fine in the amount of Two Hundred and Fifty (\$250.00) Dollars.

AS TO THE CHARGE in Count 6: Possession of a Schedule I or II Controlled Substance, SDCL 22-42-5, a class 5 felony; IT IS HEREBY ORDERED ADJUDGED AND DECREED that the Defendant shall be placed on **supervised probation** for a period of Four (4) years, based on the following terms and conditions:

1. The Defendant shall be placed under the supervision of the Chief Court Officer, or her representative, for a period of Four (4) years. The Defendant shall sign and comply with all terms of Adult Probation Agreement.
2. The Defendant's supervision may be transferred to the State of Texas for supervision.
3. The Defendant shall obey all federal, state and local laws.
4. 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.

5. 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.
6. 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.
7. The Defendant shall have no contact with her Co-Defendant, Lamberto Villarreal, while on probation unless approved by her court services officer.
8. 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.

IT IS FURTHER ORDERED that the Defendant 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 and Four (\$104.00) Dollars; and a Fine in the amount of Two Hundred and Fifty (\$250.00) Dollars.

IT IS FURTHER ORDERED that the Defendant 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 Three Hundred and Ninety-Nine Dollars and Fifty (\$399.50) 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 Count 3, Count 5, and Count 6 shall all run **concurrent** to each other and to one another.

**Criminal History Synopsis:**

This is Monica Padilla's first criminal issues on her record which if she is successful on her supervised probation, then the Court will seal this file and it will be removed from her public criminal history record.