

---

November 30, 2017

## Press Release - For Immediate Release

Defendant's Name: Narciso Paniagua  
Age: 23  
City and State of residence: Sioux City, IA  
Criminal File Number: 13-126  
Original Date of Offense: April 25, 2013  
Original Date of Indictment: May 16, 2013  
Date of Arraignment: June 10, 2013  
Change of Plea Date: September 9, 2013  
Convicted of: Ct. 2: Possession of Controlled Substance, 22-42-5, (F4),  
Date of Sentencing: January 28, 2016  
Arresting Officer: Sgt. Richard Headid – North Sioux City Police Department  
Court Appointed Attorney: Rachel Rasmussen  
Prosecutor: Jerry Miller

Probation Violation: June 2, 2016  
Date of Probation Violation: Absconding; and Tested Positive for Marijuana;  
PV Disposition Date: May 19, 2016  
Arresting Officer: Court Services Officer Amy Keppen  
Court Appointed Attorney: Andrew Twinamatsiko  
Prosecutor: Alexis Tracy

Probation Violation Date: April, 2017  
Initial Appearance: July 31, 2017  
Probation Violation Issues: Quite work without permission or notice; Failure to remain employed;  
Missed 14 Urine tests in a row; Failed CBISA; and Failed to make any  
payments; and Absconded.  
Admission Date: July 31, 2017  
Disposition Date: September 11, 2017  
Court Appointed Attorney: Jeff Myers  
Prosecutor: Jerry Miller

See below for original case summary and disposition, as well as the Probation violation summary and disposition.

### Original Case Synopsis:

On April 25, 2013 at about 10:44 p.m. Sgt. Richard Headid received a report that two males subjects are looking into random mailboxes, looking into the window of a residence, and were seen heading around to the back yard of a residence. The person reporting the activities was an off duty North Sioux City Police Officer. One subject took off running and was caught after about a 70 feet. The other subject surrendered to law enforcement as soon as they were approached. Paniagua reported that he and his friend were stopping by to see his cousin. The residence did not belong to his cousin. The following items were found on Paniagua which were removed from the residence as part of the burglary: Two cell phones; a SIM card; an Elgin Black and Gold watch; and a small silver container containing marijuana. A 22 caliber rifle that was missing from the garage was found on the Paniagua's accomplice. The accomplice's name is Austin Pate who was 19 years old at the time of the offense. Paniagua provided a urine sample that tested positive for

methamphetamine at 19 ng/ml and positive for amphetamine at 3.4 ng/ml, and positive for marijuana (THC) at 759 ng/ml.

**Original Sentencing Synopsis:**

The Court sentenced Narciso Paniagua to a suspended five year sentence to the state penitentiary. The Court then ordered that Narciso Paniagua would have to successfully complete a five year term of supervised probation. Narciso Paniagua was further ordered to serve One Hundred and Ten days in the Union County Jail with credit for One Hundred and Ten days previously served. Paniagua was also ordered to pay the following: A fine of \$400; Court Costs of \$104; Prosecution Costs of \$28; and Drug Control Fund Fee of \$45. Paniagua was also ordered to repay to Union County the \$1059.80 in Court-Appointed Attorney Fees.

**Probation Violation #1 Synopsis:**

Paniagua meet with his probation officer on May 19, 2016 and was asked to complete a random urine test in which Paniagua failed by testing positive for the active ingredient for marijuana, which is a substance identified as THC. Paniagua's last contact with his court services officer was on June 2, 2016. Paniagua has missed every scheduled meeting since then and is considered to have absconded from his supervised probation.

**Probation Violation #1 Disposition Synopsis:**

The Court resentenced Narciso Paniagua on September 12, 2016 to a suspended five-year sentence to the state penitentiary. The Court then ordered that Narciso Paniagua would have to successfully complete a four-year term of supervised probation. Narciso Paniagua was further ordered to serve one hundred and fifty-two days in the Union County Jail with credit for one hundred and fifty-two days previously served. Paniagua was also ordered to pay the following: A fine of \$400; Court Costs of \$104; Prosecution Costs of \$28.90; and Drug Control Fund Fee of \$45. Paniagua was also ordered to repay to Union County the \$1059.80 in Court-Appointed Attorney Fees, as well as the new court-appointed attorney fees of \$220.80.

**Probation Violation #2 Synopsis:**

On 4/17/17, Defendant's Court Services Officer contacted the homeless shelter in Yankton, SD and was informed that Defendant was no longer staying there. On the same day, Defendant's Court Services Officer contacted Wendy's (Defendant's employer) to speak with Defendant and was informed that Defendant no longer worked there. On 4/21/17, Defendant contacted his Court Services Officer to notify her he was living in Sioux City, IA. Defendant has not attempted to make any contact with his Court Services Officer since 4/21/17. On 4/17/17, Defendant's Court Services Officer contacted Wendy's (Defendant's employer) to speak with Defendant and was informed that Defendant no longer worked there. On 4/21/17, Defendant contacted his Court Services Officer to notify her that he was living in Sioux City, IA. Defendant has not attempted to make contact with his Court Services Officer since 4/21/17. Defendant missed fourteen (14) consecutive UAs, prior to his last contact on 4/21/17. Defendant was ordered to start CBISA treatment at Lewis and Clark, but failed to go to his initial assessment, so was dismissed from the program. And the Defendant has not made any payments to the Clerk of Courts.

**Probation Violation #2 Disposition Synopsis:**

AS TO THE CHARGE in Possession of a Controlled Substance; IT IS HEREBY ORDERED, ADJUDGED AND DECREED that the Defendant's shall be sentenced to Five (5) years in the South Dakota State Penitentiary with the sentence to begin **immediately**. It is further

ORDERED that the EXECUTION of the Five (5) year SENTENCE shall be SUSPENDED upon the Defendant satisfying continued **supervised probation** for Five (5) years under the following terms and conditions:

1. The Defendant shall be placed under the supervision of the Chief Court Officer, or his representative, for a period of Five (5) years. The Defendant shall sign and comply with all terms of Adult Probation Agreement.
2. The Defendant shall obey all federal, state and local laws.
3. 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.
4. 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.
5. The Defendant shall successfully complete the Teen Challenge Program and any and all treatment and aftercare, and follow all the recommendations of the treatment provider.
6. 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 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 the Defendant shall serve a sentence of Two Hundred Sixty (260) Days in the Union County Jail. It is further ORDERED that Court shall SUSPEND the EXECUTION of the Eighteen (18) days of the Defendant's sentence under the condition that the Defendant gets accepted into the Teen Challenge Program and when they have a bed available for the Defendant. IT IS FURTHER ORDERED that the Defendant shall receive credit for Two Hundred Forty-Two (242) 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): **Previous** Court Costs of One Hundred and Four (\$104.00) Dollars; **Previous** Fine in the amount of Four

Hundred (\$400.00) Dollars; **Previous** Costs in the amount of Twenty-Eight Dollars and Ninety (\$28.90) Cents; and Previous Costs to South Dakota Drug Control Fund in the amount of Forty-Five (\$45.00) 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): **New** Court Appointed Attorneys Fees in the amount of Three Hundred Seventy-Six (\$376.00) Dollars; **Previous** Court Appointed Attorneys Fees in the amount of One Thousand Two Hundred Eighty Dollars and Sixty (\$1,280.60) Cents, thus totaling One Thousand Six Hundred Fifty-Six Dollars and Sixty (\$1,656.60) 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 Defendant's sentence in this file shall run **concurrently** to his sentence in file CRI16-288.

**Criminal History:**

This is Narciso Paniagua's second probation violation on his first career felony offense. Paniagua was convicted of a second class 5 felony offense in 2016 for Ingesting a controlled substance.