

November 30, 2017

## Press Release - For Immediate Release

Defendant's Name: Narciso Paniagua  
Age: 22  
City and State of residence: Sioux City, IA  
Criminal File Number: 16-288  
Date of Offense: July 31, 2016  
Date of Indictment: September 7, 2016  
Date of Arraignment: September 12, 2016  
Offense(s) Charged: Ct.1: Ingestion of a Schedule 1 or 2 Controlled Substance, 22-42-5, (F5)  
Ct.2: Ingestion, 22-42-15 (M1)  
Change of Plea Date: September 12, 2016  
Convicted of: Ct. 1: Ingestion of a Schedule 1 or 2 Controlled Substance, 22-42-5, (F5)  
Date of Sentencing: September 12, 2016  
Arresting Officer: Officer Faustin Mahlke ~ North Sioux City Police Department  
Officer Jon Feller ~ North Sioux City Police Department  
Deputy James Prouty ~ Union County Sheriff's Office  
Deputy Stephanie Ryan ~ Union County Sheriff's Office  
Officer Simoni ~ Sioux City, IA Police Department  
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 Also: File Number 13-126 press release and the probation violation press release on the same file.

### Original Case Synopsis:

On July 31, 2016 at about 10:06 p.m. officer Faustin Mahlke, of the North Sioux City Police Department, entered into a high-speed pursuit of a stolen vehicle out of Woodbury County, IA coming across the border into South Dakota. The vehicle the officers were pursuing reached speed in excess of 100 miles per hour. When the vehicle was stopped, the doors opened up on the vehicle and the driver and passengers exited the vehicle in an attempt to flee. Both were arrested immediately. The driver was identified as Nathaniel Grant. The rear seat passenger was identified by Sydney Grant, and the front seat passenger was identified by Narciso Paniagua. Paniagua provided a urine sample that tested positive for methamphetamine at 65,426 ng/ml and positive for amphetamine at 12,599 ng/ml, and positive for marijuana (THC) at 432 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 \$10; and Drug Control Fund Fee of \$45. Paniagua was also ordered to repay to Union County the \$78.20 in Court-Appointed Attorney Fees. The Court further ordered that Narciso Paniagua sentence in this file shall be concurrent to his sentence in file 13-126.

**Probation Violation #1 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 #1 Disposition Synopsis:**

AS TO THE CHARGE in Ingestion of a Schedule I or II 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 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** Prosecution Costs in the amount of Ten (\$10.00) Dollars; 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): **Previous** Court Appointed Attorneys Fees in the amount of Seventy-Eight Dollars and Twenty (\$78.20) 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 CRI13-126.

**Criminal History:**

This is Narciso Paniagua's first probation violation on his second career felony conviction.