
November 3, 2017

Press Release - For Immediate Release

Defendant's Name: Andrew Polly
Age: 20
State of residence: Elk Point, SD
Criminal File Number: 17-100
Incident Date: January 13 through 15, 2017
Indictment Date: March 29, 2017
Arraignment Hearing: April 24, 2017
Charges Files: Ct. 1: Fourth Degree Rape, SDCL 22-22-1(5) (F3) 15/30
Ct. 2: Fourth Degree Rape, SDCL 22-22-1(5) (F3) 15/30
Ct. 3: Sexual Contact with a person under the age of Sixteen, SDCL 22-22-7 (F3) 15/30
Ct. 4: Sexual Exploitation of a Minor, SDCL 22-22-24.3(2) (F5) 5/10
Ct. 5: Keeping a place for the Use of Controlled Substances, SDCL 22-42-10 (F5) 5/10
Ct. 6: Mispriison of a Felony, SDCL 22-11-12, (M1) 1/2
Ct. 7: Reckless Driving, SDCL 32-24-1 (M1) 1/2
Ct. 8: Contributing to the Delinquency of a Minor, SDCL 26-9-1 (M1) 1/2
Ct. 9: Maintaining a Common Nuisance, SDCL 35-10-17 (M1) 1/2
Ct. 10: Racing, SDCL 32-25-23 (M2) 30/500
Change of Plea Date: July 10, 2017
Date of Sentencing: October 2, 2017
Convicted of: Ct. 3: Sexual Contact with a person under the age of Sixteen, SDCL 22-22-7 (F3) 15/30
Ct. 8: Contributing to the Delinquency of a Minor, SDCL 26-9-1 (M1) 1/2
Ct. 9: Maintaining a Common Nuisance, SDCL 35-10-17 (M1) 1/2
Ct. 10: Racing, SDCL 32-25-23 (M2) 30/500
Arresting Officer: Officer Jacob Limoges – EPPD;
Officer Corey Trudeau – EPPD;
SA Robert Mertz – FBI; and
SA David Keith – FBI
Defense Attorney: Katie Johnson
Prosecution Attorney: Jason Ravensborg

Case Synopsis:

On or between January 13th through the 15th of 2017, Andrew Polly was house sitting for his grandmother who was in the hospital at that time. Mr. Polly took this opportunity to invite several people over to his house for a party. Some of these people were friends and other were young teenage girls that he and his friends had picked up with the promise of a house party. One of Mr. Polly's friends was Zachery Bolak. All of the teenage girls were from the Sioux City, IA area. There were at least two parties at Mr. Polly's grandmothers' house. It was reported that on each night as Mr. Polly and Mr. Bodlak drove the party goers Mr. Polly's Grandmother's

residence, that Mr. Polly and Mr. Bodlak raced up the interstate from Sioux City, IA at speeds reaching 100 mph. Both vehicles were filled with their friends and the teenage girls that they had invited to party with them in Elk Point, SD. Once at Mr. Polly's Grandmother's residence, some of the males started to smoke marijuana in the garage. On one of the evenings, Mr. Bodlak insisted on securing some cocaine prior to traveling to Elk Point. Mr. Bodlak later stated that he secured the Cocaine for another male friend. Various witness stated that Mr. Bodlak and another male person was snorting cocaine off of the kitchen counter top. Eventually, Mr. Bodlak admitted to Count 4: Contributing to the Delinquency of a Minor, a violation of SDCL 26-9-1, a class 1 misdemeanor; and Count 5: Racing, a violation of SDCL 32-25-23, a class 2 misdemeanor.

Witnesses and a victim reported the Mr. Polly engaged in sexual relationship with a teenage female who was fifteen years old. The victim's mother had caught her daughter sneaking into the house in the early morning hours and found out that her fifteen-year-old daughter had sex with a twenty-year-old man. Once Mr. Polly was identified as the suspect, law enforcement determined that Mr. Polly was more than five years older than the victim. Because of the alcohol that was brought to the house, and the racing, along with Mr. Polly and Mr. Bodlak's actions which contributed to the delinquency of the teenage girls as well as the exploitation of minors, the State filed indictments on both of these young adults who purposefully took advantage of multiple minors.

Sentencing Synopsis:

The Court sentenced Andrew Polly at on the October 2, 2017, in Count 3: Sexual Contact with a person under the age of Sixteen, a violation of SDCL 22-22-7, a class 3 felony. The Sentenced Andrew Polly to a ten (10) year sentence to the South Dakota State Penitentiary with all ten (10) years suspended. Andrew Polly was placed on supervised probation for Four (4) years under the following terms and conditions:

1. The Defendant shall be placed under the supervision of the Court Service Officer or his representative for a period of four (4) years. The Defendant shall sign and comply with all terms of the Adult Probation Agreement.
2. The Defendant shall obey all federal, state and local laws.
3. 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 Fourth (4th) Amendment right against warrantless random search and seizure by his 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 pay all monetary obligations as Ordered by this Court as a term of satisfying the Defendant's probation. The Defendant shall enter into an agreement with court services to establish a minimum monthly payment plan and forward payments to the clerk of courts. The Defendant shall pay all financial obligations within four (4) years.
6. The Defendant shall follow all and complete any and all treatment and aftercare of his Chemical Dependency evaluation and follow the recommendations of the treatment provider.
7. The Defendant shall complete sex offender treatment and follow all the recommendations and requirements of the sex offender treatment.
8. The Defendant shall complete CBISA, MRT or other classes as Court Services may require as part of probation.
9. The Defendant shall not have any contact with anyone under the age of 18 years old, unless approved by Court Services.
10. The Defendant shall not possess nor view any pornographic materials. Court services may monitor the Defendant's computer use as needed during the period of probation.
11. The Defendant shall register as a sex offender and comply with all requirements of the registry.
12. Court services shall have the discretion anytime during the term of probation to require the Defendant to participate in the Drug Patch Program and/or SCRAM or 24/7 programs.
13. The Defendant's request for a suspended imposition of sentence is DENIED.

Andrew Polly was all sentenced to serve One Hundred (100) days in the Union County Jail starting October 6, 2017, and was given the privilege of work release if he follows the terms and work release. The Court further ordered that Andrew Polly pay Court Costs of One Hundred-four (\$104.00) Dollars; and prosecution costs of \$88.40 and \$2,100.00 for the psycho sexual examination fee paid to Union County.

Andrew Polly is further required to pay Court Appointed Attorneys Fees in the amount of one thousand seven hundred and forty-eight dollars and forty cents dollars (\$1,748.40). The Court awarded the county a Judgment for said Court Appointed Attorney Fees in this matter.

On the charge of Count 8: Contributing to the Delinquency of a Minor, a violation of SDCL 26-9-1, a class 1 misdemeanor, Andrew Polly was ordered to pay Court Costs of eighty-four (\$84.00) Dollars and a fine in the amount of two-hundred and fifty dollars (\$250.00).

On the charge of Count 9: Maintaining a Common Nuisance, in violation of SDCL 35-10-17, a class 1 misdemeanor, Andrew Polly was ordered to pay Court Costs of eighty-four (\$84.00) Dollars and a fine in the amount of two-hundred and fifty dollars (\$250.00).

On the charge of Count 10: Racing, in violation of SDCL 32-25-23, a class 2 misdemeanor, Andrew Polly was ordered to pay Court Costs of sixty-six (\$66.00) Dollars and a fine in the amount of two-hundred dollars (\$200.00).

Criminal History Synopsis:

This is Andrew Polly's first felony conviction and this file represents the entirety of his criminal record.