
December 15, 2017

Press Release - For Immediate Release

Defendant's Name: Luis Silvia
Age: 28
State of residence: Louisville, KY
Criminal File Number: 17-243
Incident Date: July 6, 2017
Indictment Date: July 17, 2017
Arraignment Hearing: August 28, 2017
Change of Plea Date: August 28, 2017
Convicted of: Ct1: Possession of a Schedule I or II Controlled Substance, SDCL
22-42-5, a class 5 felony;
Date of Sentencing: August 28, 2017
Arresting Officer: Trooper Stuart Griffith - SDHP
Trooper Deanna Johnson - SDHP
Trooper Shane Johnson - SDHP
Defense Attorney: Jeff Myers
Prosecution Attorney: Jerry Miller

Case Synopsis:

On July 6, 2017, Trooper Stuart Griffith stopped a vehicle for no visible plate on the vehicle on Interstate 29 near mile marker 32 southbound. The vehicle was also speeding at 87 mph in an 80 mph-zone. The driver was identified as Luis Silva and there were three other passengers with Silva. During a conversation with Silva, he stated that the front seat passenger (Jacob Pile) and his brother (Joshua Pile) had a personal amount of marijuana in their possession. Silva also stated that there is a loaded pistol behind the driver's seat. Trooper Johnson had arrived before Trooper Griffith re-approached the vehicle. Trooper Johnson was with a training officer, Trooper Shane Johnson. A search of the vehicle identified a THC oil cartridge and vape pen with Joshua Pile. Joshua Pile admitted to marijuana joints in a container of Sour Breath mints, 3 more THC oil cartridges, 2 packages of THC infused gummy candies, 2 packages of paper dispensary bag, 1 nylon dispensary bag, and 3 Mylar smell proof Ziploc bags. Silva claimed the 2 packages contain some THC oil cartridges, 4 plastic containers of marijuana labeled Durban Poison (3.5 grams), 2 plastic containers of marijuana labeled Durban Poison (7 grams), 2 plastic containers of marijuana labeled Durban Poison (14 grams), a wooden bat box with a marijuana pipe, and empty THC cartridge box, 1 nylon dispensary bag, 3 Mylar smell proof Ziploc bags, and 2 packages of king size joint rolling papers. Silva admitted to purchasing the items in Denver with the intent of taking it back to Louisville for his own personal use. Both Silva and Joshua Pile were arrested. Silva's urine sample tested positive for THC at 363 ng/ml. Piles' urine sample tested positive for THC at 75 ng/ml. Psilocybin mushrooms were also found in 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. It is, therefore,

AS TO THE CHARGE Count 1: Possession of a Schedule I or II Controlled Substance, a violation of SDCL 22-42-5, a class 5 felony, IT IS FURTHER ORDERED that the Defendant shall be placed on supervised probation for the term of Two (2) years under the following terms and conditions:

The Defendant shall be placed under the supervision of the Chief Court Officer, or his representative, for a period of Two (2) years. The Defendant shall sign and comply with all terms of Adult Probation Agreement.

The Defendant's probation is transferable to the State of Kentucky.

The Defendant shall obey all federal, state and local laws.

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.

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.

The Defendant shall obtain a Chemical Dependency Evaluation and he shall successfully complete any and all treatment and aftercare, and follow all recommendations of the treatment provider.

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.

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 FURTHER ORDERED that the Defendant shall serve One (1) day in the Union County Jail. It is further ORDERED that the Defendant shall receive credit for the One (1) day that the Defendant was incarcerated prior to sentencing.

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 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 Five Hundred (\$500.00) 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 Five Hundred Eight-Seven Dollars and Fifty (\$587.50) Cents. It is further ORDERED that Union County is awarded a Judgment for said Court Appointed Attorney Fees in this matter.

Criminal History Synopsis:

This is Luis Silva's first felony offense, and if he is successful throughout his supervised probationary status, the Court will seal this file and it will no longer be a public file.