
January 13, 2017

Press Release - For Immediate Release

Defendant's Name: Sherman J. Smith Sr.
Age: 38
City and State of residence: Omaha, NE
Criminal File Number: 16-075
Offense Date: March 31, 2016
Indictment Date: April 20, 2016
Offenses Charged: Ct.1: Possession of Marijuana with Intent to Deliver, (F5)
Ct.2: Possession of Marijuana (F6)
Ct.3: Possession of Drug Paraphernalia (M2)
Arraignment Date: April 25, 2016
Change of Plea Date: August 8, 2016
Convicted of: Ct.2: Possession of Marijuana (F6)
Sentencing Date: September 12, 2016
Officer: Trooper Brandon Hanson – SD Highway Patrol
Defense Attorney: Andrew Twinamatsiko
Prosecutor: Alexis A. Tracy

Case Synopsis:

On March 31, 2016, a vehicle driven by Sherman J. Smith Sr. (SMITH) was observed sitting at the flashing red light for an extended period of time without reason at Dakota Dunes Blvd intersection. After the vehicle started moving, the officer observed the vehicle make an improper turn. The vehicle was stopped and SMITH was identified as the driver. During the contact with SMITH, the trooper could smell the odor of marijuana coming from the vehicle. SMITH took his keys out of the vehicle when he was asked back to the trooper's patrol vehicle and locked the car. SMITH denied possession to anything illegal. The trooper searched SMITH's vehicle and found marijuana, paraphernalia, 2 large bags of marijuana (gallon sized zip lock), 2 scales, 3 cell phones. The total weight of the contents of the 2 large bags of marijuana totaled 3.9 oz. SMITH was arrested and taken into custody and charged with the above indicated offenses.

Sentencing Synopsis:

On September 12, 2016, the Court addressed the class 6 felony charge in count 2 of possession of marijuana. The Court sentenced SMITH to a suspended two-year sentence to the South Dakota State Penitentiary and 18 months of supervised parole. SMITH was ordered to serve 1 day in the Union County Jail and given 1 day credit for the day he served prior to sentencing. It was further ordered that SMITH must pay the following: \$104 in court costs; \$10 in prosecution costs; \$45 in fees to the SD Drug Fund; a fine of \$300; and \$573.40 in Court-Appointed Attorney Fees.

Criminal History Synopsis:

This is SMITH's second career felony conviction. SMITH's criminal history includes a 2nd degree sexual assault, and 3 incidents of failure to appear.