

November 30, 2017

Press Release - For Immediate Release

Defendant's Name: Terry Tague
Age: 39
State of residence: IA
Criminal File Number: 17-170 & 17-195
Incident Date: May 19, 2017, & June 9, 2017
Indictment Date: June 7, 2017, & June 28, 2017
Arraignment Hearing: July 31, 2017 & June 5, 2017
Charges Filed: File 17-170
Ct. 1: Grand Theft, SDCL 22-30A-17(1), (F6) 2/4
Ct. 2: Possession of a Schedule I or II Controlled Substance, SDCL 22-42-5, (F5) 5/10
Ct. 3: Ingestion of a Schedule I or II Controlled Substance, SDCL 22-42-5.1, (F5) 5/10
Ct. 4: Possession of Drug Paraphernalia, SDCL 22-42A-3, (M2) 30/500
Ct. 5: Driving with Revoked License, SDCL 32-12-65(1), (M1) 1/2
File 17-195
Ct. 1: Second Degree Escape, SDCL 22-11A-2.1, (F5) 5/10 and Part II for Habitual Offender, SDCL 22-7-7, enhancing felony on level.
Charges Filed: File 17-195
Count 1: Second Degree Escape, a violation of SDCL 22-11A-2.1, a class 5 felony,
Part II Information for Habitual Offender
Change of Plea Date: August 28, 2017
Date of Sentencing: October 16, 2017
Convicted of: File 17-170
Ct. 1: Grand Theft, SDCL 22-30A-17(1), (F6) 2/4
Ct. 2: Possession of a Schedule I or II Controlled Substance, SDCL 22-42-5, (F5) 5/10
File 17-195
Ct. 1: Second Degree Escape, SDCL 22-11A-2.1, (F5) 5/10 and Part II for Habitual Offender, SDCL 22-7-7, enhancing felony on level.
Defense Attorney: Tom Frieberg
Prosecution Attorney: Jerry A. Miller

Case Synopsis:

On May 19, 2017, Officer Jon Feller of the North Sioux City PD, started an investigation on a vehicle that came back stolen that was parked at the Beano and Sherry's Casino in North Sioux City. After pulling the vehicle over that was driven by the Defendant, Terry Tague. LE was had the Defendant exit the vehicle and placed him in their patrol vehicle and conducted a search of the vehicle. Located in the vehicle were hypodermic needles, a Methamphetamine Pipe, multiple baggies with Methamphetamine residue and Methamphetamine. The Defendant admitted to using Methamphetamine. LE got a Search warrant for a sample of the Defendants urine to be

tested. The Defendant's UA came back positive for Methamphetamine with a level of 205,958 ng/ml.

On June 9, 2017, the Defendant was granted a Furlough to go see his mother and failed to return to the UCJ. The Defendant was Indicted for 2nd Degree Escape when he failed to return.

Sentencing Synopsis:

AS TO THE CHARGE Count 1: Grand Theft, a violation of SDCL 22-30A-17(1), a class 6 felony; IT IS HEREBY ORDERED ADJUDGED AND DECREED that the Defendant shall serve Two (2) years in the South Dakota State Penitentiary. It is further ORDERED that Court shall SUSPEND the EXECUTION of the Two (2) years of the Defendant's sentence upon the Defendant satisfying the following terms and conditions. It is further ORDERED that the Defendant shall be placed on supervised probation for Four (4) years and must satisfy 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 Four (4) 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 enter into an agreement with court services to establish a minimum monthly payment plan and forward payments to the Clerk of Courts.

IT IS FURTHER ORDERED that the Defendant shall obtain a physical exam locally to Elk Point, as required by the Teen Challenge Program and that the Union County Sheriff's Office shall facilitate the transportation to and from the facility in which the Defendant arranges a physical exam to be completed.

IT IS FURTHER ORDERED that the Defendant shall be transported to the Teen Challenge Program in Brookings, SD, by the Union County Sheriff's Office after he has been accepted which would be after the Defendant has provided the Teen Challenge Program with an approved physical examination report for admittance to program.

IT IS ORDERED, ADJUDGED, AND DECREED that the Defendant shall serve a sentence of One Hundred and Eighty (180) Days in the Union County Jail. It is FURTHER ORDERED that the Defendant shall receive credit for One Hundred and Four (104) days that the Defendant spent incarcerated prior to disposition. IT IS FURTHER ORDERED that the Seventy-Six (76) days of the Defendant's remaining sentence shall be suspended under the condition that the Defendant obtain a physical examination that qualifies him for admittance in the Teen Challenge Program and there is a bed available within that program.

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; Costs payable to (South Dakota Drug Control Fund, 1302 East Highway 14, Suite 5, Pierre, SD 57501) in the amount of Two Hundred and Seven (\$207.00) Dollars; Restitution payable to (Brittney Duerksen, 4327 Fieldcrest Drive #2-D, Sioux City, Iowa 51108) in the amount of One Hundred Fifty-Six Dollars and Seventy-Five (\$156.75) Cents; and Prosecution Costs in the amount of Ten (\$10.00) Dollars.

AS TO THE CHARGE Count 2: Possession of a Schedule I or II Controlled Substance, a violation of SDCL 22-42-5, a class 5 felony; IT IS HEREBY ORDERED ADJUDGED AND DECREED that the Defendant shall serve a concurrent Five (5) year sentence in the South Dakota State Penitentiary. It is further ORDERED that Court shall SUSPEND the EXECUTION of the Five (5) years of the Defendant's sentence upon the Defendant satisfying the following terms and conditions. It is further ORDERED that the Defendant shall be placed on concurrent supervised probation term for Four (4) years and must satisfy 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 Four (4) 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 enter into an agreement with court services to establish a minimum monthly payment plan and forward payments to the Clerk of Courts.

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.

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 One Thousand Three Hundred One Dollars and Ninety (\$1301.90) 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 Count II sentence shall run concurrent to his Count I sentence.

IT IS FURTHER ORDERED that the Defendant's sentence in this file shall run concurrent to his sentence in file CRI17-195.

AS TO THE CHARGE Count 1: Second Degree Escape, a violation of SDCL 22-11A-2.1, a class 4 felony; IT IS HEREBY ORDERED ADJUDGED AND DECREED that the Defendant shall serve Ten (10) years in the South Dakota State Penitentiary. It is further ORDERED that Court shall SUSPEND the EXECUTION of the Ten (10) years of the Defendant's sentence upon

the Defendant satisfying the following terms and conditions. It is further ORDERED that the Defendant shall be placed on supervised probation for Five (5) years and must satisfy the following terms and conditions:

7. 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.
8. The Defendant shall obey all federal, state and local laws.
9. 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.
10. 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.
11. 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.
12. The Defendant shall pay all monetary obligations as Ordered by this Court as a term of satisfying 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.

IT IS FURTHER ORDERED that the Defendant shall obtain a physical exam locally to Elk Point, as required by the Teen Challenge Program and that the Union County Sheriff's Office shall facilitate the transportation to and from the facility in which the Defendant arranges a physical exam to be completed.

IT IS FURTHER ORDERED that the Defendant shall be transported to the Teen Challenge Program in Brookings, SD, by the Union County Sheriff's Office after he has been accepted which would be after the Defendant has provided the Teen Challenge Program with an approved physical examination report for admittance to program.

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.

IT IS FURTHER ORDERED that the Defendant's sentence in this file shall run concurrent to his sentence in file CRI17-170.

IT IS FURTHER ORDERED that the Defendant shall pay the Court Appointed Attorneys Fees for this file shall be assessed in file 17-170.

Criminal History Synopsis:

This will be Mr. Tague's 3rd, 4th and 5th felonies. Mr. Tague has an extensive criminal history.