

December 30, 2017

Press Release - For Immediate Release

Defendant's Name: Consuelo Valdez
Age: 44
City and State of residence: Sioux City, IA
Criminal File Number: 14-157
Convicted of: Possession of a Schedule 2 Controlled Substance
22-42-5 (F5) 5/10
Original Offense Date: May 14, 2014
Indictment: May 28, 2014
Arraignment Date: June 9, 2014
Original Change of Plea Date: August 18, 2014
Original Date of Sentence: August 18, 2014
Original Arresting Officer: Lt. Richard Headid – North Sioux City Police Department
Bond: \$7,500 C/S
Defense Attorney: Rachel Rasmussen
Prosecutor: Jerry Miller

Probation Violation #1 Date: Violated by CSO on June 29, 2016
Probation Violation(s): Used Meth daily and showed up to CSO High;
Absconded; and Fired; Failed to make monthly payments.
Arresting Officer: Kelleen Gregg & Mindy Bottom
Defense Attorney: Tom Frieberg
Prosecutor: Alexis Tracy

Probation Violation #2 Date: June, 2017
Probation Violation(s): Used Meth; Failed to make meetings; Failed to go to treatment;
Failed to make monthly payments.
Defense Attorney: Tom Frieberg
Prosecutor: Jerry A. Miller

See below for Probation Violation Synopsis:

Case Synopsis:

On May 15, 2014, Lt. Headid was called to the respond to the Triple Crown Casino by a manager. Lt. Headid took a report that a patron had taken a salad spoon from the buffet and that it was found in the bathroom trash with burn marks and a drug substance on the spoon. Lt. Headid identified the drug substance as methamphetamine and determined that the patron had used the salad spoon to cook and prepare methamphetamine for intravenous use. Lt. Headid found the patron based upon the manager's description at 4 Aces. The patron was identified as Alejandro Holguin. Holguin was attempting to avoid the officers looking for him and was found getting into

the vehicle of a Consuelo Valdez. Lt. Headid questioned Holguin who admitted that he had recently injected himself with methamphetamine at the Triple Crown Casino after using the salad spoon that he had taken from the buffet. A search of the vehicle revealed additional paraphernalia and a drug like substance. Both Holguin and Valdez were arrested. As this case progressed, family members advised the State, the Defense, and the Court that Holguin has a serious issues with different types of substances and a history of retail theft to support his habit. A records check revealed that Valdez has a history of distribution of controlled substances in two states. Valdez provided a urine sample which tested positive for amphetamine @ 9,771 ng/ml; and methamphetamine @ 60,562 ng/ml.

Sentencing Synopsis:

On the charge of possession of schedule 2 controlled substance, a violation of SDCL 22-42-5, as a class 5 felony, the court sentenced Valdez to 5 years suspended execution of sentence with 4 years of supervised probation. Valdez was ordered to pay court costs of \$104.00; prosecution costs of \$10.00; fees repaid to the South Dakota Drug Fund in the amount of \$99.00; a find in the amount of \$300.00; and court-appointed attorney fees in the amount of \$861.30. It was further ordered that Valdez serve 123 days in the Union County Jail, of which Valdez received credit for the 63 days that she spent prior to the disposition of this file. Valdez is to serve 30 days starting on August 1, 2015 and 20 days on August 1, 2016, however these 60 days may be suspended by Valdez's court-services officer if Valdez is complying with all of her terms of her supervised probation.

1st Probation Violation Synopsis:

Cosuelo Valdez showed up for his May 3, 2016 appointment to his CSO while she was high on methamphetamine. Cosuelo Valdez reported that she had been using meth daily. Showed up late on May 17, 2016 and was rescheduled. Rescheduled for May 19, 2016 was a no show again. Letter and phone calls went unanswered. A home visit was not able to locate Valdez. Cosuelo Valdez had been fired and she did not inform her CSO. She was considered to have absconded and her Court Services Officer submitted the probation violation to the State's Attorney's Office to proceed with a probation violation on June 28, 2016.

2nd Probation Violation Synopsis:

Defendant signed a Self-Admitted Drug/Alcohol Use Form on June 5, 2017, stating that she had relapsed and had been using methamphetamines as recently as the day before signing the form. Defendant tested positive on a drug patch in March 16, 2017, at which time she was referred to treatment but failed to comply. Defendant missed group treatment on May 31, 2017 and

individual treatment on June 1, 2017. Defendant missed her appointment with her Court Services Officer on June 1, 2017. Defendant did not respond to phone calls from Court Services Officer from May 31, 2017 through June 5, 2017. The Defendant has failed to make monthly scheduled payments of Seventy-Five Dollars and Zero Cents (\$75.00). Defendant's last payment of Fifty Dollars and Zero Cents (\$50.00) was made on August 19, 2016. As of June 12, 2017, the Defendant has a balance with the Clerk of Courts of Four Hundred and Nine Dollars (\$409.00).

Probation Disposition Synopsis:

IT IS ORDERED, ADJUDGED, AND DECREED that the Defendant shall serve a sentence of One Hundred Eighty (180) days in the Union County Jail. IT IS FURTHER ORDERED that the Defendant shall receive credit for One Hundred Sixty-Six (166) days that the Defendant spent incarcerated prior to disposition. The Defendant 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 Four (4) 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 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 any and all treatment and aftercare, and follow all the recommendations of Glory House in Sioux Falls, South Dakota.

6. After the Defendant successfully completes the Glory House program, the Defendant shall enroll in the Tall Grass program or some other step down program and complete that step down program.
7. 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.
8. 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 her 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 One Hundred and Eighty-Seven (187) days in the Union County Jail. IT IS FURTHER ORDERED that the Defendant shall receive credit for One Hundred and Sixty-Six (166) days that the Defendant spent incarcerated prior to this disposition.

IT IS FURTHER ORDERED that the Defendant shall serve Five (5) day of the remaining One Hundred and Eighty-Seven (187) days to sit out Three Hundred Dollars in unpaid fines at a rate of Sixty (\$60) dollars a Day.

IT IS FURTHER ORDERED and noted on the record that the Defendant was advised about the court's sentence exceeding a One Hundred and Eighty (180) day sentence by Two (2) days, and with the advice of counsel and after being fully informed, the Defendant did waive on the record the Two (2) days over the One Hundred and Eighty (180) days to allow the court to enter this sentence in this manner.

IT IS FURTHER ORDERED that the Defendant shall pay the following amounts **previously** ordered to the Union County Clerk of Courts (209 East Main Street, ~ Suite 230, Elk Point, SD 57025): Court Costs remaining in the amount of One Hundred Four (\$104.00) Dollars; and Prosecution costs in the amount of Ten (\$10.00) Dollars; Transport costs in the amount of Eighteen Dollars and Forty-Eight Cents (\$18.48); and Costs payable to the (South Dakota Drug Control Fund, 1302 East Highway 14, Suite 5 Pierre, SD 57501) in the amount of Ninety-Nine (\$99.00) 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): **New** Court Appointed Attorneys Fees in the amount of Five Hundred and Forty Dollars and Fifty Cents (\$540.50); and **previous** Court Appointed Attorneys Fees in the amount of Eight

Hundred Sixty-One Dollars and Thirty Cents (\$861.30), thus totaling of One Thousand Four Hundred and One Dollars and Eighty Cents (\$1401.80). IT IS FURTHER ORDERED that Union County is awarded a Judgment for total amount of Court-Appointed Attorney Fees.

IT IS FURTHER ORDERED that the Defendant shall remain in the custody of the Union County Sheriff's Office until he can be transported to the Glory House on November 13, 2017.

IT IS FURTHER ORDERED that the Court expressly reserves control and jurisdiction over the Defendant for the period of his probation and that the Court may revoke the suspension any time and reinstate the sentence without diminishment or credit for any of the time the Defendant was on probation.

Criminal History:

This is Consuelo Valdez's second probation violation on her third career felony conviction. Previous felony convictions include a 2003 felony from Iowa for the intent to deliver methamphetamine, and a Nebraska felony in 2004 for the intent to deliver controlled substance.