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April 18, 2017

## Press Release - For Immediate Release

Defendant's Name: John Vital  
Age: 20  
City and State of residence: Sioux City, IA  
Criminal File Number: 15-441  
Incident Date: December 5, 2015  
Indicted: January 11, 2016  
Arrested: January 25, 2016  
Plead Guilty On: February 1, 2016  
Court Disposition: Suspended Imposition of Sentence on Count. 1: Ingestion of a Schedule 1 or 2 Controlled Substance, 22-43-5.1, (F5)  
Sentencing Date: March 14, 2016  
Court Appointed Attorney: Jeff Myers

Probation Violations: Vital tested positive for alcohol on 8/9/16.  
Vital had alcohol and drug paraphernalia at his residence on 10/5/2016.  
Vital tested positive for methamphetamines on 10/5/2016.  
Vital admitted that he used methamphetamine the week prior to 10/5/2016.  
Vital was sentenced on a paraphernalia charge on 10/12/16.  
Vital did not call or show up for his appointment with CS on 12/15/16.  
Vital's appointment was rescheduled for 12/28/16.  
Vital's rescheduled appointment for 12/28/16 was a no show again.  
Vital did not call or show up for his appointment on 12/15/16.  
Vital has absconded since 12/28/16.  
Vital has yet to make a payment on his financial obligations.

Probation Violation Date: Multiple violations since March of 2016  
Initial Appearance: February 6, 2017  
Change of Plea Date: February 6, 2017  
Disposition Date (#1): March 6, 2017  
Disposition Date (#2): April 10, 2017 (continued date at Defendant's Attorney's Request)  
Defense Attorney: Jeff Myers  
Prosecuting Attorney: Jerry Miller

### **Probation Violation Disposition Below**

#### **Case Synopsis:**

On December 7, 2015 Trooper Cody Jansen was running stationary radar on Interstate 29 at about 8:52 p.m. when Trooper Jansen could hear a vehicle approaching his location that obviously did not have a muffler attached. The driver was identified as Randy Markee. Markee admitted that he had failed to correctly install his exhaust system. A drug dog handler that was working the area did a perimeter search around the vehicle with the drug dog. The dog indicated and alerted to Markee's vehicle. Christopher Everett was the front seat passenger with John Vital as the rear seat passenger.

Everett was found to have drug paraphernalia on his person. Markee had marijuana shake on his pants and on his driver's seat. Marijuana and paraphernalia was found under a seat and in a glovebox. John Vital was charged with several felony and misdemeanor offenses and admitted to the offense of ingestion of a schedule 1 or 2 controlled substance.

**Sentencing Synopsis:**

The Court granted John Vital a suspended Imposition of sentence and placed Vital on supervised probation for a term of four years. The Court further ordered that John Vital pay the following:

- \$250.00 in fines;
- \$104.00 in Court Costs;
- \$10.00 in Prosecution Costs; and
- \$573.00 in court-appointed attorney fees.

**Probation Violation Disposition Synopsis:**

On April 10, 2017, the Court sentenced John Vital to the South Dakota State Penitentiary for 5 years and suspended 5 years. By doing this, the Court revoked Vital's previous suspended imposition of sentence. Vital's file will not be sealed now and will remain a public file. In addition to the violations of probation set out above, Vital left treatment and refused to continue for cultural / religious reasons. Vital's attorney found a position available in the Salvation Army 'ARC' program in the Omaha NE area. Vital was sentenced to a suspended 5 year sentence to the State Penitentiary and ordered to participate in the 'ARC' program. The Court ordered that Vital follow many terms and conditions of supervised probation. Vital was ordered to pay all of his previous monetary obligations as well as his new obligations.

**Criminal History:**

This is John Vital's first felony conviction.