
June 20, 2017

Press Release - For Immediate Release

Defendant's Name: John Vital
Age: 19
City and State of residence: Sioux City, IA
Criminal File Number: 15-441
Incident Date: December 5, 2015
Indicted: January 11, 2016
Arraigned: 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)
Disposition Date: March 14, 2016
Court Appointed Attorney: Jeff Myers

Probation Violation Date: August 9, 2016 through January 12, 2017
Probation Violations: John Vital failed to appear for appointment – Absconded
During specific home visits John Vital had consumed alcohol; was in possession of drug paraphernalia; admitted to smoking methamphetamine; and tested positive for ingesting methamphetamine.
John Vital was charged and sentenced to possession of drug paraphernalia;
John Vital failed to make monthly payments as ordered by the court.

Initial Appearance: February 6, 2017
Admission Date: February 6, 2017
Court Disposition: John Vital was found to violate his probation on the original offense on Count. 1: Ingestion of a Schedule 1 or 2 Controlled Substance, 22-43-5.1, (F5)
Disposition Date: April 11, 2017
Court Appointed Attorney: Jeff Myers
Prosecuting Attorney: Jerry A. Miller

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. When Trooper Jansen asked Markee about the exhaust system, Markee admitted that he had failed to correctly install his exhaust system. A drug dog that was working the area did a perimeter search around the vehicle with the drug dog which 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 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 Synopsis:

John Vital was a no call no show for his appointment on 12/15/16. An appointment was rescheduled on 12/28/16. On 12/28/16, John Vital called reporting he had overslept and rescheduled the appointment for three hours later, but was a no call no show for the rescheduled appointment. John Vital has had no contact with his Court Services Officer since 12/28/16.

During a home visit on 8/9/16, John Vital tested positive for alcohol at .052. During a home visit on 10/05/16, alcohol and drug paraphernalia was found at John Vital's residence. During this visit, John Vital tested positive for methamphetamines. John Vital admitted that he had been smoking methamphetamine for the last week. John Vital was sentenced on charges of possession of drug paraphernalia on 10/12/16 in Woodbury County, Iowa.

John Vital has failed to make monthly payments toward his financial obligations. On January 12, 2017, John Vital's balance at the Clerk of Courts is Nine Hundred Thirty-seven (\$937.00) Dollars.

Probation Violation Disposition Synopsis:

The Court pronounced the following sentence upon John Vital and ordered that Vital's Suspended Imposition of Sentence shall be Revoked and a Judgment and Suspended Execution of Sentence shall be issued in the following manner: John Vital 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 John Vital satisfying continued supervised probation for Four (4) years under the following terms and conditions:

1. John Vital 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. John Vital shall obey all federal, state and local laws.
3. That John Vital 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. John Vital 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 John Vital submitting to a UA, breathe or other bodily substance upon request. John Vital shall remain responsible for the costs of all UA's or any other substance tests.
5. John Vital shall successfully complete any and all treatment and aftercare, and follow all the recommendations of Salvation Army Adult Rehabilitation Center Program in Omaha, Nebraska.
6. John Vital shall obtain a mental health evaluation and shall follow all recommendations for treatment by the mental health providers, including taking and following all recommendations for medications.
7. Court Services shall have the discretion to require John Vital to participate in the CBISA program, MRT program or other classes and programming as Court Services may direct during the term of probation.
8. John Vital 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.

The Court further ordered that John Vital shall serve a sentence of Eighty-five (85) days in the Union County Jail. And that John Vital shall receive credit for Seventy-Seven (77) days that John Vital spent incarcerated prior to this disposition.

IT IS FURTHER ORDERED that the remaining Eight (8) days may be suspended in the event that John Vital is able to enter the ARC program. Furthermore, a furlough shall be approved for John Vital to be transported to and from a doctor's appointment; receive and fill any necessary prescription, so that John Vital may enter the ARC program with thirty (30) days of medication as required by the ARC program.

John Vital shall pay the following amounts **previously** ordered: Court Costs remaining in the amount of One Hundred Four (\$104.00) Dollars; and Prosecution costs in the amount of Ten (\$10.00) Dollars; and Fine in the amount of Two Hundred and Fifty (\$250.00) Dollars.

John Vital shall pay the following amounts: **New** Court Appointed Attorneys Fees in the amount of Eight Hundred Forty-six Dollars (\$846.00); and **previous** Court Appointed Attorneys Fees in the amount of Five Hundred Seventy-three (\$573.00) Dollars, thus totaling One Thousand Four Hundred Nineteen (\$1,419.00) Dollars. It is further ORDERED that Union County is awarded a Judgment for said Court Appointed Attorney Fees and Prosecution Costs in this matter.

Criminal History:

This is John Vital's first probation violation on his first felony conviction.