
December 22, 2017

Press Release - For Immediate Release

Defendant's Name: Cole Wegher
Age: 26
State of residence: Dakota Dunes, SD
Criminal File Number: 17-383
Incident Date: October 18, 2017
Indictment Date: November 8, 2017
Arraignment Hearing: December 18, 2017
Change of Plea Date: December 18, 2017
Convicted of: Ct1: Possession of a Schedule I or II Controlled Substance, SDCL
22-42-5, a class 5 felony;
Date of Sentencing: December 18, 2017
Arresting Officer: Deputy James Proudly - UCSO
Defense Attorney: Sabrina Sayler
Prosecution Attorney: Jerry Miller

Case Synopsis:

On October 18, 2017, the Sheriff's Office received a call to address a burglary. The main suspect in the burglary was the victim's adult son. The victims believed that money was taken from the residence. The son was identified as Cole Wegher. Cole was interviewed by law enforcement. In that interview, Cole Wegher admitted to taking money from his parents and how he gained access to his parents' home to take the money. Wegher was found to be possession of drug paraphernalia. The paraphernalia contained marijuana wax which is a controlled substance. Wegher also admitted to ingesting marijuana. Wegher was arrested. Wheher's urine sample tested positive for THC at 2,302 ng/ml.

Sentencing Synopsis:

The Court being satisfied that the ends of justice and the best interests of the public as well as the Defendant will be served thereby and the Defendant having pled guilty to the crime of **Ct2: Possession of a Schedule I or II Controlled Substance, a violation of SDCL 22-42-5** which is not punishable by life imprisonment and the Court being satisfied that the Defendant has never before having been convicted of a crime which would constitute a felony in this state, this Court elects to exercise its judicial clemency under SDCL §23A-27-13, and with the consent of the Defendant; therefore,

IT IS HEREBY ORDERED, as to **Ct2: Possession of a Schedule I or II Controlled Substance, a violation of SDCL 22-42-5, a class 5 felony**, and that the Defendant shall be placed on probation for a term of **2** years. The Defendant shall sign the standard probation agreement with court services and shall obey all conditions imposed by court services even though those

conditions may not have been specifically set out by the court. Defendant shall execute a wage assignment form if requested to do so by court services.

IT IS FURTHER ORDERED, that the Defendant shall be imprisoned in the Union County Jail for the term of **40** days, with 0 days credit for time served. The remaining **40** days shall be served as follows:

1. 20 days to be served beginning **March 1, 2018**, at 9:00 o'clock a.m..
2. 20 days to be served beginning **July 1, 2018**, at 9:00 o'clock a.m..

IT IS FURHTER ORDERED that Defendant's Court Services officer may recommend to the Court that any of these jail terms be waived, but unless the court signs a written order waiving any of these jail terms, each of the jail terms shall be served by Defendant.

- The Defendant shall be granted work release, release for education, or release for chemical dependency treatment or aftercare, with Defendant to pay all costs of these releases.
- The Defendant shall be allowed to arrange to serve the jail sentence in another jail facility, in another state or jurisdiction, if the distance to the Union County Jail does not allow for the Defendant to participate in the allowed work release, release for education, or release for chemical dependency treatment or aftercare. The Defendant shall pay all costs of incarceration to that facility.

IT IS FURTHER ORDERED, that the Defendant shall pay court costs of **\$104.00**; grand jury transcript fees of **\$10.00**; fine of **\$750.00**; prosecution costs of **\$42.00**; and UA fees of **\$45.00** to the South Drug Control Fund; to the Union County Clerk of Courts (209 East Main Street, ~ Suite 230, Elk Point, SD 57025).

IT IS FURTHER ORDERED that the imposition of sentence is suspended upon the following terms and conditions:

1. Defendant shall obey all federal, state, tribal and local laws and be a good law-abiding citizen in all respects.
2. Defendant shall pay all fines, costs, restitution, and attorney's fees as ordered by the court. Defendant shall work out a payment schedule with court services, and if requested by court services, Defendant shall execute a wage assignment form.
3. Defendant shall not consume nor possess any alcoholic beverages of any kind, and Defendant shall not enter establishments where the sale of alcoholic beverages is the primary business.
4. Defendant shall not consume, purchase, possess, or distribute marijuana, nor controlled drugs or substances of any kind, and Defendant shall not be present where such substances are being used. Defendant shall also not possess drug paraphernalia. Verification of any prescribed medication must be provided by Defendant to court services.

5. Defendant shall submit to urinalysis, breath or blood testing at any time requested to do so by Defendant's court services officer or law enforcement officer and Defendant shall be responsible for the costs of that testing.
6. Defendant, and Defendant's person, residence, vehicles and personal property, shall be subject to random search and seizure by any court services officer or law enforcement officer upon reasonable suspicion that Defendant is violating any provision of this court's order or of any probation agreement.
7. Defendant shall obtain a chemical dependency evaluation and comply with the evaluator's and the court's services officer's recommendations for treatment and aftercare.
8. Throughout the entire period of probation, Defendant shall enroll in and comply with the terms of the 24/7 Sobriety Program as set up through the Union County Sheriff's office or other approved South Dakota county sheriff's office and submit to testing in the form of twice daily PBTs or by SCRAM equipment, and the Drug Patch, and Defendant shall pay all costs of such programs. Court services may discontinue or restart these programs at their discretion.
9. Defendant shall enroll in and successfully complete counseling, MRT, anger management, etc. as required by court services.
10. Defendant shall perform _____ hours of community service to be completed by _____.
11. Defendant shall have no contact with the victim, _____.
12. Defendant shall write a letter of apology to the victim, _____, which letter shall be approved by court services.

Criminal History Synopsis:

This is Cole Wegher's first felony offense, and if he is successful throughout his supervised probationary status, the Court will seal this file and it will no longer be a public file.