

March 30, 2018

Press Release - For Immediate Release

Defendant's Name: Stephanie Applegarth
Age: 35
State of residence: Royal, NE
Criminal File Number: 17-452
Incident Date: November 21, 2017
Indictment Date: November 29, 2017
Arraignment Hearing: December 4, 2017
Change of Plea Date: January 4, 2018
Date of Sentencing: January 19, 2018
Convicted of:

Ct 1: Ingestion of a Schedule I or II Controlled Substance, a violation of SDCL 22-42-5.1, a class 5 felony;
Ct. 3: Contributing to the Delinquency of a Child (E.F) a violation of SDCL 26-9-1, a class 1 misdemeanor; and
Ct. 4: Contributing to the Delinquency of a Child (S.M.) a violation of SDCL 26-9-1, a class 1 misdemeanor.

Arresting Officer: Trooper Stuart Griffith; Trooper Brian Schultz; Trooper Trent Heuertz
Defense Attorney: Sam Nelson
Prosecution Attorney: Jerry A. Miller & Erin Handke

Case Synopsis:

On November 21, 2017 law enforcement was requested to do a welfare check on a female with children at mile marker 416 on SD Hwy 50 that was having vehicle issues. The female was approached by law enforcement as she frantically tried to get the officer's attention. The female was identified as Stephanie Applegarth. Applegarth was asking the officer for an ambulance due to the weather. Applegarth's children were 1 and 10 years old at the time of the incident. During the contact with Applegarth, admitted that she was high on methamphetamine. Law Enforcement was advised that Applegarth was at the Coffee Cup service center and that the attendants fed the children because Applegarth lacked the funds to feed her own children. Applegarth had paraphernalia in her possession along with methamphetamine.

Further research into this case revealed that each child has a different father and that both fathers were in different penitentiaries at the time of this incident. Prior to law enforcement's contact with Applegarth, there was a report at a one of the penitentiaries where one of the fathers was being held that Applegarth had left her children in the vehicle unattended. DSS in that state was called, however, Applegarth left the penitentiary with her children prior to DSS and law enforcement making contact with Applegarth. That Urine Sample came back positive for THC

with a level of 85 ng/ml and Methamphetamine at a level of 400,162 ng/ml and Amphetamine at a level of 67,792 ng/ml.

Sentencing Synopsis:

IT IS HEREBY ORDERED that as to the crime of **Ct 1: Ingestion of a Schedule I or II Controlled Substance, a violation of SDCL 22-42-5.1, a class 5 felony**, that the Defendant shall serve **3 (three)** years in the South Dakota State Penitentiary.

It is further ORDERED that Court shall SUSPEND the EXECUTION of the **3 (Three)** years of the Defendant's sentence upon the Defendant satisfying the following terms and conditions [checked boxes]:

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 as directed by your Court Service Officer and submit to testing in the form of twice daily PBTs (24/7) program) 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, etc. as required by court services.
10. Defendant shall not participate in games of chance or enter establishments where gambling is present.
11. Defendant shall perform _____ hours of community service to be completed by _____.
12. Defendant shall have no contact with the victim, _____.
13. Defendant shall write a letter of apology to the victim, _____, which letter shall be approved by court services.

IT IS FURTHER ORDERED that the Defendant is placed on probation for **3** (Three) years. 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 **137** days, with **47 (Forty-seven)** days credit for time served. The remaining **90 (Ninety)** days are suspended on the condition of the successful completion of the New Start Program. If the Defendant is unsuccessfully discharged from the program, then the Defendant must immediately report to the Union County Jail to serve the **90 (Ninety)** day sentence.

IT IS HEREBY ORDERED that the Defendant shall complete the chemical dependency program that the Defendant is currently enrolled in with New Start and comply with the recommendation for treatment and aftercare.

IT IS FURTHER ORDERED, that the Defendant shall complete parenting classes either through New Start or another program.

IT IS FURTHER ORDERED, that the Defendant shall pay court costs of **\$104.00**; grand jury fees of **\$10.00**; a Fine of **\$0**; and UA and Testing 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

IT IS FURTHER ORDERED, that the Defendant shall pay the Defendant's Court-appointed attorney's fees of **\$432.40** directly to the Union County Auditor, (209 East Main Street, ~ Suite 200, Elk Point, SD 57025). It is further ORDERED that Union County is awarded a Judgment for said Court Appointed Attorney Fees in this matter.

IT IS HEREBY ORDERED that as to the crime of **Ct. 3: Contributing to the Delinquency of a Child (E.F) a violation of SDCL 26-9-1, a class 1 misdemeanor**, that the Defendant shall pay a fine of **\$250.00**, and Court Costs of **\$84.00** to the Union County Clerk of Courts (209 East Main Street, ~ Suite 230, Elk Point, SD 57025).

IT IS HEREBY ORDERED that as to the crime of **Ct. 4: Contributing to the Delinquency of a Child (S.M.) a violation of SDCL 26-9-1, a class 1 misdemeanor**, that the Defendant shall pay a fine of **\$250.00**, and Court Costs of **\$84.00** to the Union County Clerk of Courts (209 East Main Street, ~ Suite 230, Elk Point, SD 57025).

IT IS FURTHER ORDERED, that the Defendant shall pay the fines as it pertains to **Ct. 3: Contributing to the Delinquency of a Child (E.F) a violation of SDCL 26-9-1, a class 1 misdemeanor** and **Ct. 4: Contributing to the Delinquency of a Child (S.M) a violation of SDCL 26-9-1** within **360 (three-hundred and sixty)** days from the date of sentencing or by no later than 5:00 p.m. on January 15, 2019.

Criminal History Synopsis:

Stephanie Applegarth plead guilty to **Ct 1: Ingestion of a Schedule I or II Controlled Substance, a violation of SDCL 22-42-5.1, a class 5 felony; Ct. 3: Contributing to the Delinquency of a Child (E.F) a violation of SDCL 26-9-1, a class 1 misdemeanor; and Ct. 4: Contributing to the Delinquency of a Child (S.M.) a violation of SDCL 26-9-1, a class 1 misdemeanor**. Applegarth was convicted in 2005 for a felony offense dealing with the possession of Methamphetamine in the State of Nebraska. While Applegarth has an extensive record dealing with misdemeanor issues, this will be the second career felony conviction.