
June 29, 2018

Press Release - For Immediate Release

Defendant's Name: Jacob Beavers
Age: 36
City and State of residence: Dakota City, NE
Criminal File Number: 16-370
Date of Offense: August 8, 2016
Date of Indictment: October 5, 2016
Date of Arraignment: November 18, 2016
Offense(s) Charged: Ct.1: Ingestion of a Schedule 1 or 2 Controlled Substance, 22-42-5.1, (F5)
Ct.2: Ingestion, 22-42-15, (M1)
Change of Plea Date: January 23, 2017
Convicted of: Ct.1: Ingestion of a Schedule 1 or 2 Controlled Substance, 22-42-5.1, (F5)
Date of Sentencing: March 6, 2017
Officer: Officer Samantha Close – NSCPD
Defense Attorney: Jeffrey Myers
Prosecutor: Alexis Tracy & Jerry Miller
Probation Violation Date: November 9, 2017
Initial Appearance on PV: January 26, 2018
Probation Violation(s): Tested positive for methamphetamines; failed to report to the Court Services Officer for 3 weeks; was terminated from treatment for not attending; failed to attend several drug testing appointments; has failed to make payments on fees and costs
Date of Disposition: March 12, 2018
Defense Attorney: Jeffrey Myers
Prosecutor: Erin Handke

Original Case Synopsis:

On August 8, 2016, Officer Samantha Close of the North Sioux City police department was questioning Mr. Beavers on Wallace Avenue in North Sioux City, SD, in regards to the whereabouts of a runaway female juvenile. Jacob Beavers was asked about C.B. age 15 years old. Beavers showed Officer Close his Facebook messages from the Juvenile. The Facebook messages gave rise to a reasonable suspicion that Mr. Beavers was using marijuana recently. Officer Close then asked Beavers if he has been using Marijuana and he stated that he did 30 days ago. Beavers then admitted to using Marijuana only a week prior to the stop. Officer Close also detected Beavers' eyes being bloodshot, glossy, and pupils dilated. Officer Close then informed Beavers that he was going to be charged with ingestion of a controlled substance. Officer Close then asked Beavers if he would provide a urine sample and he consented. At the police station Officer Close read Beavers his Miranda Warnings and Beavers then confessed to smoking Marijuana early in the same morning of the officer's contact; Methamphetamine two days prior; as well as alcohol.

Beavers provided a urine sample which tested positive for marijuana (THC) 180 ng/ml and methamphetamine at 17,467 ng/ml.

Probation Violation Synopsis:

In July 2017 Jacob Beavers failed 2 drug tests for methamphetamine. He also failed to report to the Court Services Officer for 3 weeks and missed many drug testing appointments. Beavers was also terminated from treatment for not attending. He continued to test positive for methamphetamines and to miss drug testing appointments in November and December of 2017.

Original Sentencing Synopsis:

Jacob Beavers was found guilty of Ct.1, ingestion of a schedule 1 or 2 controlled substance. On March 6, 2017, the Court sentenced Jacob Beavers on Ct.1, the class 5 felony offense of ingestion of a schedule 1 or 2 controlled substance to a five-year suspended sentence to the South Dakota State Penitentiary. Beavers sentence was suspended on the terms and conditions that he satisfy the terms of his four-year term of supervised probation. Beavers was also sentenced to serve 60 days in the Union County Jail. The Court ordered that Beavers shall serve 30 days on March 1, 2018 and 30 days on March 1, 2019. The Court ordered that Beavers shall pay the following: \$104 in Court Costs; \$10 in Prosecution Costs; \$45 to the SD Drug Control Fund; \$300 in fines; and \$719 in Court-Appointed Attorney Fees.

Probation Violation Disposition Synopsis:

IT IS HEREBY ORDERED that as to the crime **Ct 1: Ingestion of a Scheduled I or II Controlled Substance, SDCL 22-42-5.1, a class 5 felony**, that the Defendant shall serve **5 (five)** years in the South Dakota State Penitentiary. It is further ORDERED that Court shall SUSPEND the EXECUTION of the **5 (five)** years of the Defendant's sentence upon the Defendant satisfying the following terms and conditions. It is further ORDERED that the Defendant shall be placed on supervised probation for **4 (four)** years and must satisfy the following terms and conditions:

IT IS FURTHER ORDERED, that the Defendant shall be imprisoned in the Union County Jail for the term of **130 (one-hundred and thirty)** days, with **60 (sixty)** days credit for time served. The remaining **70 (seventy)** days shall be served as follows: **10 (ten)** days to be served beginning **immediately** without work-release.

The remaining **60 (sixty)** days to be served as follows: **30 (thirty)** days to be served beginning **June 1, 2018 at 9:00 a.m.**; **30 (thirty)** days to be served beginning **January 1, 2019 at 9:00 a.m.** Defendant's Court Services officer may recommend to the court that any of these jail terms shall be waived, but unless the court signs a written order waving any of these jail terms, each of the jail terms shall be served by the Defendant.

Subject to the rules of the Union County Jail, Defendant shall be entitled to work release, release for education, or release for chemical dependency treatment or aftercare, with Defendant to pay all costs of these releases.

IT IS FURTHER ORDERED that the Defendant may serve the jail sentence in Nebraska at the Defendant's own expense.

IT IS FURTHER ORDERED that the Defendant is placed on probation for **4 (four)** years starting March 12, 2018. 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.

IT IS FURTHER ORDERED that the execution of the sentence is suspended upon 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 and mental health evaluations 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.
14. The Defendant 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.
15. The Defendant shall have no contact with children under the age of Eighteen (18) with the exception of his own children and those that are approved by his Court Services Officer.

IT IS FURTHER ORDERED that the Defendant shall pay these amounts to the Union County Clerk of Courts (209 East Main Street, ~ Suite 230, Elk Point, SD 57025): New transport costs in the amount of **\$23.10**.

IT IS FURTHER ORDERED that the Defendant shall pay the **previously ordered** amounts to the Union County Clerk of Courts (209 East Main Street, ~ Suite 230, Elk Point, SD 57025): Remaining Court Ordered Obligations including previous Court Costs, Fine, and Prosecution Costs in the amount of **\$459.00**.

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 attorney's fees of **\$564.00**; and **previous** Court Appointed Attorneys Fees in the amount of **\$719.00**, thus totaling **\$1,283.00**. 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 Jacob Beavers' 1st probation violation on his second felony offense. He has one prior felony conviction for sexual assault of a child and one prior misdemeanor conviction for disturbing the peace. Both of Beavers' prior convictions were in Nebraska.