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January 26, 2018

## Press Release - For Immediate Release

Defendant's Name: David Blue  
Age: 47  
City and State of residence: Sioux City, IA  
Criminal File Number: 16-429  
Date of Offense: The 16th of September, 2016, and 17th of September, 2016, and the 3rd of October, 2016  
Date of Indictment: November 30, 2016  
Date of Arraignment: December 19, 2016  
Offense(s) Charged: Ct.1, Forgery, SDCL § 22-39-36, a class 5 felony;  
Ct.2, Forgery, SDCL § 22-39-36, a class 5 felony;  
Ct.3, Forgery, SDCL § 22-39-36, a class 5 felony;  
Ct.4, Forgery, SDCL § 22-39-36, a class 5 felony;  
Ct.5, Forgery, SDCL § 22-39-36, a class 5 felony;  
Ct.6, Forgery, SDCL § 22-39-36, a class 5 felony;  
Ct.7, Forgery, SDCL § 22-39-36, a class 5 felony; and  
Ct.8, Forgery, SDCL § 22-39-36, a class 5 felony.  
Change of Plea Date: December 19, 2016  
Convicted of: Ct.1, Forgery, SDCL § 22-39-36, a class 5 felony;  
Ct.2, Forgery, SDCL § 22-39-36, a class 5 felony;  
Date of Sentencing: January 23, 2017  
Officer: Officer Dustin Sharkey – North Sioux City PD  
Defense Attorney: Jeffrey T. Myers  
Prosecutor: Jerry Miller

### Case Synopsis:

On October 3, 2016, North Sioux City Police Officer, Dustin Sharkey started an investigation on David Blue. The investigation involved a complaint that David Blue was writing checks on at various casinos in North Sioux City on a checking account that was issued to LF Board, which is a non-profit organization in the Sioux City, IA area that is dedicated to the mission of assisting individuals with substance abuse issues get back on their feet. The investigation identified that BLUE was removed from the board and from the LF Board's account in May of 2015. Further investigation identified that BLUE had forged and passed eight checks in North Sioux City totaling \$698.98. The checks that were passed were not in passed in order. The lowest number check was passed last. This case involves a fiduciary violation and duty of loyalty to former appointment to the non-profit board, the theft and issues in BLUE's life that caused him to steal from the non-profit and the bank, and lastly this file indicates a gambling addiction. This case would suggest that BLUE's issues pre-date his removal from the LF Board in May of 2015. David BLUE plead guilty to two felony counts of forgery at his arraignment on December 19,

2016. At the time of his arrest he had three misdemeanor warrants for his arrest and a pending charge in Plymouth County Iowa for another criminal offense involving checks.

**Original Sentencing Synopsis:**

AS TO THE CHARGE in Count. 1, Forgery, SDCL § 22-39-36, a class 5 felony; IT IS HEREBY ORDERED ADJUDGED AND DECREED that the Defendant shall serve Five (5) years in the South Dakota State Penitentiary. It is further ORDERED that Court shall SUSPEND the EXECUTION of the Five (5) 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 Four (4) years and must satisfy the following terms and conditions:

1. The Defendant 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. The Defendant shall obey all federal, state and local laws.
3. That the Defendant 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. The Defendant 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 the Defendant submitting to a UA, breathe or other bodily substance upon request. The Defendant shall remain responsible for the costs of all UA's or any other substance tests.
5. The Defendant shall successfully complete any and all treatment and aftercare, and follow all the recommendations of the treatment provider.
6. The Defendant shall not enter any establishment that obtains its primary source of income through the sale of alcohol or gambling.
7. Court Services shall have the discretion to require the Defendant to participate in the CBISA program, MRT program or other classes and programming as Court Services may direct during the term of probation.
8. Court Services shall have the discretion anytime during the term of probation to require the Defendant to participate in the Drug Patch Program and/or SCRAM or 24/7 Programs.

9. The Defendant shall pay all monetary obligations as Ordered by this Court as a term of satisfying Defendant's probation. The Defendant shall work with his probation officer and establish a minimum monthly payment plan and forward payments to the Clerk of Courts.

IT IS ORDERED, ADJUDGED, AND DECREED that the Defendant shall serve a sentence of One Hundred Twenty (120) Days in the Union County Jail. IT IS FURTHER ORDERED that Court shall SUSPEND the EXECUTION of the One Hundred Twelve (112) days of the Defendant's sentence under the condition that the Defendant pays all the Restitution owed outlined in this judgment. It is FURTHER ORDERED that the Defendant shall receive credit for Eight (8) days that the Defendant spent incarcerated prior to disposition.

IT IS FURTHER ORDERED that the Defendant shall pay the following amounts to the Union County Clerk of Courts (209 East Main Street, ~ Suite 230, Elk Point, SD 57025): Court Costs of One Hundred Four (\$104.00) Dollars; Prosecution Costs in the amount of Ten (\$10.00) Dollars; Restitution payable to (Whistlestop, (RE: 16-429), 200 River Drive, P.O. Box 188, North Sioux City, SD 57049) in the amount of One Hundred Thirty-Two Dollars and Fifty-Seven (\$132.57) Cents; Restitution payable to (Goode to Go, (RE:16-429) 1301 River Drive, P.O. Box 1757, North Sioux City, SD 57049, SD 57049) in the amount of Five Hundred Sixty-Six Dollars and Forty-One (\$566.41) Cents; Restitution payable to (Zorts Primetime, (RE: 6399M0402836), 105 So. Derby Lane, North Sioux City, SD 57049) in the amount of One hundred Twenty (\$120.00) Dollars; Restitution payable to (Whistlestop, (RE: 6399M0402837), 200 River Drive, P.O. Box 188, North Sioux City, SD 57049) in the amount of Eighty-Five (\$85.00) Dollars; Restitution payable to (Whistlestop, (RE: 16-439), 200 River Drive, P.O. Box 188, North Sioux City, SD 57049) in the amount of Seventy-Five Dollars and Ninety-Seven (\$75.97) Cents; Restitution payable to (Sugar Daddy's, (RE:16-439), 100 Military Road, North Sioux City, SD 57049) in the amount of One Hundred Twenty (\$120.00) Dollars; and Restitution payable to (Whistlestop, (RE: 16-439), 200 River Drive, P.O. Box 188, North Sioux City, SD 57049) in the amount of Three Hundred Sixty (\$360.00) Dollars.

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): Court Appointed Attorneys Fees in the amount of Six Hundred Twenty-Four (\$624.00) Dollars. It is further ORDERED that Union County is awarded a Judgment for said Court Appointed Attorney Fees in this matter.

AS TO THE CHARGE in Count. 2, Forgery, SDCL § 22-39-36, a class 5 felony; IT IS HEREBY ORDERED ADJUDGED AND DECREED that the Defendant shall serve Five (5)

years in the South Dakota State Penitentiary. It is further ORDERED that Court shall SUSPEND the EXECUTION of the Five (5) 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 Four (4) years and must satisfy the following terms and conditions:

1. The Defendant 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. The Defendant shall obey all federal, state and local laws.
3. That the Defendant 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. The Defendant 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 the Defendant submitting to a UA, breathe or other bodily substance upon request. The Defendant shall remain responsible for the costs of all UA's or any other substance tests.
5. The Defendant shall successfully complete any and all treatment and aftercare, and follow all the recommendations of the treatment provider.
6. The Defendant shall not enter any establishment that obtains its primary source of income through the sale of alcohol or gambling.
7. Court Services shall have the discretion to require the Defendant to participate in the CBISA program, MRT program or other classes and programming as Court Services may direct during the term of probation.
8. Court Services shall have the discretion anytime during the term of probation to require the Defendant to participate in the Drug Patch Program and/or SCRAM or 24/7 Programs.
9. The Defendant shall pay all monetary obligations as Ordered by this Court as a term of satisfying Defendant's probation. The Defendant shall work with his probation officer and establish a minimum monthly payment plan and forward payments to the Clerk of Courts.

IT IS FURTHER ORDERED that the Defendant shall pay the following amounts to the Union County Clerk of Courts (209 East Main Street, ~ Suite 230, Elk Point, SD 57025): Court Costs of One Hundred Four (\$104.00) Dollars.

IT IS FURTHER ORDERED that the Defendant's Count II sentence shall run **concurrent** to his Count I sentence.

IT IS FURTHER ORDERED that the Court expressly reserves control and jurisdiction over the Defendant for the period of his probation and that the Court may revoke the suspension at any time and reinstate the sentence without diminishment or credit for any of the time the Defendant was on probation.

IT IS FURTHER ORDERED that the Court reserves the right to amend any or all of the terms of this Order at any time.

**Criminal History:**

This is David Blue's first and second career felony convictions. David Blue was determined to be a good candidate for probation even though this is Blue's 5<sup>th</sup> offense related to theft. Blue admits to drug and gambling addictions.