
January 26, 2018

Press Release - For Immediate Release

Defendant's Name: Joshua M. Chapman
Age: 31
City and State of residence: Sgt. Bluff, IA
Criminal File Number: 17-425
Incident Date: November 8, 2017
Crimes Charges: Ct. 1: Ingestion of a Schedule I or II Controlled Substance, SDCL 22-42-5.1, (F5) 5/10
Indictment Date: Waived
Arraignment Date: November 17, 2017
Change of Plea Date: November 17, 2017
Convicted of: Ct. 1: Ingestion of a Schedule I or II Controlled Substance, SDCL 22-42-5.1, (F5) 5/10
Sentencing Date: November 17, 2017
Defense Attorney: Sam Nelson
Prosecution Attorney: Jerry Miller

Case Synopsis:

On November 8, 2017, Officer Phillip Ryan of the North Sioux City Police Department responded to a business just after the business was opening up for business. The clerk at this business was concerned for the person's wellbeing. As officer Ryan made contact with the individual who was located at this establishment inside their warming / smoking shed. The person was identified as Joshua Chapman. Chapman was found to be talking to himself while trying to get out of the cold weather. Officer Ryan ran a check on Mr. Chapman and found that there was an active arrest warrant for Mr. Chapman out of Union County. While in route to the Union County Jail, Joshua M. Chapman admitted that he had recently ingested methamphetamine. Chapman continued to talk to himself and was unable to sit still. While Joshua M. Chapman advised that it had been several days since his last use, Chapman's actions suggested otherwise. Joshua M. Chapman provided a urine sample that was tested which showed a positive result for THC, the active ingredient of marijuana at 145 ng/ml, and positive for Amphetamine at 19,047 ng/ml, and positive for Methamphetamine at 130,329 ng/ml. Joshua M. Chapman was charged in a new file for the class 5 felony offense of ingestion of a schedule 1 or 2 controlled substance.

Sentencing Synopsis:

The 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 **Count 1: Ingestion of a Schedule I or II Controlled Substance, a violation of SDCL 22-42-5.1, a class 5 felony**, 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,

AS to COUNT 1: IT IS HEREBY ORDERED, that the Defendant shall be imprisoned in the Union County Jail for the term of **99** days, with 9 days credit for time served. The remaining **90** days shall be served as follows: **30** days to be served beginning **January 1, 2018**, at 9:00 o'clock a.m.; **30** days to be served beginning **April 1, 2018**, at 9:00 o'clock a.m.; **30** days to be served beginning **July 1, 2018**, at 9:00 o'clock a.m. The 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.

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 is placed on probation for **3** 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 pay court costs of **\$104.00**; 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, 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 shall pay his/her Court-appointed attorney's fees of **\$263.20** 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.

Criminal History:

This is Joshua M. Chapman's first felony file with an admission in Chapman's criminal history. If Joshua M. Chapman is successful on probation, this file will be sealed from the public's ability to view Joshua M. Chapman's record.