

March 30, 2018

Press Release - For Immediate Release

Defendant's Name: Coda Christe
Age: 22
City and State of residence: Dickensen, ND
Criminal File Number: 13-130
Date of Offense: April 27, 2013
Date of Indictment: May 16, 2013
Date of Arraignment: May 20, 2013
Offense(s) Charged: Ct.1: Poss. of a schedule 1 or 2 Controlled Substance, 22-42-5, (F4)
Ct.2: Poss. of a schedule 1 or 2 Controlled Substance, 22-42-5, (F4)
Ct.3: Poss. of a schedule 1 or 2 Controlled Substance, 22-42-5, (F4)
Ct.4: Poss. of a schedule 1 or 2 Controlled Substance, 22-42-5, (F4)
Ct.5: Poss. of a marijuana, 22-42-6, (M1)
Ct.6: Poss. of Drug Paraphernalia, 22-42A-3, (M2)
Change of Plea Date: August 5, 2013
Convicted of: Ct.1: Poss. of a schedule 1 or 2 Controlled Substance, 22-42-5, (F4)
Ct.5: Poss. of a marijuana, 22-42-6, (M1)
Ct.6: Poss. of Drug Paraphernalia, 22-42A-3, (M2)
Date of Sentencing: August 5, 2013
Officer: Trooper Jason Husby – SD Highway Patrol
Defense Attorney: Katie Johnson
Prosecutor: Jerry Miller
1st Probation Violation Date: April 12, 2016
Initial Appearance on PV: June 27, 2016
Probation Violation(s): Possessed marijuana and paraphernalia; Arrested in ND; and
Absconded from treatment.
Date of Disposition: June 27, 2016
Defense Attorney: Jeff Myers
Prosecutor: Alexis Tracy
2nd Probation Violation Date: April 12, 2016
Initial Appearance on PV: November 28, 2016
Probation Violation(s): Possessed marijuana and paraphernalia; Arrested in ND; and
Absconded from treatment.
Date of Disposition: February 16, 2018
Defense Attorney: Katie Johnson
Prosecutor: Jerry Miller & Erin Handke

Original Case Synopsis:

On April 27, 2013, at 1:30 a.m., Trooper Jason Husby stopped a vehicle on interstate 29 milepost 2, due to the vehicle having an inoperable headlight. The vehicle's license plate light

was also inoperable. Upon running the vehicle's plate, it was discovered that the plate has been expired for two month. The driver, Andrew Procive, admitted that his license was packed in his bag. Later it was determined that Andrew Procive could not produce any identification. A record check identified that Procive's license was suspended. The vehicle smelled of burnt marijuana and garbage. Procive demonstrated signs of nervousness and dilated pupils. The trooper noticed a baggie of methamphetamine beside Procive on the seat. Procive admitted after waiving his Miranda rights that he had made a methamphetamine pipe out of a light bulb and that he had smoked methamphetamine recently. Procive admitted that the substance that was found was methamphetamine that he turned over the lightbulb pipe. Several more items were found in the vehicle following a search.

One of the passengers was identified as Code Christe. He denied any knowledge of the meth in the vehicle originally but later admitted that he had smoked methamphetamine 3 hours prior to being stopped. In total 12 drug items and / or paraphernalia items were found. Code Christe provided a urine sample that tested positive for methamphetamine at 5.4 ug/ml.

1st Probation Violation Synopsis:

On April 2016, Coda Christe was arrested in North Dakota for being in possession of marijuana and drug paraphernalia. Christe dropped out of his treatment program and advised his probation officer that he was not willing to go back and complete the program. Based upon Christe's behavior, the North Dakota probation department determined that Christe has exhausted the services that are available and have recommended that his probation be revoked and sent back to South Dakota.

2nd Probation Violation Synopsis:

The Defendant failed to notify his Court Services Office of his new address after leaving the Teen Challenge Program on November 28, 2016, and is thought to have absconded. On November 28, 2016, after being allowed to leave the Teen Challenge program on an off-property visit, Defendant returned and informed the Teen Challenge staff that he would no longer be attending the program. Defendant then left with a family member, without permission from the Teen Challenge Program or his Court Services Officer.

Original Sentencing Synopsis:

On August 5, 2013, the Court sentenced Coda Christe on the class 4 felony charge of possession of a schedule 1 or 2 controlled substance, a violation of SDCL 22-42-5. The Court considered the arguments of the State and the Defense, and determined that Coda Christe should be sentenced to a suspended 7-year sentence to the penitentiary. Coda Christe was ordered to complete a 5-year term of supervised probation along with a county jail sentence of 90 days with credit for 23-days previously spent incarcerated prior to the sentencing hearing. Coda Christe was ordered to pay \$104 in Court Costs; \$10 in Prosecution Costs; \$301 to the SD Drug Fund; and \$764.40 to the county for his Court Appointed Attorney Fees.

The Court sentenced Coda Christe on the class 1 misdemeanor charge of possession of a marijuana, a violation of SDCL 22-42-6. Coda Christe was ordered to pay \$84 in Court Costs; and a \$300 fine.

The Court sentenced Coda Christe on the class 2 misdemeanor charge of possession of a of drug paraphernalia, a violation of SDCL 22-42A-3. Coda Christe was ordered to pay \$66 in Court Costs; and a \$250 fine.

Probation Violation Disposition Synopsis:

On August 29, 2016, the Court re-sentenced Coda Christe on the class 4 felony charge of possession of a schedule 1 or 2 controlled substance, a violation of SDCL 22-42-5. The Court considered the arguments of the State and the Defense, and determined that Coda Christe should be sentenced to a suspended 7-year sentence to the penitentiary. Coda Christe was ordered to complete a 7-year term of supervised probation along with a county jail sentence of 67 days with credit for 67-days previously spent incarcerated prior to the sentencing hearing. Coda Christe was ordered to pay \$164 in unpaid Court costs; \$550 in unpaid fines; \$10 in unpaid prosecution costs; \$498.54 in new prosecution costs; \$301 in unpaid fees to the SD Drug Fund; \$764.40 to the county for his unpaid Court-Appointed attorney fees; and \$791.20 in new Court-Appointed attorney fees.

The Court sentenced Coda Christe on the class 1 misdemeanor charge of possession of a marijuana, a violation of SDCL 22-42-6. Coda Christe was ordered to pay \$84 in Court Costs; and a \$300 fine.

The Court sentenced Coda Christe on the class 2 misdemeanor charge of possession of a of drug paraphernalia, a violation of SDCL 22-42A-3. Coda Christe was ordered to pay \$66 in Court Costs; and a \$250 fine.

2nd Probation Violation Disposition Synopsis :

IT IS HEREBY ORDERED that as to the crime **Ct 1: Possession of a Schedule I or II Controlled Substance, a violation of SDCL 22-42-5, a class 4 felony**, that the Defendant shall serve **7 (Seven)** years in the South Dakota State Penitentiary.

IT IS FURTHER ORDERED that Court shall SUSPEND the EXECUTION of the **7 (Seven)** years of the Defendant's sentence upon the Defendant satisfying the following terms and conditions.

IT IS FURTHER ORDERED, that the Defendant shall be imprisoned in the Union County Jail for the term of **236 (two hundred and thirty-six)** days, with **236 (two hundred and thirty-six)** days credit for time served.

IT IS FURTHER ORDERED that the Defendant is placed on probation for **2 (two)** years starting February 16, 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. Defendant shall execute a wage assignment form if requested to do so by court services.

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.

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): Court Ordered Obligations including previous Court Costs of \$; Prosecution Costs in the amount of \$; and Costs payable to (South Dakota Drug Control Fund, 1302 East Highway 14, Suite 5, Pierre, SD 57501) in the amount of **\$0**.

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 **413.60**; and **previous** Court Appointed Attorneys Fees in the amount of \$ _____, thus totaling \$. It is further ORDERED that Union County is awarded a Judgment for said Court-Appointed Attorney Fees and Prosecution Costs in this matter.

IT IS FURHTER ORDERED that if the Defendant can prove remained clean and sober for **90 (ninety) days** after the successfully completion of treatment and pay off fines and costs, he could be discharged from probation early.

Criminal History:

This is Coda Christe’s 2nd probation violation on his first career felony offense. Coda Christe has had another controlled substances drug offenses that did not result in a felony conviction as it was reduced to a misdemeanor offense.