

March 30, 2018

Press Release - For Immediate Release

Defendant's Name: Richard Fredricksen
Defendant's Age: 48
Defendant's Address: North Sioux City, SD
File Number: 17-202
Incident Date: June 17, 2017
Indictment Date: July 19, 2017
Offenses Charged: Ct1: Ingestion of a Schedule 1 or 2 Controlled Substance, (F5)
Arraignment Date: August 28, 2017
Change of Plea Date: November 20, 2017
Offenses Convicted of: Ct1: Ingestion of a Schedule 1 or 2 Controlled Substance, (F5)
Sentencing Date: January 19, 2018 @ 1:30 p.m.
Defense Attorney: Sam Nelson
Prosecution Attorney: Jerry Miller & Erin Handke

Original Case Synopsis:

On June 17, 2017, law enforcement was investigating a juvenile matter which required law enforcement to seek information from parents and guardians the juveniles involved in the situation. As law enforcement approached one of the houses of a parent or guardian, law enforcement observed adult individuals inside the residence through a window smoking methamphetamine. Several individuals were arrested pursuant to what law enforcement observed. In this case, Richard Fredricksen was at this residence and he was arrested for the ingestion of a controlled substance (Meth). Fredricksen submitted a sample of his urine which tested positive for methamphetamine at a level of 26,679 ng/ml.

Original 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, 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]:

- Defendant shall obey all federal, state, tribal and local laws and be a good law-abiding citizen in all respects.
- 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 **2 (two)** 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 **42 (forty-two)** days, with **2 (two)** days credit for time served. The remaining **40 (forty)** days shall be suspended on the condition the Defendant comply with the terms of probation.

IT IS FURTHER ORDERED, that the Defendant shall pay court costs of **\$104.00**; grand jury transcript 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 **\$498.20** 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 Synopsis:

This is Richard Fredricksen's 5th career felony conviction. Fredricksen's criminal history consists no less than three career convictions for driving under the influence, of which one of these is a felony offense. Fredricksen also has one conviction for the distribution of a controlled substance; two convictions for a felony unauthorized possession of an offensive weapon; and one count of child endangerment. Fredricksen also has misdemeanor a conviction for an 'absence from custody' charge and multiple offenses for criminal mischief.