
March 30, 2018

Press Release - For Immediate Release

Defendant's Name: Tony Gunsolly
Age: 47
City and State of residence: Sioux City, IA
Criminal File Number: 16-428
Incident Date: August 5, 2016
Crimes Charges: Ct. 1: Possession of Schedule 1 or 2 Controlled Substance,
SDCL 22-42-5, (F5) 5/10
Ct.2: Ingestion of a Schedule 1 or 2 Controlled Substance,
22-42-5.1, (F5), 5/10
Ct.3: Ingestion, SDCL 22-42-15, (M1) 1/2
Indictment Date: November 11, 2016
Arrest Date: October 2, 2017
Change of Plea Date: January 10, 2018
Convicted of: Ct. 2: Ingestion of a Schedule I or II Controlled Substance, a
violation of SDCL 22-42-5.1.
Sentencing Date: January 10, 2018
Defense Attorney: Jeff Myers
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:

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 **Ct. 2: Ingestion of a Schedule I or II Controlled Substance, a violation of SDCL 22-42-5.1** 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,

IT IS HEREBY ORDERED, as to **Ct. 2: Ingestion of a Schedule I or II Controlled Substance, a violation of SDCL 22-42-5.1**, and that the Defendant shall be placed on probation for a term of **2** years.

IT IS HEREBY ORDERED that the 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 Defendant shall serve a term of imprisonment in the Union County Jail for of **60** days under the following terms and conditions:

1. 30 days to be served beginning **February 12, 2018**, at 9:00 o'clock a.m. in the event that the Defendant does not obtain and Chemical Dependency Evaluation and provide proof of that Chemical Dependency Evaluation to the Defendant's Court Service's Officer by **February 12, 2018**.
2. 30 days to be served beginning **April 27, 2018**, at 9:00 o'clock a.m. in the event that the Defendant does not complete all of the requirement set out in the previously obtained and required Chemical Dependency Evaluation and provide proof of that requirements set out in Chemical Dependency Evaluation have been completed to the Defendant's Court Service's Officer by **April 27, 2018**.

IT IS FURTHER ORDERED, that in the event that the Defendant completes all of the requirements set out in the required Chemical Dependency Evaluation by **April 27, 2018**, then the Defendant shall not have to pay the fine of Two Hundred and Fifty Dollars (\$250).

IT IS FURHTER ORDERED that Defendant shall abide by the sanctions established by the Defendant's Court Services officer.

IT IS FURTHER ORDERED, that the Defendant shall pay court costs of One Hundred and Four Dollars (**\$104.00**); grand jury transcript fees of Ten Dollars (**\$10.00**); fine of Two Hundred and Fifty Dollars (**\$250.00**); prosecution costs of Eighteen Dollars and Forty-Eight Cents (**\$18.48**); and UA fees of **Forty-Five Dollars (\$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 Defendant shall pay all financial obligations by September 7, 2018.

IT IS FURTHER ORDERED that the imposition of sentence is suspended upon the following terms and conditions [checked boxes]:

1. Defendant shall obey all federal, state, tribal and municipal ordinances.
2. Defendant shall maintain employment or be engaged in a specific program approved by your Court Services Officer. In the event you lose your job or are terminated from a program, you shall notify your Court Services Officer within 48 hours. You shall support your dependents to the best of your ability.
3. 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.
4. Defendant shall not consume alcoholic beverages nor enter establishment where alcohol the primary item for sale.
5. Defendant shall not possess, consume, or be present where any controlled substances are used (including drug paraphernalia) without a current prescription from a physician from whom you are receiving medical treatment. Verification of any prescribed medication must be provided to your Court Services Officer upon request.
6. Defendant shall submit to testing of blood, breath, urine, or other bodily fluids as directed by the Court or your Court Services Officer and be responsible for all costs of testing.
7. Defendant shall submit your person, residence, vehicle. Or property to warrantless search and seizure as directed by the Court or your Court Services Officer.
8. Defendant shall obtain a chemical dependency assessment in Thirty (30) days

and follow the recommendations and provide proof of the assessment to
the
Court Services Officer by February 12, 2018.

IT IS FURTHER ORDERED, that the Defendant shall pay the Defendant's Court-appointed attorney's fees of **\$800.00** (Eighty Hundred Dollars) 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 Tony Gunsolly's first felony file in which Gunsolly made an admission. If Tony Gunsolly is successful on probation, this file will be sealed from the public view.