

**Jerry A. Miller**  
State's Attorney  
Jerry.Miller@UnionCountySD.org

**Erin E. Handke**  
Chief Deputy State's Attorney  
Erin.Handke@UnionCountySD.org

## Union County State's Attorney

209 East Main Street ~ Suite 140  
Elk Point, South Dakota 57025  
Phone (605) 356-2666 / Facsimile (605) 761-0199

**A.J. Bates**  
Deputy State's Attorney  
AJ.Bates@UnionCountySD.org

**Jason R. Ravensborg**  
Deputy State's Attorney  
jrrlaw@midco.net

March 30, 2018

### Press Release - For Immediate Release

Defendant's Name:	Alexis Habben
Age:	22
State of residence:	Lake Andes, SD
Criminal File Number:	17-428
Incident Date:	November 8, 2017
Complaint Date:	November 20, 2017
Arraignment Hearing:	November 20, 2017
Change of Plea Date:	November 20, 2017
Date of Sentencing:	January 19, 2018
Convicted of:	<b>Ct 1: Possession of a Schedule I or II Controlled Substance, a violation of SDCL 22-42-5, a class 5 felony;</b>
Arresting Officer:	Trooper Clayton Eberhart; Trooper Andrew Steen
Defense Attorney:	Katie Johnson
Prosecution Attorney:	Jerry A. Miller & Erin Handke

#### Case Synopsis:

Alexis Habben was a passenger in a vehicle that was pulled over for speeding on the interstate near mile marker 40 in Union County on November 8, 2017. The driver of the vehicle was Aubrey Heck. Heck was driving while her license status had been suspended. Another SD Highway patrolman arrived on scene and deployed his canine partner around Heck's vehicle. The canine indicated to the odor of illegal substances coming from Heck's vehicle. Prior to the search Heck admitted that there was methamphetamine in the vehicle and that she had a pipe in her possession. Habben's purse contained syringes which field tested positive for methamphetamine. Habben also has active warrants for her arrest from Brule, and Pennington County.

#### Sentencing Synopsis:

IT IS HEREBY ORDERED that as to the crime of **Possession of a Schedule I or II Controlled Substance, a violation of SDCL 22-42-5, a class 5 felony**, that the Defendant shall serve **5** (Five) years in the South Dakota State Penitentiary. It is further ORDERED that Court shall SUSPEND the EXECUTION of the **5** (Five) 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 **3** (Three) years and must satisfy the following terms and conditions:

IT IS FURTHER ORDERED, that the Defendant shall be imprisoned in the Union County Jail for the term of **180** days, with **71 (Seventy-one)** days credit for time served. The remaining **109** days are suspended on the condition of acceptance to Rosebud Meth Program within **30 (Thirty)** days of being released from Brule County, South Dakota, and that the Defendant shall successfully complete the nine (9) month Rosebud Meth Program, or some comparable program that Court Services recommends.

IT IS FURTHER ORDERED, that the Defendant shall pay court costs of **\$104.00**; grand jury transcript fees of **\$0**; a Fine of **\$0**; and UA fees of **\$0** 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 execution of the 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 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 his/her Court-appointed attorney's fees of **\$874.20** 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.

IT IS FURTHER ORDERED, that the Defendant sentence in this file shall run concurrent with his sentence in Brule County file 07CRI14-000058.

IT IS FURTHER ORDERED, that the Defendant shall come before this court for resentencing in the event that the Court in 07CRI14-000058 sentences the Defendant to the South Dakota State Penitentiary.

**Criminal History Synopsis:**

Alexis Habben has a misdemeanor conviction for false impersonation out of Charles Mix County on August 9, 2016. Alexis Habben has a warrant for her arrest out of Pennington County originating from the charge of Theft. Alexis Habben also has a warrant for her arrest out of Brule County from the charge of Possession of Paraphernalia. Alexis Habben now has her first career

felony conviction. Following her sentencing here in Union County for Possession of a Schedule I or II Controlled Substance, a violation of SDCL 22-42-5, a class 5 felony, Alexis Habben will be taken to the two counties listed above to address her misdemeanor offenses.