

January 26, 2017

Press Release - For Immediate Release

Defendant's Name: Nakia Lay
Age: 34
City and State of Residence: Elk Point, SD
Criminal File Number: 15-111
Incident Date: April 9, 2015
Indictment Date: April 22, 2015
Arraignment Date: July 6, 2015
Change of Plea Date: August 31, 2015
Date of Sentencing: October 26, 2015
Convicted of: Ct. 1: Possession of a Schedule 1 or 2 Controlled Substance, 22-42-5, (F5)
Ct. 2: Ingestion of a Schedule 1 or 2 Controlled Substance, 22-42-5.1, (F5)
Original Arresting Officer: Jon Feller – Union County Sheriff's Office
Tim Peet – Union County Sheriff's Office
James Proudly – Union County Sheriff's Office
Joshua Bridenstine – Union County Sheriff's Office
Trent Heuertz – SDHP
Jacob Limoges – EPPD
Court Appointed Attorney: Jeff Myers
Prosecuting Attorney: Jerry A. Miller

Probation Violation Date: March, 2016
Probation Violations: Failed to complete treatment
Initial Appearance: July, 10, 2017
Status Hearing: July 21, 2017
Admission Date: August 20, 2017
Interim Disposition: August 20, 2017
Admission to: Violating Probation ~ Failure to complete Treatment on
Ct. 1: Possession of a Schedule 1 or 2 Controlled Substance, 22-42-5, (F5)
Ct. 2: Ingestion of a Schedule 1 or 2 Controlled Substance, 22-42-5.1, (F5)
Final Disposition Date: November 20, 2017
Court Appointed Attorney: Jeff Myers
Prosecuting Attorney: Jerry A. Miller

Original Case Synopsis:

On April 9, 2015, law enforcement was at the Lay residence serving an arrest warrant on Tommy Lay. Tommy Lay admitted that he had just smoked a marijuana joint. When officer requested that he produce the marijuana joint, Tommy Lay refused to comply. Officers then applied for and received a search warrant for the Lay residence. Officers found Marijuana, Drug Paraphernalia; and Cocaine. Nakia Lay provided a urine sample that tested positive for marijuana (THC) at a level of 259 ng/ml and positive for Benzoylcegonine (Cocaine) at a level of 22,101

ng/ml. Tommie Lay provided a urine sample that tested positive for 260 ng/ml of marijuana (THC) and 4,000 ng/ml of Benzoylcogonine (Cocaine).

Probation Violation Synopsis:

The Defendant has not attended an individual session at Jackson Recovery Centers since March 2, 2016, and no group sessions since March 31, 2016. The Defendant has failed to attend scheduled appointments with her Iowa Probation Officer on four (4) separate occasions, and has been late several times. The Defendant has been given several warnings. This has been a pattern since she started probation. The Defendant has failed to remain in contact with her probation officer, and is thought to have absconded. Date of last contact with Court Services Officer was July 7, 2016.

Disposition on Probation Violation:

AS TO THE CHARGE in Ct. 1: and Ct. 2: Possession of Schedule I or II Controlled Substance, a violation of SDCL 22-42-5, a class 5 felony; and Ingestion of Schedule I or II Controlled Substance, a violation of SDCL 22-42-5.1, a class 5 felony, respectively, the court ordered the same terms and condition with the sentences to run concurrently with the following terms: IT IS HEREBY ORDERED ADJUDGED AND DECREED that the Defendant shall serve Five (5) years in the South Dakota State Penitentiary. It is further ORDERED that Court shall SUSPEND the EXECUTION of the Five (5) 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 Three (3) years and must satisfy the following terms and conditions:

1. The Defendant shall be placed under the supervision of the Chief Court Officer, or his representative, for a period of Three (3) years. The Defendant shall sign and comply with all terms of Adult Probation Agreement.
2. The Defendant shall obey all federal, state and local laws.
3. That the Defendant shall not possess or use any alcoholic beverages, or use or possess any controlled drugs or illegal substances, including marijuana, while on probation with the exception of medications lawfully prescribed and ingested according to the doses prescribed by a licensed physician.
4. The Defendant shall waive his/her Fourth Amendment right against warrant-less random search and seizure by his/her Probation Officer and/or any law enforcement officer upon request, to include the Defendant's person, vehicle, and residence. This

waiver shall include the Defendant submitting to a UA, breathe or other bodily substance upon request. The Defendant shall remain responsible for the costs of all UA's or any other substance tests.

5. The Defendant shall successfully complete any and all treatment and aftercare, and follow all the recommendations of the treatment provider Marian Manor for at least Ninety (90) days and follow all rules.
6. Court Services shall have the discretion to require the Defendant to obtain a mental health evaluation and shall follow all recommendations for treatment by the mental health providers, including taking and following all recommendations for medications.
7. Court Services shall have the discretion to require the Defendant to participate in the CBISA program, MRT program or other classes and programming as Court Services may direct during the term of probation.
8. Court Services shall have the discretion anytime during the term of probation to require the Defendant to participate in the Drug Patch Program and/or SCRAM or 24/7 Programs. The Defendant shall be responsible to pay all costs associated with any of these programs.
9. The Defendant shall pay all monetary obligations as Ordered by this Court as a term of satisfying Defendant's probation. The Defendant shall work with her probation officer and establish a minimum monthly payment plan and forward payments to the Clerk of Courts.

IT IS FURTHER ORDERED that the Defendant shall pay the following amounts **previously** ordered to the Union County Clerk of Courts (209 East Main Street, ~ Suite 230, Elk Point, SD 57025): Remaining Court and Prosecution Costs of Two Hundred Fifty-Six (\$256.00) Dollars.

IT IS FURTHER ORDERED that the Defendant shall be sentenced to 14 days in the Union County Jail, and any or all of the 14 days may be waived upon the defendant being accepted by the State of Nebraska through the Interstate Compact.

IT IS FURTHER ORDERED that the Defendant shall pay the following amounts ordered to the Union County Clerk of Courts (209 East Main Street, ~ Suite 230, Elk Point, SD 57025): **New** transport costs in the amount of Eighteen Dollars and Forty-Eight (\$18.48) Cents.

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): **Previous** Court Appointed Attorneys Fees in the amount of One Thousand One Hundred Forty Dollars and Fifty (\$1,140.50) Cents. 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 shall pay his/her Court-appointed attorney's fees of \$893.00 directly to the Union County Auditor, and a judgment is granted to the county in this amount (209 East Main Street, ~ Suite 200, Elk Point, SD 57025).

Criminal History:

This is Nakia Lay's 1st probation violation on her third career felony conviction.