
May 25, 2018

Press Release - For Immediate Release

Defendant's Name: Mark Lenz
Age: 50
City and State of residence: Kaleva, MI
Criminal File Number: 18-034
Date of Offense: January 19, 2018
Date of Indictment: February 14, 2018
Date of Arraignment: March 23, 2018
Offense(s) Charged: Count 1: Possession of a Schedule I or II Controlled Substance, a violation of SDCL 22-42-5, a class 5 felony
Count 2: Possession of Marijuana – Less Than 2 Ounces, a violation of SDCL 22-42-6, a class 1 misdemeanor
Count 3: Ingestion, a violation of SDCL 22-42-15, a class 1 misdemeanor
Count 4: Possession of Drug Paraphernalia, a violation of SDCL 22-42A-3, a class 2 misdemeanor
Change of Plea: March 23, 2018
Convicted of: **Count 1: Possession of a Schedule I or II Controlled Substance, a violation of SDCL 22-42-5, a class 5 felony**
Date of Sentencing: April 18, 2018
Officer: Chief Jacob Limoges – Elk Point Police Department
Defense Attorney: Jim McCulloch
Prosecutor: Erin Handke

Original Case Synopsis:

Mark Lenz was arrested on January 19, 2018 after law enforcement responded to a call from Prairie Estates Care Center for a situation involving cookies smelling of marijuana. At the care center the staff handed over an opened vacuum sealed bag containing cookies that smelled strongly of marijuana. A field test on the cookies indicated positive for THC. The cookies were supplied by a resident's son, Mark Lenz. Lenz was said to be driving a silver Dodge Journey with no front license plate. Law enforcement observed the vehicle in the parking lot of the care center and made contact with Lenz inside. Lenz admitted to supplying the cookies to his mother, a resident of the center. Upon questioning by law enforcement he turned over a glass container with marijuana inside and admitted to smoking marijuana about three hours prior and snorting crushed pills the night before. Lenz was arrested and transported to the Union County jail where he provided a urine sample that tested positive for TCH-COOH at 208 ng/mL and for Oxycodone at 923 ng/ml.

Original Sentencing Synopsis:

The 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 1: Possession of a Schedule I or II Controlled Substance, a violation of SDCL 22-42-5, a class 5 felony**, 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 FURTHER ORDERED, that the Defendant is placed on probation for **18 (Eighteen)** months. 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 serve a term of imprisonment in the Union County Jail for **60** days with **0** days credit for time served. The remaining **60** days shall be served as follows: **60 (sixty)** days to be served beginning **November 1, 2018** at **9:00 a.m.** The Defendant's Court Services officer may recommend to the court that any of these jail terms be waived, but unless the court signs a written order waving any of these jail terms, each of the jail terms shall be served by the Defendant.

Subject to the rules to the Union County Jail, Defendant shall be entitled to work release for education, or release for chemical dependency treatment or aftercare, with the Defendant to pay the costs of these releases.

IT IS FURTHER ORDERED that the Defendant may serve the jail sentence in Michigan, at the Defendant's cost.

IT IS FURTHER ORDERED, that the Defendant shall pay court costs of **\$104.00**; Prosecution cost of **\$10.00** a Fine of **\$1,000.00**; and State Lab Testing of **\$54** and UA fees of **\$45** 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 imposition of 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 another approved South Dakota county sheriff's office and submit to testing in the form of twice daily PBTs 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.

Criminal History:

Mark Lenz was arrested in 1996 for DUI and Assaulting a Law Enforcement Officer in Jefferson County, Missouri. This offense is Lenz's second arrest and first in the state of South Dakota. Lenz was granted judicial clemency by the court through the process of a suspended imposition of sentence. If Lenz is successful on probation, the court will seal this file from public view and neither the court nor any law enforcement agency will be able to comment on the file. If Lenz is not successful on probation, the Court could revoke the suspended imposition of sentence and pass its sentence on Lenz's case. If this occurs, this file will remain a public document. Lenz's court file and law enforcement files are a public record until sealed. This office's press release is not a part of the State's Attorney's case file on Mr. Lenz.