
June 29, 2018

Press Release - For Immediate Release

Defendant's Name: Tanisha Lovegreen
Age: 28
City and State of residence: Sioux City, IA
Criminal File Number: 17-222
Date of Offense: April 19, 2017
Date of Indictment: June 28, 2017
Date of Arraignment: October 16, 2017
Offense(s) Charged: Ct.1: Forgery, 22-39-36, (F5)
Ct.2: Forgery, 22-39-36, (F5)
Ct.3: Poss. Of Known Forged Instrument, 22-39-38, (F6)
Ct.4: Poss. Of Known Forged Instrument, 22-39-38, (F6)
Change of Plea Date: October 16, 2017
Convicted of: Ct.1: Forgery, 22-39-36, (F5)
Date of Sentencing: October 16, 2017
Officer: Officer Dustin Sharkey – NSCPD
Defense Attorney: Jeffrey Myers
Prosecutor: Jerry Miller

1st Probation Violation Date: November 16, 2017
Initial Appearance on PV: January 26, 2018
Probation Violation(s): Failed to complete chemical dependency treatment; Failed to appear at Court ordered sentencing hearing
Date of Disposition: May 1, 2018
Defense Attorney: Jeffrey Myers
Prosecutor: Jerry Miller

Original Case Synopsis:

On April 24, 2017, at approximately 10:00 a.m., Gary Pekelder approached Officer Dustin Sharkey about his stolen checkbook. Two of his checks were missing and were written to the Outlaw Casino. Officer Sharkey acquired the security video from Outlaws Casino, which clearly showed Tanisha Lovegreen filling out and cashing two checks the night of April 19, 2017. The two checks were for \$100 each and signed with the name "Gary Pekelder" in two different signatures. Gary provided an Affidavit of Forged Signature from his bank. He denied ever giving anyone permission to write checks on his account. Tanisha Lovegreen is clearly visible in the security video filling out the checks, one at 11:20 p.m. and the second at 11:44 p.m.

1st Probation Violation Synopsis:

On October 30, 2017 Tanisha Lovegreen was arrested in North Sioux City for being in possession of a stolen vehicle. During a search incident to arrest a glass pipe containing residue of methamphetamine was discovered in her pocket. Tanisha admitted to smoking methamphetamine a day prior.

Original Sentencing Synopsis:

The above-entitled matter having come before the Court and the Honorable Steven R. Jensen for the purposes of Sentencing Hearing at 10:30 a.m., on October 16, 2017, with the State of South Dakota being present through Union County State's Attorney, Jerry A. Miller, and the Defendant being present in person and through counsel, Jeffrey Myers. The Court and the parties having had an opportunity to review the probable cause statement on file in the matter and the defendant's criminal history; the parties having had an opportunity to present evidence and argument, and 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 Court receiving a plea of GUILTY to a crime that is not punishable by life in prison and the Defendant never before having been convicted of a crime which would constitute a felony in this State, this Court exercises its judicial clemency under SDCL 23A-27-13 and with the consent of the Defendant suspends the imposition of the sentence. It is, therefore,

AS TO THE CHARGE in Count 1: Forgery, SDCL 22-39-36, a class 5 felony; IT IS ORDERED that the Defendant shall be placed on **supervised probation** for Two (2) 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 Two (2) years. The Defendant shall sign and comply with all terms of Adult Probation Agreement.
2. The Defendant's supervision may be transferred to the State of Iowa for supervision.
3. The Defendant shall obey all federal, state and local laws.
4. 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.
5. 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.
6. The Defendant shall successfully complete any and all treatment and aftercare, and follow all the recommendations of the treatment provider.
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 to require the Defendant to obtain a gambling assessment and to successfully complete any and all treatment and aftercare and all the recommendations of the treatment provider.
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 serve Fifteen (15) days in the Union County Jail. It is FURTHER ORDERED that the Defendant shall receive credit for Eight (8) days that the Defendant spend incarcerated prior to disposition.

IT IS FURTHER ORDERED that the Defendant shall pay the following amounts to the Union County Clerk of Courts (209 East Main Street, ~ Suite 230, Elk Point, SD 57025): Court Costs of One Hundred and Four (\$104.00) Dollars; Prosecution Costs in the amount of Twenty-Eight (\$28.48) Dollars and Forty-Eight Cents; and restitution payable to (Gary Pekelder, 801 East 9th Street #28, South Sioux City, NE 68776) in the amount of Two Hundred (\$200.00) Dollars.

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): Court Appointed Attorneys Fees in the amount of Three Hundred and Seventy-Six (\$376.00). It is further ORDERED that Union County is awarded a Judgment for said Court Appointed Attorney Fees in this matter.

Probation Violation Disposition Synopsis:

IT IS HEREBY ORDERED ADJUDGED AND DECREED that pursuant to SDCL 22-6-11, the sentencing Court set out orally on the record, the aggravating circumstances that exist at the time of sentencing in which the Defendant poses a significant risk to the public and in which requires a departure from presumptive probation. Furthermore, as required by statute, those aggravating circumstances are further memorialized in this dispositional order as:

- i. The Defendant has prior misdemeanor and felony convictions.
- ii. The Defendant has a significant drug addiction past.
- iii. The Defendant failed to complete chemical dependency treatment.
- iv. The Defendant failed to appear at her Court ordered sentencing hearing on March 12, 2018, and an order revoking bond and bench warrant was issued. Therefore,

Due to the above stated issues the Court finds aggravating circumstances exist that causes a significant risk to the public rebutting the presumption of probation.

IT IS HEREBY ORDERED, ADJUDGED AND DECREED that the Defendant's Suspended Imposition of Sentence dated October 31, 2017 shall be REVOKED. It is Further Ordered that the Defendant shall serve **Five (5)** years in the South Dakota State Penitentiary with the sentence to begin **immediately**. It is further ORDERED that **Eighteen (18)** months of the Defendant's sentence shall be SUSPENDED upon the following terms and conditions:

1. The Defendant shall obey all federal, state and local laws.
2. The Defendant shall pay all monetary obligations as Ordered by this Court as a term of satisfying Defendant's parole.

IT IS FURTHER ORDERED that the Defendant shall receive credit for 53 days that the Defendant spent incarcerated prior to disposition.

IT IS FURTHER ORDERED that the Defendant shall be imprisoned in the South Dakota State Penitentiary for the term ordered by the Court, there to be kept, fed, and clothed according to the rules and regulation governing that institution.

IT IS FURTHER ORDERED that Defendant shall abide by the rules and regulations of the board of pardons and paroles, shall sign the required parole agreements, and shall obey all conditions imposed by them even though the conditions may not have been specifically set out by the Court.

IT IS FURTHER ORDERED that the Defendant shall pay the following amounts to the Union County Clerk of Courts (209 East Main Street, ~ Suite 230, Elk Point, SD 57025): Previous Court Costs, Prosecution costs, and Restitution in the amount of **\$332.48**.

IT IS FURTHER ORDERED that the Defendant shall pay the following amounts to the Union Auditor (209 East Main Street, ~ Suite 200, Elk Point, SD 57025): Previous Court-Appointed Attorney Fees in the amount of **\$376.00**. It is further ORDERED that Union County is awarded a Judgment for said Court Appointed Attorney Fees in this matter.

Criminal History:

This is Tanisha Lovegreen's 1st probation violation on her first felony offense. Since Tanisha's original conviction on this file, she was arrested and convicted of a second felony offense for the ingestion of a felony-controlled substance. Tanisha Lovegreen has had three prior misdemeanor drug convictions, one in Montana and two in Iowa.