
May 25, 2018

Press Release - For Immediate Release

Defendant's Name: Roger Miller
Age: 68
City and State of residence: Dakota Dunes, SD
Criminal File Number: 17-318
Date of Offense: August 22, 2017
Date of Indictment: September 27, 2017
Date of Arraignment: October 23, 2017
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 a Schedule I or II Controlled Substance, a violation of SDCL 22-42-5, a class 5 felony
Count 3: Delivery of Drug Paraphernalia, a violation of SDCL 22-42A-4, a class 6 felony
Count 4: Possession of Drug Paraphernalia, a violation of SDCL 22-42A-3, a class 2 misdemeanor
And a Part II for Habitual Offender, SDCL 22-7-7, enhancing all felonies one level
Change of Plea: January 8, 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
Count 2: Possession of a Schedule I or II Controlled Substance, a violation of SDCL 22-42-5, a class 5 felony
Date of Sentencing: February 16, 2018
Officer: Deputy Robert Albertsen – Union County Sheriff's Office
Defense Attorney: Patrick T. Parry
Prosecutor: Erin Handke

Original Case Synopsis:

On August 22, 2017, Deputy Albertsen arrived at the residence of Roger Miller in response to law enforcement that reported a man had been shot at the Miller residence and there were drugs involved. Upon investigation, no gunshot victim was located, but multiple glass pipes and a white crystal substance that appeared to be methamphetamine were in plain view on the kitchen table and countertop. Deputy Albertsen arrested Miller and transported him to the Union County jail where he was booked on charges of Possession of a Controlled Substance and Possession of Drug Paraphernalia.

Original Sentencing Synopsis:

IT IS HEREBY ORDERED that as 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**, 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 is placed on probation for **3 (three)** years. 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 be imprisoned in the Union County Jail for the term of **120 (one hundred and twenty)** days, with **0 (zero)** days credit for time served. The remaining **120 (one hundred and twenty)** days shall be served as follows: **30 (thirty)** days to be served beginning **May 1, 2018** at 9:00 a.m.; **30 (thirty)** days to be served beginning **August 1, 2018** at 9:00 a.m.; and **60 (sixty)** days to be served beginning **December 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.

IT IS FURTHER ORDERED as 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**, that the Defendant shall pay court costs of **\$104.00**; grand jury transcript fees of **\$10.00**; a Fine of **\$5,000.00**; and UA and Testing 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 Court shall SUSPEND the EXECUTION sentence upon the Defendant satisfying the following terms and conditions [checked boxes]:

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.

IT IS HEREBY ORDERED that as to the crime of **Ct. 2: 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, 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 as to the crime of **Ct. 2: Possession of a Schedule I or II Controlled Substance, a violation of SDCL 22-42-5, a Class 5 felony**, that the Defendant shall pay court costs of **\$104.00**; a Fine of **\$5,000.00**; and UA and Testing 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 Court shall SUSPEND the EXECUTION sentence upon the Defendant satisfying the following terms and conditions [checked boxes]:

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.

IT IS FURTHER ORDERED, that the Defendant's sentence for **Ct. 1: Possession of a Schedule I or II Controlled Substance, a violation of SDCL 22-42-5, a Class 5 felony** and **Ct. 2: Possession of a Schedule I or II Controlled Substance, a violation of SDCL 22-42-5, a Class 5 felony** shall run concurrent to each other.

Criminal History:

Roger Miller was first convicted in 1972 of misdemeanor larceny. Miller also has three prior convictions for OWI. This offense is Miller's second career felony conviction.