
February 28, 2018

Press Release - For Immediate Release

Defendant's Name: Jacob Monell
Age: 31
State of residence: Sioux City, IA
Criminal File Number: 16-335
Incident Date: June 28, 2016
Indictment Date: September 7, 2016
Arraignment Hearing: May 22, 2017
Change of Plea Date: May 22, 2017
Date of Sentencing: May 22, 2017
Convicted of: Ingestion of a Schedule I or II Controlled Substance, SDCL 22-42-5.1, F5 5/10

Arresting Officer: Trooper Kayne Weaver
Defense Attorney: Katie Johnson
Prosecution Attorney: Jerry A. Miller

Probation Violation Date: July 2017 to November 2017
Probation Violation: Defendant shall make all appointments w/ CSO
Defendant shall serve 10 days
Defendant shall complete treatment
Defendant shall not consume alcohol or drugs
Defendant shall submit to testing when requested
Defendant shall pay financial obligations

PV Initial Appearance: December 18, 2017
Status Hearing: January 8, 2018
Admission Date: January 19, 2018
Disposition Date: January 19, 2018
Defendant's Attorney: Katie Johnson
Prosecutor: Erin Handke

Case Synopsis:

On June 28, 2016 at approximately 4:10 p.m. Trooper Kayne Weaver, observed a car that had no front license plate displayed. The car had a rear license plate displayed and was from Iowa, a state that requires both license plates to be displayed. Trooper Weaver initiated a traffic stop. The passenger in the car was the Defendant, Jacob Monell. Trooper Weaver detected an odor of Marijuana coming from the vehicle and observed that Jacob Monell's eyes were bloodshot. Trooper Weaver asked the Defendant to step out of the Vehicle and performed a search of his person and located Marijuana in his front pocket and a pipe in his pocket. Radio Communications confirmed that Woodbury County had a Warrant out for the Defendant. Jacob Monell was taken to Union County Jail and voluntarily consented to a Urine Sample being taken. That Urine Sample came back positive for THC with a level of 1885 ng/ml and Methamphetamine at a level of 68,142 ng/ml. Jacob Monell plead guilty to Possession of Marijuana, a class 1 misdemeanor and

Possession of Drug Paraphernalia, a class 2 misdemeanor. Jacob Monell was later Indicted on his current felony charge when his urine sample came back positive for Methamphetamine.

Sentencing Synopsis:

AS TO THE CHARGE in Count I, Ingestion of a Schedule I or II Controlled Substance, a violation of SDCL 22-42-5.1, a class 5 felony; IT IS HEREBY ORDERED ADJUDGED AND DECREED that Jacob Monell 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 Jacob Monell's sentence upon Jacob Monell satisfying the following terms and conditions. It is further ORDERED that Jacob Monell shall be placed on supervised probation for Four (4) years and must satisfy the following terms and conditions:

1. Jacob Monell shall be placed under the supervision of the Chief Court Officer, or his representative, for a period of Four (4) years. Jacob Monell shall sign and comply with all terms of Adult Probation Agreement.
2. Jacob Monell's supervision may be transferred to the State of Iowa for supervision.
3. Jacob Monell shall obey all federal, state and local laws.
4. That Jacob Monell 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. Jacob Monell 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 Jacob Monell's person, vehicle, and residence. This waiver shall include Jacob Monell submitting to a UA, breathe or other bodily substance upon request. Jacob Monell shall remain responsible for the costs of all UA's or any other substance tests.
6. Jacob Monell shall not enter any establishment that obtains its primary source of income through the sale of alcohol.
7. Court Services shall have the discretion to require Jacob Monell to participate in the CBISA program, MRT program or other classes and programming as Court Services may direct during the term of probation.
8. Jacob Monell shall be on the 24/7 program for a period of Six (6) months, and shall comply with all the rules of the program as a condition of probation. Jacob Monell shall be responsible to pay all costs associated with the 24/7 program.
9. Jacob Monell shall be on the SCRAM program for Ninety (90) days, and shall comply with all the rules of the program as a condition of probation. Jacob Monell shall be responsible to pay all costs associated with the SCRAM program.
10. Court Services shall have the discretion anytime during the term of probation to require Jacob Monell to participate in the Drug Patch Program and/or SCRAM or 24/7 Programs.
11. Jacob Monell shall pay all monetary obligations as Ordered by this Court as a term of satisfying Defendant's probation. Jacob Monell shall work with his probation officer and establish a minimum monthly payment plan and forward payments to the Clerk of Courts.

IT IS ORDERED, ADJUDGED, AND DECREED that Jacob Monell shall serve a sentence of Ten (10) Days in the Union County Jail. It is FURTHER ORDERED that Jacob Monell shall receive credit for Five (5) days that Jacob Monell spent incarcerated prior to disposition.

IT IS FURTHER ORDERED that Jacob Monell 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 Four (\$104.00) Dollars; Prosecution Costs in the amount of One Hundred Seventy-Four Dollars and Twenty-Two (\$174.22) Cents; and Costs payable to (South Dakota Drug

Control Fund, 1302 East Highway 14, Suite 5, Pierre, SD 57501) in the amount of Fifty-Four (\$54.00) Dollars.

IT IS FURTHER ORDERED that Jacob Monell 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 Two Hundred Seventy-Two Dollars and Sixty (\$272.60) 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 Court expressly reserves control and jurisdiction over Jacob Monell for the period of his probation and that the Court may revoke the suspension at any time and reinstate the sentence without diminishment or credit for any of the time Jacob Monell was on probation.

IT IS FURTHER ORDERED that the Court reserves the right to amend any or all of the terms of this Order at any time.

Probation Violation Synopsis:

- a. The Defendant violated this condition by failing to report to the Union County Jail on October 19, 2017 for his 48-hour jail sanction as a result of a positive drug patch; and / or
- b. The Defendant has absconded from supervised probation as of October 19, 2017.
- c. The Defendant violated this condition by failing to report to the Union County Jail on October 19, 2017 for his 48-hour jail sanction as a result of a positive drug patch.
- d. The Defendant has failed to obtain a chemical dependency evaluation at the direction of the Defendant's IA Court Service Officer; and/or
- e. The Defendant has been advised on three separate occasions to obtain a chemical dependency evaluation and has failed to comply.
- f. The Defendant failed a PBT during a home random home visit by his Court Service's Office on 9/21/2017; and/or
- g. The Defendant's admitted to drinking beer during a home random home visit by his Court Service's Office on 9/21/2017.
- h. The Defendant's drug patch, which was collected on 9/18/2017, tested positive for Methamphetamine; and/or
- i. The Defendant's drug patch, which was collected on 5/29/2017, tested positive for Methamphetamine.
- j. As of November 1, 2017, it was reported to the Defendant's Court Service's Officer, that the Defendant had not been living at his reported address for the two weeks prior this date; and/or
- k. As of November 1, 2017, it was reported to the Defendant's Court Service's Officer, that the Defendant had not working at his reported place of employment for the two weeks prior this date.
- l. On September 21, 2017, the Defendant was found to be without his required drug patch which is a violation of the drug patch program.
- m. The Defendant has not any required \$40 per month payments since the agreed upon start of the payments which were to begin July of 2017.

Probation Violation Disposition Synopsis:

IT IS HEREBY ORDERED that as to the crime **Ct 1: Ingestion of a Scheduled I or II Controlled Substance, SDCL 22-42-5.1, 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 **4 (four)** 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 **115 (one-hundred and fifteen)** days, with **60 (sixty)** days credit for time served. The remaining **55 (fifty-five)** days shall be suspended under the condition that the Defendant successfully completes Teen Challenge.

IT IS FURTHER ORDERED that the Defendant is placed on probation for **4 (four)** years starting January 19, 2018. 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 execution of the sentence is suspended upon 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 and mental health evaluations 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 **new** transportation costs of **\$18.48** to the Union County Clerk of Courts; to the Union County Clerk of Courts (209 East Main Street, ~ Suite 230, Elk Point, SD 57025).

IT IS FURTHER ORDERED that the Defendant shall pay the **previously ordered** amounts to the Union County Clerk of Courts (209 East Main Street, ~ Suite 230, Elk Point, SD 57025): Court Ordered Obligations including previous Court Costs of **\$104.00**; Prosecution Costs in the amount of **\$174.22**; and Costs payable to (South Dakota Drug Control Fund, 1302 East Highway 14, Suite 5, Pierre, SD 57501) in the amount of **\$54.00**.

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): **New** Court-appointed attorney's fees of **\$394.80**; and **previous** Court Appointed Attorneys Fees in the amount of **\$272.60**, thus totaling (Six Hundred and Sixty-Seven Dollars and

Forty Cents) **\$667.40**. It is further ORDERED that Union County is awarded a Judgment for said Court-Appointed Attorney Fees and Prosecution Costs in this matter.

Criminal History Synopsis:

This appears to be Jacob Monell's first probation violation on his second career felony conviction. Monell previously had a felony DUI conviction in Iowa. Other than DUI convictions, Monell absconded from parole.