
June 29, 2018

Press Release - For Immediate Release

Defendant's Name: Ronald Powers
Age: 68
City and State of residence: North Sioux City, SD
Criminal File Number: 16-388
Date of Offense: August 11, 2016
Date of Indictment: November 2, 2016
Date of Arraignment: November 28, 2016
Offense(s) Charged: Ct.1: Ingestion of a Schedule I or II Controlled Substance, 22-42-5.1, (F5)
Change of Plea Date: February 6, 2017
Convicted of: Ct.1: Ingestion of a Schedule I or II Controlled Substance, 22-42-5.1, (F5)
Date of Sentencing: March 6, 2017
Officer: Chief Rich Headid - NSCPD
Defense Attorney: Jeffrey Myers
Prosecutor: Jerry Miller

1st Probation Violation Date: January 9, 2018
Initial Appearance on PV: February 12, 2018
Probation Violation(s): Possessed marijuana and paraphernalia; Arrested in ND; and Absconded from treatment.
Date of Disposition: February 12, 2018
Defense Attorney: Jeffrey Myers
Prosecutor: Jerry Miller

Original Case Synopsis:

On August 11, 2016, Chief Richard Headid was advised by Court Service Officer Kelly Gregg, that she was going to the residence of 120 Merrill Avenue to look for the Defendant, Ronald Powers. Upon making contact with Powers, Chief Headid advised Powers that due to his Probation Conditions he was required to provide a urine sample. That urine sample tested positive for Methamphetamine, at a level of 1,760 ng/ml and Powers was later indicted for ingestion of a schedule I or II controlled substance, a class 5 felony on November 2, 2016. Powers was found guilty of this charge.

Probation Violation Synopsis:

On February 5, 2018, Defendant Ronald Powers was arrested after he failed to adhere to certain conditions of his probation. Namely, Ronald Powers failed to follow through with treatment at Jackson Recovery, tested positive for methamphetamines on the last three random urinalyses

and made two monthly payments that were due to begin on May 15, 2017. Powers owed \$249.45 as of January 9, 2018.

Original Sentencing Synopsis:

Ronald Powers was found guilty of Ct.1, ingestion of a schedule 1 or 2 controlled substance. The Court sentenced Powers on Ct.1, the class 5 felony offense of ingestion of a schedule 1 or 2 controlled substance to a five-year suspended sentence to the South Dakota State Penitentiary. Powers sentence was suspended on the terms and conditions that he satisfy the terms of his three-year term of supervised probation. Powers was also sentenced to serve 30 days in the Union County Jail. The Court ordered that Powers shall serve 30 days on March 1, 2018. The Court ordered that Powers shall pay the following: \$104 in Court Costs; \$20 in Prosecution Costs; \$90 to the SD Drug Control Fund; \$300 in fines; and \$647.50 in Court-Appointed Attorney Fees.

Probation Violation Disposition Synopsis :

The above-entitled matter having come before the Honorable Cheryle Gering for dispositional hearing on the 12th day of February, 2018, the Defendant appears at 9:00 a.m., with the Defendant's attorney, Jeffrey Myers and the State of South Dakota appearing by and through Erin E. Handke, Union County Deputy State's Attorney. The parties having presented evidence and argument to the Court; and the Court then pronounced the following sentence:

IT IS HEREBY ORDERED that as to the crime of **Ct. 1: Ingestion of a Schedule 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 **3 (three)** years starting February 12, 2018, 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.
6. 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.
7. 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.
8. 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 his probation officer and establish a minimum monthly payment plan and forward payments to the Clerk of Courts.
9. The Defendant shall have no guests or overnight guests allowed in the Defendant's home unless approved by Court Services.

IT IS FUTHER ORDERED, that the Defendant shall be imprisoned in the Union county Jail for a term of 99 (ninety-nine) days, with 9 (nine) days credit for time served. The remaining 90 (ninety) days shall be served as follows: 30 (thirty) days to be served beginning April 15, 2018 at 9:00 a.m. The 30 (thirty) days are suspended if the Defendant is enrolled in treatment. The remaining 60 (sixty) days will be imposed in 15 (fifteen) day increments for each positive UA the Defendant has. The Court is expressly over-riding the Sanction Grid. 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 that subject to the rules of the Union County Jail, Defendant shall be entitled to work release, release for education, or release for chemical dependency treatment or aftercare, with the Defendant to pay all cost of these releases.

IT IS FURTHER ORDERED, that the Defendant shall pay unpaid financial obligations of **\$119.45 (One Hundred Nineteen dollars and Forty-Five cents)** as set out by 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 his/her previous Court-appointed attorney's fees of **\$647.50 (Six-hundred and Forty-seven Dollars and Fifty cents)** directly to the Union County Auditor, (209 East Main Street, ~ Suite 200, Elk Point, SD 57025). 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:

This is Ronald Powers' first probation violation on his first career felony conviction. Powers' other criminal offenses include misdemeanors, with the most recent being a DUI 2nd in 2006.