
March 30, 2018

Press Release - For Immediate Release

Defendant's Name: Katherine Smothermon
Age: 26
City and State of residence: Sequim, WA
Criminal File Number: 17-455
Arrest Date: November 27, 2017
Crimes Charges: Ct. 1: Possession of a Schedule I or II Controlled Substance,
(Cocaine) SDCL 22-42-5, (F5) 5/10
Ct. 2: Possession of a Schedule I or II Controlled Substance,
(Mushrooms) SDCL 22-42-5, (F5) 5/10
Ct. 3: Possession of a Schedule I or II Controlled Substance,
(LSD) SDCL 22-42-5, (F5) 5/10
Ct. 4: Possession of a Schedule I or II Controlled Substance,
(Adderall) SDCL 22-42-5, (F5) 5/10
Ct. 5: Possession of a Schedule I or II Controlled Substance,
(Ecstasy) SDCL 22-42-5, (F5) 5/10
Ct. 6: Possession of Marijuana, less than 2 ounces, SDCL 22-42-6, (M1) 1/2
Ct. 7: Possession of Drug Paraphernalia While in a Motor
Vehicle, SDCL 22-42A-3 & 32-12-52.3, (M2) 30/500
Indictment Date: November 30, 2017
Arraignment Date: December 4, 2017
Change of Plea Date: February 16, 2018
Convicted of: Ct. 1: Possession of a Schedule I or II Controlled Substance,
(Cocaine) SDCL 22-42-5, (F5) 5/10
Ct. 3: Possession of a Schedule I or II Controlled Substance,
(LSD) SDCL 22-42-5, (F5) 5/10
Ct. 5: Possession of a Schedule I or II Controlled Substance,
(Ecstasy) SDCL 22-42-5, (F5) 5/10
Sentencing Date: February 16, 2018
Defense Attorney: Katie Johnson
Prosecution Attorney: Jerry Miller & Erin Handke

Case Synopsis:

On November 27, 2017, Trooper Cody Jansen with the SDHP pulled a vehicle over traveling 73 mph in a 65-mph zone on Interstate 29 at mile marker 3. Katherine Smothermon was identified in the vehicle and it appeared to the trooper that she was extremely nervous. The trooper noted her carotid artery pulsating in her neck, loud breathing, a frantic look when asked to go back with the trooper to his patrol vehicle. Upon the question about the subject of drugs, Katherine Smothermon reaction was the return of the frantic look. Katherine Smothermon consented to allow the officer to search the vehicle. When a marijuana pipe was found, Smothermon stated that the item was her boyfriend who was riding with her.

Tyler Rike, who is Smothermon's boyfriend admitted to the ownership of the pipe. A search of the trunk identified the possession of Cocaine, Shrooms, LSD, Ecstasy, and Adderall, along with marijuana all contained in a box. Katherine Smothermon admitted to the box and its contents when she told the officer that 'the box in the trunk is what you are looking for

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; Ct 3: Possession of a Schedule I or II Controlled Substance, a violation of SDCL 22-42-5, a class 5 felony; and Ct 5: 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 HEREBY ORDERED, as to **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 be imprisoned in the Union County Jail for the term of 6 days, with 6 days credit for time served.

IT IS FURTHER ORDERED as to **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 is placed on probation for a term of 2 (two) 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 as to **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**; Fine of **\$500.00**; and UA and testing fees fo **\$385.00** 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 HEREBY ORDERED, as to **Ct. 3: Possession of a Schedule I or II Controlled Substance, a violation of SDCL 22-42-5, a class 5 felony**, that the Defendant shall be imprisoned in the Union County Jail for the term of 6 days, with 6 days credit for time served.

IT IS FURTHER ORDERED as to **Ct. 3: Possession of a Schedule I or II Controlled Substance, a violation of SDCL 22-42-5, a class 5 felony** that the Defendant is placed on probation for a term of 2 (two) 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 as to **Ct. 3: 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 **\$0**; Fine of **\$0**; and UA 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 HEREBY ORDERED, as to **Ct. 5: Possession of a Schedule I or II Controlled Substance, a violation of SDCL 22-42-5, a class 5 felony**, that the Defendant shall be imprisoned in the Union County Jail for the term of 6 days, with 6 days credit for time served.

IT IS FURTHER ORDERED as to **Ct. 5: Possession of a Schedule I or II Controlled Substance, a violation of SDCL 22-42-5, a class 5 felony** that the Defendant is placed on probation for a term of **2** (two) 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 as to **Ct. 5: 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 **\$0**; Fine of **\$0**; and UA 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 ORDERED that the imposition of sentence is suspended upon the following terms and conditions on Count 1; Count 3, and Count 5:

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 other 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.
10. Defendant shall perform _____ hours of community service to be completed by _____.
11. Defendant shall have no contact with the victim, _____.
12. 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 his/her Court-appointed attorney's fees of **\$1,005.80** 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 in this matter.

Criminal History:

This is Katherine Smothermon's first felony offense that she admitted to before any court. In this case, the Court used its judicial clemency powers and granted a suspended imposition of sentence. Katherine Smothermon would not have qualified for this benefit if her criminal record had shown a previous felony conviction or a previous suspended imposition of sentence in any other jurisdiction. Misdemeanor convictions would not preclude Ms. Katherine Smothermon from receiving this benefit. If Ms. Katherine Smothermon is successful on probation, her official court file will be sealed from the public view. The Court will issue an order at that time advising all law enforcement agencies including the State's Attorney's Office to seal its files. If Ms. Katherine Smothermon's file is sealed, no agency will be able to acknowledge this file.