
June 29, 2018

Press Release - For Immediate Release

Defendant's Name: Terry Tague
Age: 39
City and State of residence: Sioux City, IA
Criminal File Number: 17-170
Date of Offense: May 19, 2017
Date of Indictment: June 28, 2017
Date of Arraignment: June 5, 2017
Offense(s) Charged: Ct.1: Grand Theft, 22-30A-17(1), (F6)
Ct.2: Poss. of a schedule 1 or 2 Controlled Substance, 22-42-5, (F5)
Ct.3: Ingestion of a schedule 1 or 2 Controlled Substance, 22-42-5.1, (F5)
Ct.4: Poss. of Drug Paraphernalia, 22-42A-3, (M2)
Ct.5: Driving with Revoked License, 32-12-65(1), (M1)
Change of Plea Date: August 28, 2017
Convicted of: Ct.1: Grand Theft, 22-30A-17(1), (F6)
Ct.2: Poss. of a schedule 1 or 2 Controlled Substance, 22-42-5, (F5)
Date of Sentencing: October 16, 2017
Officer: Officer Jon Feller – NSCPD
Officer Andrew Ryan -- NSCPD
Defense Attorney: Tom Frieberg
Prosecutor: Jerry Miller
Probation Violation Date: January 17, 2018
Initial Appearance on PV: May 7, 2018
Probation Violation(s): Failed to maintain contact with Court Services Officer; failed to complete the Teen Challenge Program.
Date of Disposition: May 7, 2018
Defense Attorney: Sam Nelson
Prosecutor: Jerry Miller

Original Case Synopsis:

On May 19, 2017, at 1:13 a.m., Officer Jon Feller observed a vehicle in the parking lot of Beano and Sherry's Casino. A check of the license plate revealed the vehicle to be stolen. The vehicle left the parking lot and entered onto Military Road, at which time Officer Feller initiated a traffic stop. Officer Andrew Ryan arrived to assist with the stop. The driver, self-identified as Terry Tague, was detained. He stated he had borrowed the vehicle from a friend. Terry advised a black backpack located between the front seats belonged to him. Officer Feller searched Terry's person and placed him in the back seat of the patrol vehicle. An inventory of the backpack revealed two unused hypodermic needles; a white smoking pipe; and three small baggies, two containing a clear, rock-like substance, and one containing trace amounts of a crystal substance. The remaining items in the backpack were various coloring books and coloring supplies.

Terry was read his Miranda warning around 1:29 a.m., and he waived his rights and spoke further with Officer Feller. At this time he denied knowledge of or possession of the backpack. Terry stated if he did have a bag in the vehicle it would be green in color and have "Adidas" written on the side. Terry admitted to a history of drug usage, and said he used methamphetamine by means of both hypodermic needle and smoking pipe. A green backpack was located in the rear of the vehicle as the inventory proceeded. Among the items inside the green backpack was a black Nicole brand wallet purse. The purse was unzipped, and inside was a checkbook which listed Brittney Duerksen as the owner. She had reported the purse as stolen on May 18, 2017.

At the Union County Jail Terry Tague refused to provide a voluntary urine sample. A warrant was obtained, but he still refused. He was then transported to the Sanford Vermillion Hospital Emergency Room for the catheterization procedure. Faced with the prospect of catheterization, Terry relented and provided a urine sample. The sample was placed in a departmentally approved location until it could be mailed to the South Dakota State Health Laboratory for testing. The sample tested positive for Amphetamine at 19,355 ng/mL and Methamphetamine at 205,958 ng/mL.

Probation Violation Synopsis:

On January 17 2018, Terry Tague walked away from the Teen Challenge program in Brookings, SD. He failed to maintain contact with his court services officer and was thought to have absconded.

Original Sentencing Synopsis:

AS TO THE CHARGE Count 1: Grand Theft, a violation of SDCL 22-30A-17(1), a class 6 felony; IT IS HEREBY ORDERED ADJUDGED AND DECREED that the Defendant shall serve Two (2) years in the South Dakota State Penitentiary. It is further ORDERED that Court shall SUSPEND the EXECUTION of the Two (2) 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 Four (4) 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 Four (4) 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 the Teen Challenge Program and any and all treatment and aftercare, and follow all the recommendations of the treatment provider.
6. The Defendant shall pay all monetary obligations as Ordered by this Court as a term of satisfying Defendant's probation. The Defendant shall enter into an agreement with court services to establish a minimum monthly payment plan and forward payments to the Clerk of Courts.

IT IS FURTHER ORDERED that the Defendant shall obtain a physical exam locally to Elk Point, as required by the Teen Challenge Program and that the Union County Sheriff's Office shall facilitate the transportation to and from the facility in which the Defendant arranges a physical exam to be completed.

IT IS FURTHER ORDERED that the Defendant shall be transported to the Teen Challenge Program in Brookings, SD, by the Union County Sheriff's Office after he has been accepted which would be after the Defendant has provided the Teen Challenge Program with an approved physical examination report for admittance to program.

IT IS ORDERED, ADJUDGED, AND DECREED that the Defendant shall serve a sentence of One Hundred and Eighty (180) Days in the Union County Jail. It is FURTHER ORDERED that the Defendant shall receive credit for One Hundred and Four (104) days that the Defendant spent incarcerated prior to disposition. IT IS FURTHER ORDERED that the Seventy-Six (76) days of the Defendant's remaining sentence shall be suspended under the condition that the Defendant obtain a physical examination that qualifies him for admittance in the Teen Challenge Program and there is a bed available within that program.

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 Four (\$104.00) Dollars; Costs payable to (South Dakota Drug Control Fund, 1302 East Highway 14, Suite 5, Pierre, SD 57501) in the amount of Two Hundred and Seven (\$207.00) Dollars; Restitution payable to (Brittney Duerksen, 4327 Fieldcrest Drive #2-D, Sioux City, Iowa 51108) in the amount of One Hundred Fifty-Six Dollars and Seventy-Five (\$156.75) Cents; and Prosecution Costs in the amount of Ten (\$10.00) Dollars.

AS TO THE CHARGE Count 2: Possession of a Schedule I or II Controlled Substance, a violation of SDCL 22-42-5, a class 5 felony; IT IS HEREBY ORDERED ADJUDGED AND DECREED that the Defendant shall serve a concurrent Five (5) year sentence in the South Dakota State Penitentiary. It is further ORDERED that Court shall SUSPEND the EXECUTION of the Five (5) 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 concurrent supervised probation term for Four (4) 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 Four (4) 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 the Teen Challenge Program and any and all treatment and aftercare, and follow all the recommendations of the treatment provider.
6. The Defendant shall pay all monetary obligations as Ordered by this Court as a term of satisfying Defendant's probation. The Defendant shall enter into an agreement with court services to establish a minimum monthly payment plan and forward payments to the Clerk of Courts.

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 Four (\$104.00) 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 One Thousand Three Hundred One

Dollars and Ninety (\$1301.90) 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 Defendant's Count II sentence shall run concurrent to his Count I sentence.

IT IS FURTHER ORDERED that the Defendant's sentence in this file shall run concurrent to his sentence in file CRI17-195.

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 escape charge in criminal file 63cri17-195.
- ii. The Defendant walked away from the teen challenge program that he was ordered to complete as a part of probation.
- iii. The Defendant has a pattern of criminal thinking. Therefore,

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

IT IS HEREBY ORDERED, ADJUDGED AND DECREED that the Defendant shall serve **Two (2)** years in the South Dakota State Penitentiary with the sentence to begin **immediately** as to Count 1.

IT IS FURTHER ORDERED that the Defendant shall receive credit for **178** days that the Defendant spent incarcerated prior to disposition.

IT IS HEREBY ORDERED, ADJUDGED AND DECREED that the Defendant shall serve **Five (5)** years in the South Dakota State Penitentiary with the sentence to begin immediately as to Count 2.

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 **\$581.75 for** Count 1 and Count 2.

IT IS FURTHER ORDERED that the Defendant shall pay the following amounts to the Union County Auditor (209 East Main Street, ~ Suite 200, Elk Point, SD 57025): **Previous** Court Appointed Attorneys Fees from the in the amount of **\$1301.90**. 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 Defendant shall pay all monetary obligations as Ordered by this Court as a term of satisfying Defendant's parole.

IT IS FURTHER ORDERED, that this file shall run concurrent with file 63CRI17-195.

Criminal History:

Terry Tague has two prior felony convictions. He also has thirteen prior misdemeanor convictions and numerous arrests, for offenses ranging from drugs to domestic violence.