

January 26, 2018

Press Release - For Immediate Release

Defendant's Name: Denny Wynn
Age: 43
State of residence: Sioux City, IA
Criminal File Number: 17-187
Incident Date: May 2, 2017
Indictment Date: June 7, 2017
Arraignment Hearing: August 14, 2017
Charges Filed: Ct. 1: Possession of a Schedule I or II Controlled Substance, SDCL 22-42-5, (F5) 5/10
Ct. 2: Ingestion of a Schedule I or II Controlled Substance, SDCL 22-42-5.1, (F5) 5/10
Ct. 3: Trafficking in License Plates or Decals, SDCL 32-5-103, (M1) 1/2
Ct. 4: Driving on a Suspended License, SDCL 32-12-65(2), (M2) 30/500
Ct. 5: Failure to Maintain Financial Responsibility, SDCL 32-35-113, (M2) 30/500
Change of Plea Date: October 16, 2017
Date of Sentencing: December 8, 2017
Convicted of: Ct. 1: Possession of a Schedule I or II Controlled Substance, SDCL 22-42-5, (F5) 5/10
Arresting Officer: Officer Andrew Ryan- NSCPD
Defense Attorney: Jeff Myers
Prosecution Attorney: Jerry A. Miller

Case Synopsis:

On May 29, 2017, Officer Andrew Ryan was on patrol in full uniform, in a marked patrol vehicle, where he observed a red Buick Riviera (IA Plate #EUI796) leaving the parking lot of the Casino Monaco. The IA plated vehicle had substitute license plates. The casino in the area are in a high crime area and frequently have stolen vehicles. After initiated a traffic stop on the vehicle at approximately 2:11 am, the driver was identified by his IA license as Denny Wynn. Mr. Wynn admitted that he took the plates off his truck due to the fact that he had not properly registered the car he was currently driving yet. Denny then stated that he did not have insurance for the vehicle. A check on the vehicle registration identified that the license plates did in fact belong to another vehicle, a 1991 Nissan pickup. As Officer Ryan was placing Mr. Wynn under arrest for Trafficking License Plates, a small clear baggy with a small amount of white substance in Mr. Wynn's right front pocket of his shorts, which Mr. Wynn stated it was methamphetamine. He also admitted to smoking methamphetamine earlier in the day. He was arrested and transported to the Union County Jail.

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 [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.
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 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 HEREBY ORDERED that the Defendant shall complete the chemical dependency program that the Defendant is currently enrolled in with Jackson Recovery and comply with the recommendation for treatment and aftercare.

IT IS FURTHER ORDERED, that the Defendant shall be imprisoned in the Union County Jail for the term of **90** days, with 0 days credit for time served. The **90** days shall be served as follows:

1. 30 days to be served beginning **May 15, 2018**, at 9:00 o'clock a.m.
2. 30 days to be served beginning **December 15, 2018**, at 9:00 o'clock a.m.
3. 30 days to be served beginning **March 15, 2019**, at 9:00 o'clock a.m.

IT IS FURTHER ORDERED that 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 waiving any of these jail terms, each of the jail terms shall be served by Defendant.

- The Defendant shall be granted work release, release for education, or release for chemical dependency treatment or aftercare, with Defendant to pay all costs of these releases.
- The Defendant shall be allowed to arrange to serve the jail sentence in another jail facility, in another state or jurisdiction, if the distance to the Union County Jail does not allow for

the Defendant to participate in the allowed work release, release for education, or release for chemical dependency treatment or aftercare. The Defendant shall pay all costs of incarceration to that facility.

IT IS FURTHER ORDERED, that the Defendant shall pay court costs of **\$104.00**; grand jury transcript fees of **\$20.00**; a Fine of **\$500.00**; and UA and Testing fees of **\$99.00** 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 further

IT IS HEREBY ORDERED that as to the crime of **Ct. 4: Trafficking in License Plates, SDCL 32-5-103, a class 1 misdemeanor**, that the Defendant shall serve **10** (ten) days in the Union County Jail. It is further ORDERED that Court shall SUSPEND the EXECUTION of the **10** (ten) days upon the Defendant having no like offenses over the course of the next **360** days.

IT IS FURTHER ORDERED, that the Defendant shall pay the fines as it pertains to **Ct. 4: Trafficking in License Plates, SDCL 32-5-103, a class 1 misdemeanor** within **9** (nine) months from the date of sentencing which will be 5:00 on August 8, 2018.

IT IS FURTHER ORDERED, that the Defendant shall pay court costs of **\$84.00**; grand jury transcript fees of **\$0**; a Fine of **\$300.00**; 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 ORDERED, that the Defendant shall pay the Defendant's Court-appointed attorney's fees of **\$517.00** 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 Synopsis:

Denny Wynn has one previous felony conviction for DWI 3rd out of the State of Iowa. Wynn has at least two misdemeanor convictions for DWI. This will be Wynn's second career felony conviction on his adult criminal history record.