

# Union County State's Attorney

Jerry A. Miller  
State's Attorney  
UCSA@iw.net

209 East Main Street ~ Suite 140  
Elk Point, South Dakota 57025  
Telephone (605) 356-2666 / Facsimile (605) 761-0199

Alexis A. Tracy  
Deputy State's Attorney  
UCDSA@iw.net

June 11, 2014

## Press Release - For Immediate Release

Defendant's Name: Eric Krizan  
Age: 19  
City and State of residence: Humboldt, SD  
Criminal File Number: 14-016  
Convicted of: Driving Under the Influence (M1) 32-23-1, Ingestion (M1) 22-42-15,  
and Possession of Drug Paraphernalia (M2) 22-42A-3  
Date of Sentence: May 5, 2014  
Arresting Officer: Trooper Matthew Niles, South Dakota Highway Patrol

### Case Synopsis:

On the night of November 26, 2013 Trooper Matthew Niles of the South Dakota Highway Patrol observed a gray Volkswagen, and he noticed the noise coming from the vehicle's exhaust was much louder than that of normal vehicles in traffic. Trooper Niles pulled the car over, and observed three men in the car; the driver of the car was Eric Krizan. While Trooper Niles was waiting for Krizan to produce his driver's license and proof of insurance he noticed a strong odor of cologne and air freshener coming from the vehicle. Trooper Niles asked Krizan to accompany him in the patrol car. While Trooper Niles was talking to Krizan he noticed Krizan's eyes were red, his pupils were dilated, and his actions and speech were somewhat slow. Furthermore, Trooper Niles could smell the odor of marijuana coming from Krizan's person. Trooper Niles asked Krizan if there was marijuana in the car on two occasions. Krizan answered no both times, but he did admit that he had smoked marijuana twenty minutes earlier. Trooper Niles then spoke to the other two occupants in the vehicle. Trooper Niles asked the other two occupants if there was any marijuana in the car. They both answered no, but they also admitted to smoking marijuana earlier that night. When Trooper Niles asked them if they had anything in the car the second time one man said they did have stuff in the back seat; the man then handed Trooper Niles a pipe, lighter, vaporizer, and a small amount of marijuana. Trooper Niles placed all three men under arrest, completed an inventory check of the car, and found another pipe along with a small amount of marijuana in a Tupperware container under the driver's seat.

### Sentencing Synopsis:

On the charge of Driving Under the Influence Eric Krizan received a fifteen (15) day suspended sentence and the Court requires him to pay all monetary obligations as ordered within ninety (90) days of the sentencing. He also received, among other costs, a \$300.00 fine.

On the charge of Ingestion he was sentenced to pay court costs including a fine in the amount of \$300.

On the charge of Possession of Drug Paraphernalia he was sentenced to pay court costs including a fine in the amount of \$250.00.

### Criminal History:

Krizan, who was the driver of the vehicle in this case admitted to all three charges. This file represents Eric Krizan's third, fourth, and fifth career misdemeanors convictions.