

Union County State's Attorney

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October 20, 2014

Press Release - For Immediate Release

Defendant's Name: Kim Gilkyson
Age: 59
City and State of residence: Vermillion, SD
Criminal File Number: 11-199
Offenses Charged: DUI 3rd, a violation of SDCL 32-23-4, a class 6 felony
Convicted of: DUI 3rd, a violation of SDCL 32-23-4, a class 6 felony
Date of Arrest: June 9, 2011
Date of Indictment: June 23, 2011
Date of Arraignment: August 29, 2011
Change of Plea Date: November 28, 2011
Date of Sentence: January 30, 2012
Arresting Officer: Trooper Cody Hanson – South Dakota Highway Patrol
Bond: \$2,500 C/S
Attorney: Robert Ulrich
PV# 1: Failed to pay monetary obligations; and Failed to obey all federal, state, and local laws
CSO / Arresting Officer: CSO Kelly Gregg
PV# 2: Failed to obey all federal, state, and local laws; Failed to abstain from all forms of alcohol; and Failed to pay monetary obligations.
Date of Violation: August 18, 2014
Initial Appearance PV#2: September 29, 2014
Admission: October 20, 2014
Attorney: Rachel Rasmussen
Bond: \$500.00 Cash only
CSO / Arresting Officer: CSO Kelly Gregg

Case Synopsis:

Kim Gilkyson, was a observed weaving within his own lane on Interstate 29 by South Dakota Highway Patrolman, Cody Jansen. Gilkyson's blood-alcohol content was .206.

Probation Violation # 1 Case Synopsis:

Gilkyson was cited with failing to make payments towards his court obligations. Gilkyson was also violated because of two arrests. His first arrest was for driving under revocation on 8/14/2013. His second arrest was for driving under revocation on 8/28/2013. Both arrests resulted in subsequent convictions which violates the terms and conditions of his probation that requires Gilkyson to obey all federal, state and local laws.

Probation Violation # 1 Sentencing Synopsis:

The Court resentenced Gilkyson to a suspended two-year sentence to the state penitentiary. Other than a requirement to pay additional court-appointed attorney fees, the Court did not order any further punishment.

Probation Violation # 2 Case Synopsis:

On April 20, 2014, Gilkyson was arrested by the Yankton Police Department in Yankton County and charged with Driving with Revoked, Suspended, or Canceled License. On June 27, 2014, Gilkyson was arrested by the Vermillion Police Department in Clay County and charged with Traffic/DWI 4th, Open Container in a MV, and Driving under Revocation. The initial PBT was a .239%. Gilkyson's CSO established a monthly payment plan of Seventy Five Dollars (\$75.00) per month beginning in December, 2013. Gilkyson has made some payments toward SCRAM; however, he has not made any payment whatsoever toward his court costs, prosecution costs, or his fine. As of June 30, 2014, Gilkyson has an unpaid balance in the Clerk of Court's office of One Thousand Two Hundred and Four Dollars (\$1,204.00).

Probation Violation # 2 Sentencing Synopsis:

The Court resentenced Gilkyson to two (2) years in the SD State Penitentiary with no time suspended. Gilkyson shall receive credit for the 100 days that he has served prior to the disposition of this second probation violation on this file. The Court further ordered that Gilkyson is required to pay his additional court-appointed attorney fees in his defense on this file. Gilkyson is required to turn himself in to the Union County Jail on Wednesday, October 22, 2014 to begin to serve the balance of his sentence. As this offense is Gylkyson's second career felony offense, he is required to serve 30% of his sentence which comes to 217 days.

Criminal History:

This was Gilkyson's second probation violation on his third DUI conviction in ten years. Gilkyson has now accumulated five career DUI convictions.