
December 9, 2014

Press Release - For Immediate Release

Defendant's Name: Derrick Lundgren
Age: 29
Residence: Elk Point, SD
Criminal File Number: 12-208 (Probation Violation) & 14-205
Offenses Charged: Ct 1: DUI 3rd, a violation of SDCL 32-23-4 (F6) 2/4
Ct. 2: Exhibition Driving, 32-24-9 (M2) 30/500
Convicted of: Ct 1: DUI 3rd, a violation of SDCL 32-23-4 (F6) 2/4
Date of Arrest: June 17, 2014
Date of Indictment: July 16, 2014
Date of Arraignment: August 4, 2014
Date of Sentence: November 17, 2014 (Both Files)
Arresting Officer: Kyle Frye – Elk Point Police Officer
Bond: \$1,500 Cash / Surety
CAA: Rachel Rasmussen - Appointed

Case Synopsis:

As to the probation violation, On June 17, 2014, Lundgren was arrested by the Elk Point Police Department for the charge of DWI 3rd which is a violation of not obeying all laws. This was also a violation for having used or consumed alcohol. Additionally, the probation violation cites that Mr. Lundgren had only paid three of his monthly payment obligations.

As to the charge in file 14-205, Lundgren was arrested for a DUI 3rd, which is a new charge. Lundgren Blood Alcohol Content (BAC) was .153 with an additional 253 ng/ml.

Sentencing Synopsis:

Mr. Lundgren was originally sentenced in file 12-208 for Possession of a Controlled Substance, a class 4 felony. Originally the Court granted Lundgren a suspended imposition of sentence on that file and placed on probation. This is to say that if Mr. Lundgren was to have satisfied probation, the Court was willing to seal the court file as if he was never convicted of this felony charge. The time and date to seal the file had not passed. Due to this violation and the additional felony on Lundgren's criminal history in file 14-205, the Court revoked Lundgren's suspended imposition of sentence and now sentenced the defendant to a suspended five year sentence with five years of supervised probation. The Court further ordered that Lundgren must pay all fines, court costs, prosecution costs, and court-appointed attorney fees.

Mr. Lundgren was also sentenced on file 14-205 for the offense of DWI 3rd, a class 6 felony. Lundgren was sentenced to a suspended two year sentence with two years of supervised probation. The Court further ordered that Lundgren must pay all fines, court costs, prosecution costs, and court-appointed attorney fees. The court further ordered that this sentence would be concurrent to his probation and sentence in file 12-208.

Criminal History Synopsis:

This is Derrick Lundgren's second career felony conviction.