

# Union County State's Attorney

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July 15, 2015

## Press Release - For Immediate Release

Defendant's Name: Kelly Bivins  
Age: 43  
City and State of residence: North Sioux City, SD  
Criminal File Number: 14-435 & 15-151  
Offense Occurred On: June 13, 2014  
Indictment: July 16, 2014  
Arraignment: February 2, 2015  
Plead Guilty On: May 26, 2015  
Convicted of: Ct. 1: Driving Under the Influence, (M1), 32-23-1(2)  
Sentencing Date: May 26, 2015

### Case Synopsis:

On June 13, 2014, North Sioux City police stopped Kelly Bivins and began a DUI investigation. During the DUI investigation, Bivins took off running from the officer. Bivins was captured and submitted to the authority of the officer after being told that he was under arrest. Bivins continued to resist and broke away from the officer and took off running again. This time, Kelly Bivins was able to elude the officer on foot. Bivins was charged with several crimes under file 14-435, however, as the case was proceeding to trial a plea agreement was reached in which Bivins plead guilty to the DUI charge in file 15-151, which was the original reason for the stop. Furthermore, the State was proceeding to bring the former North Sioux City officer back to SD from Texas until the plea agreement was reached. The plea agreement resolved all of the charges in file 14-435 with dismissals. Kelly Bivins was incarcerated in the South Dakota state penitentiary, while dealing with this file due to his violation of parole on another matter.

### Sentencing Synopsis:

As to count 1, DUI, a class 1 misdemeanor, the Court ordered that Kelly Bivins pay the following:

- \$84.00 in Court Costs; and
- \$350.00 in fines.

### Criminal History:

This is misdemeanor offense for Kelly Bivins.