

# Union County State's Attorney

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## Press Release - For Immediate Release

Defendant's Name: Dietrik Cunningham  
Age: 24  
City and State of residence: Jefferson, SD  
Criminal File Number: 15-306  
Incident Date: September, 3, 2015  
Indictment Date: September 16, 2015  
Arraignment Date: September 28, 2015  
Change of Plea Date: November 11, 2015  
Date of Sentencing: December 21, 2015  
Convicted of: Ct.1: Possession of Schedule 1 or 2 Controlled Substance, 22-42-5 (F5)  
Original Arresting Officer: Trooper Mike Boyd – SD Highway Patrol  
Trooper Cody Jansen – SD Highway Patrol  
Trooper Zac O'Neill – SD Highway Patrol

### Case Synopsis:

On September 9, 2016, Trooper Mike Boyd observed a vehicle driving on the interstate at about mile marker 23 when the trooper observed the vehicle commit a lane driving infraction. The trooper was sitting in the median observing the lane driving offense and noted that as the vehicle went past his location, the suspect vehicle did not have an exhaust system. The vehicle was stopped and the driver of the vehicle was identified as Kevin Markee. Markee admitted that there vehicle did not have an exhaust system, and that he was having problems with the tie-rods and the front-end suspension. The passenger of the vehicle was identified as Dietrik Cunningham. Markee originally stated that everything in the vehicle was his, however, when a Blue Dremel bag within a large camouflage bag was discovered with 10 baggies of methamphetamine, unused baggies, straws, and other paraphernalia items were found, neither Markee nor Cunningham would admit to the knowing possession of the drugs. Both were arrested and transported to the Union County Jail. Cunningham provided a urine sample that tested positive for methamphetamine at 11,227 ng/ml and positive for amphetamine at 1,730 ng/ml. Markee provided a urine sample that tested positive for Amphetamine at a level of 6061 ng/ml, and Methamphetamine at a level of 24,265 ng/ml.

### Sentencing Synopsis:

The Court sentenced Dietrik Cunningham received a suspended sentence of 5 years to the state penitentiary. Dietrik Cunningham was further ordered to serve a 4-year term of supervised probation. Dietrik Cunningham was ordered to serve 169 days in the Union County Jail with credit for the 109 days that he spent incarcerated prior to sentencing. The court further ordered Cunningham's remaining 60 days of incarceration to be served in 30 day increments with each sentence to begin on the first of the year of January 2017, and 2018. Cunningham's probation officer can request that the 30 day sentences be waived. Dietrik Cunningham was also ordered to pay the following: \$104.00 in Court Costs; \$10.00 in Prosecution Costs; \$153.00 to the SD Drug Control Fund; \$450.00 in Court Appointed Attorney Fees; and a fine in the amount of \$500.00.

### Criminal History:

This is Dietrik Cunningham's second career felony conviction. Dietrik Cunningham was originally convicted by this office for a 2009 felony 3<sup>rd</sup> degree burglary.