
February 24, 2017

Press Release - For Immediate Release

Defendant's Name: Jesse David Duncan
Age: 36
City and State of residence: Alcester, SD
Criminal File Number: 16-453
Date of Offense: December 24, 2016
Date of Indictment: January 9, 2017
Date of Arraignment: February 6, 2017
Date of Sentence: February 6, 2017
Offense(s) Charged: Ct. 1 Aggravated Eluding a Law Enforcement Officer, SDCL 32-33-18.2., (F6) 2/4
Ct. 2 Eluding law enforcement officer, SDCL 32-33-18.1., (M1) 1/2
Ct. 3 Driving under the influence 1st, SDCL 32-23-1., (M1) 1/2, license revoked for
Ct. 4 Reckless Driving, SDCL 32-24-1., (M1) 1/2
Ct. 5 Failure to Stop, 32-29-2.1. (M2) 30/500
Change of Plea Date: February 6, 2017 (Superseding Information and Complaint)
Convicted of: Ct. I: Eluding Law Enforcement Officer, SDCL 32-33-18.1, M1 1/2
Ct. II: Driving Under the Influence, SDCL 32-23-1(1), M1 1/2
Arresting Officer: Officer Austin Schuller – Alcester Police Department
Trooper Brain Schultz – South Dakota Highway Patrol
Defense Attorney: Maggie Gillespie
Prosecutor: Jerry A. Miller

Case Synopsis:

On December 24th, 2016 at 1:33 a.m. Officer Schuller of Alcester PD witnessed the Defendant Jesse Duncan failing to stop at a stop sign at Ofstad and 6th Street in Alcester, SD. When Officer Schuller activated his emergency lights and tried to initiate a traffic stop, DUNCAN began heading west on 301st at a high rate of speed, reaching speeds of 75 mph on a gravel road. The pursuit continued for almost three minutes until DUNCAN's vehicle went off the road into the ditch, broke through a fence and came to a stop in a field around the intersection of 478th and 301st street. DUNCAN admitted to consuming alcohol and exhibited other indicators of being under the influence. Officer Schuller found probable cause to arrest DUNCAN for Driving Under the Influence and for Eluding a Police Officer. DUNCAN has been charged with: Ct. 1 Aggravated Eluding a Law Enforcement Officer, SDCL 32-33-18.2., (F6) 2/4; Ct. 2 Eluding law enforcement officer, SDCL 32-33-18.1., (M1) 1/2; Ct. 3 Driving under the influence 1st, SDCL 32-23-1., (M1) 1/2, license revoked for; Ct. 4 Reckless Driving, SDCL 32-24-1., (M1) 1/2; Ct. 5 Failure to Stop,

32-29-2.1. (M2) 30/500. A plea agreement was reached in this case in which DUNCAN would plead to the following charges that were charged in a superseding information and complaint. On February 6, 2017, DUNCAN appeared in court and plead guilty to count I, Eluding Law Enforcement Officer, a violation of SDCL 32-33-18.1, a class 1 misdemeanor; and count II, Driving Under the Influence, a violation of SDCL 32-23-1(1), a class 1 misdemeanor.

Sentencing Synopsis:

On February 6, 2017, DUNCAN was sentenced on each class 1 misdemeanor offense to a suspended 30-day sentence. DUNCAN was further ordered to pay \$584 in court costs and fees in count 1, and \$629 in court costs and fees in count 2. DUNCAN'S license was suspended for 30 days and he was granted a work permit.

Criminal History Synopsis:

This felony file was resolved with a plea agreement in which DUNCAN plead to two class one misdemeanor offenses. DUNCAN's criminal history indicates a previous DUI conviction.