
January 13, 2017

Press Release - For Immediate Release

Defendant's Name: Austin Gengler
Age: 26
City and State of residence: Le Mars, IA
Criminal File Number: 16-087
Offense Date: April 28, 2015
Indictment Date: March 2, 2016
Offenses Charged: Ct.1: Forgery, (F5)
Ct.2: Identity Theft (F6)
Ct.3: False Impersonation (M1)
Ct.4: Speeding (M2)
Arraignment Date: April 11, 2016
Change of Plea Date: May 23, 2016
Convicted of: Ct.2: Identity Theft (F6)
Ct.4: Speeding (M2)
Sentencing Date: May 23, 2016
Officer: Officer Nick Fahlberg – Beresford Police Department
Defense Attorney: Tom Frieberg
Prosecutor: Alexis A. Tracy

Case Synopsis:

On April 28, 2015, Austin Gengler was stopped for a minor speeding violation in the city limits of Beresford, SD. Officer Fahlberg had his body camera on a recorded the entire event. GENGLER told the officer where he was coming from and who he was working for on the day in question. GENGLER also told officer Fahlberg that his name was Michael GENGLER. GENGLER (Michael) was issued a citation based upon the date of birth information that was provided to the officer. GENGLER stated that he did not have his license on his possession. The officer ran the name and date-of-birth information through dispatch and Michael GENGLER came back with a valid license.

The Michael GENGLER ticket was logged into the state system and Michael GENGLER failed to pay the citation. A warrant was issued for Michael GENGLER. Michael GENGLER was arrested on the warrant for his arrest. Michael GENGLER reported to the Beresford Police Department that he believed that his brother Austin GENGLER had used his identity to avoid a speeding ticket. Officer Fahlberg reviewed his body camera video and compared the video image to the driver's license photos of both Austin GENGLER and Michael GENGLER. Officer Fahlberg was able to clearly identify Austin GENGLER as the driver of the vehicle on April 28, 2015. Officer Fahlberg presented a report to the State's Attorney's requesting a warrant for Austin GENGLER for the above referenced charges. Austin GENGLER was arrested and convicted of the identity theft and the speeding offense.

Sentencing Synopsis:

On May 23, 2016, the Court addressed the class 6 felony charge in count 2 of identity theft. The Court sentenced GENGLER to a suspended two-year sentence to the South Dakota State Penitentiary and two years of supervised parole. It was further ordered that GENGLER must pay the following: \$104 in court costs; \$10 in prosecution costs; and a fine of \$250.

On May 23, 2016, the Court addressed the class 2 misdemeanor charge in count 4 of speeding. The Court ordered that GENGLER must pay the following: \$66 in court costs; a fine of \$250; and a fine of \$524.40 in restitution to the victim; and court-appointed attorney fees.

Criminal History Synopsis:

This is GENGLER's second career felony conviction. GENGLER's criminal history includes three misdemeanor DUI convictions, and a Felony DUI conviction.